STATUTES OF CALIFORNIA

REGULAR SESSION

1961

Began Monday, January 2, 1961, and Adjourned
Friday, June 16, 1961

CHAPTER 1

An act to add Section 6700.5 to the Welfare and Institutions Code, relating to the transfer of state hospital patients, declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 27, 1961. Filed with Secretary of State January 28, 1961.] In effect immediately

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

SECTION 1. Section 6700.5 is added to the Welfare and Institutions Code, to read:

6700.5. Whenever, in the opinion of the Director of Mental Hygiene and with the approval of the Director of Corrections, any person who has been committed to a state hospital pursuant to provisions of the Penal Code needs care and treatment under conditions of custodial security which can be better provided within the Department of Corrections, such person may be transferred for such purposes from an institution under the jurisdiction of the Department of Mental Hygiene to an institution under the jurisdiction of the Department of Corrections.

Persons so transferred shall not be subject to the provisions of Sections 4500, 4501, 4501.5, 4502, 4530, or 4531 of the Penal Code. However, they shall be subject to the general rules of the Director of Corrections and of the facility where they are confined and any correctional employee dealing with such persons during the course of an escape or attempted escape, a fight or a riot, shall have the same rights, privileges and immunities as if the person transferred had been committed to the Director of Corrections

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

The Penal Code provides for commitment to state hospitals of certain persons who have been charged with criminal offenses. Some of these individuals now confined are extremely dangerous and require confinement in secure facilities for their own protection and for the protection of the public. The state hospitals are not provided with adequate security features for such individuals and it is necessary that they be confined in facilities of the Department of Corrections. In order to permit such confinement at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 2

An act to add Section 30685 to the Streets and Highways Code, relating to the San Pedro-Terminal Island Bridge, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor January 27, 1961. Filed with Secretary of State January 28, 1961.]

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

SECTION 1. Section 30685 is added to the Streets and Highways Code, to read:

30685. The cost of operation of the toll bridge, including the cost of insurance against loss of tolls or other revenue therefrom, shall be paid from the tolls and revenue received from the use and operation of said bridge. The cost of physical maintenance, including the cost of insurance of said bridge against all risks, shall be paid by the department as provided in Section 188.3 of this code.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: The San Pedro-Terminal Island Bridge is urgently needed to alleviate critical transportation problems at its proposed site. Unless the law is clarified as to the source of payment of the operational and physical maintenance costs, bonds cannot be sold to finance construction of the bridge.

CHAPTER 3

An act to add Sections 19611.5 and 19619.1 to the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor January 27, 1961. Filed with Secretary of State January 28, 1961.]

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

SECTION 1. Section 19611.5 is added to the Education Code, to read:

Preceding year reductions

19611.5. Notwithstanding the provisions of Section 19611, the State Controller may add to the amount to be deducted under Section 19611, the amount of any reduction in any such deduction effected during a preceding year pursuant to Section 19619.1.

SEC. 2. Section 19619.1 is added to said code, to read:

Insufficient tax

19619.1. In the event the board of supervisors failed in the fiscal year 1960-61 to levy a tax upon the property in the district sufficient to raise for the district the amount of money to be withheld by the State Controller during the fiscal year

1960-61, as required by Section 19619, and in the event the county auditor certifies that fact and the amount of such insufficiency to the State Controller, that officer shall reduce the total amount of the deductions from apportionments to be made to that district pursuant to Section 19611 by the amount of such insufficiency.

Effect

SEC. 3. Section 19619.1 added by this act shall remain in effect only until July 1, 1961.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

By reason of clerical error, there was a failure to levy a tax, for at least one school district, sufficient to provide the full amount of the 1960-61 annual repayment of apportionments made under the State School Building Aid Law of 1952 If this act were not to take effect immediately, the State Controller would be required by Section 19611 to deduct the total amount of the annual repayment for such district in equal amounts from the February through May installments of the apportionments to be made to the district from the State School Fund, which would seriously deplete the general fund of such district and would have its consequent effect upon the educational opportunities afforded to the children of the district.

CHAPTER 4

An act to amend Section 19877 of the Education Code, relating to the construction of school facilities, declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 3, 1961 Filed with Secretary of State February 3, 1961.]

In effect immediately

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

SECTION 1. Section 19877 of the Education Code is amended to read:

19877. Upon request of the board, supported by a statement of the apportionments made and to be made under Sections 19551 to 19689, inclusive, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter in order to make such apportionments, and, if so, the amount of bonds then to be issued and sold. A sufficient number of bonds authorized under this chapter shall be issued and sold so that there shall be immediately available for apportionment the sum of: twenty million dollars ($20,000,000) less any amount transferred from the General Fund pursuant to any law providing for the appropriation and transfer of moneys from the General Fund for state school

building aid enacted at the 1960 First Extraordinary Session; on November 5, 1960, or as soon thereafter as such bonds can be issued and sold, the sum of two million dollars ($2,000,000); on December 5, 1960, the sum of two million dollars ($2,000,000); on January 5, 1961, the sum of nine million dollars ($9,000,000); on the effective date of this amendment to Section 19877 enacted at the 1961 Regular Session of the Legislature, the sum of thirty million dollars ($30,000,000); and on the fifth day of February and of each month thereafter the sum of ten million dollars ($10.000,000) or, if the Legislature so provides by concurrent resolution adopted after January 1, 1961, the sum of twelve million dollars ($12,000,000) for each month after the adoption of such resolution until a total of three hundred million dollars ($300,000,000) has become available for apportionment Successive issues of bonds may be authorized and sold to make such apportionments progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The State School Building Aid Bond Law of 1960 imposes limitations upon the amounts that may be made available monthly to school districts for the acquisition and construction of school facilities. The amounts so available each month are not adequate to provide sufficient school facilities. It is therefore necessary to make additional funds available immediately and it is the intent of this act that the additional amount provided herein shall be available in the month in which this act becomes effective.

CHAPTER 5

An act to amend Sections 3503, 3504, 3505, 3652, and 3802 of, and to add Section 3503.5 to, the Unemployment Insurance Code, relating to unemployment insurance, and declaring the urgency thereof to take effect immediately.

In effect immediately

[Approved by Governor February 25, 1961. Filed with Secretary of State February 25, 1961.]

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

SECTION 1. Section 3503 of the Unemployment Insurance Code is amended to read:

3503. For the purposes of this part:

Definitions

(a) "Extended duration benefits" means the extended unemployment compensation benefits payable under this part.

(b) "Normal benefits" means the unemployment compensation benefits payable under Part 1 of this division.

(c) "Exhaustee" means an individual who is not entitled to normal benefits due to either of the following:

(1) He has an unexpired benefit year and has exhausted his normal benefits.

(2) His most recent benefit year expired in the extended duration month in which he files a primary claim or in the immediately preceding three calendar months and he is not entitled to establish a benefit year.

(d) "Extension ratio" means the ratio for a calendar month computed during the month immediately preceding that calendar month by dividing:

(1) The average number of weeks of unemployment claimed in California per week during the three calendar months immediately preceding the date of the computation, excluding weeks of unemployment claimed in connection with unemployment compensation programs which are exclusively federal; by

(2) The average midmonthly covered employment reported by employers for the last four completed calendar quarters immediately preceding the date of the computation for which an official tabulation has been completed by the department on or before the 10th day of the month in which the computation is made.

(e) "Extended duration month" means a calendar month for which the extension ratio equals or exceeds 0.06.

(f) "Primary claim" means the first claim for extended duration benefits filed by an exhaustee with an effective date within an extended duration month for the purpose of establishing an extended duration award and an extended duration period.

(g) "Extended duration award" means the maximum amount of extended duration benefits allowable under this part to an eligible exhaustee.

(h) "Extended duration period" means a period beginning with the first day of the week with respect to which an exhaustee files a valid primary claim and ending with the last week which begins on or before the last day of the fifth calendar month following the extended duration month in which the valid primary claim was filed.

(i) "Parent benefit year" means the benefit year with respect to which an individual becomes an exhaustee.

(j) "Additional contributions" means the money payments to the Unemployment Fund required by this part.

SEC. 2. Section 3503.5 is added to said code, to read:

Extension ratio

3503.5. Notwithstanding the provisions of subdivision (d) of Section 3503 and of Section 3504, the computation of the "extension ratio" made by the director pursuant to Sections 3503 and 3504 during the month of February, 1961, for the month of March, 1961, shall also constitute the "extension ratio" for the month of February, 1961, for all of the purposes of this part.

Same

SEC. 3. Section 3504 of said code is amended to read:

3504. The director shall during the month immediately preceding each calendar month compute the extension ratio for that calendar month

Effect of federal program

SEC. 4. Section 3505 of said code is amended to read:

3505. Notwithstanding any other provision of this part, no payment of extended duration benefits shall be made to any individual for any week or part of any week with respect to which he is entitled to receive unemployment compensation benefits as a result of participation by this State pursuant to the provision of any federal law providing for the payment of such benefits or as a result of the application in any other manner to this State of any federal law providing for the payment of such benefits.

Valid primary claim

SEC. 5. Section 3652 of said code is amended to read:

3652. An exhaustee who desires to claim extended duration benefits shall file a valid primary claim. A primary claim for extended duration benefits shall be valid only if its effective date is within an extended duration month and the individual filing it is an unemployed exhaustee

Additional employer contributions

SEC. 6. Section 3802 of said code is amended to read:

3802. (a) Employers shall pay into the Unemployment Fund additional contributions upon all wages paid on and after January 1, 1959, with respect to employment at the following rate.

As of January 1, 1962, and January 1st of each succeeding year, the director shall determine the number of calendar months during the preceding calendar year for which the extension ratio equaled or exceeded 0.06. If the extension ratio equaled or exceeded 0.06 in the number of months which appears on any line in column 1 of the following table, the rate for additional contributions for all employers for the year in which the determination is made shall be the figure appearing on that same line in column 2 of that table:

Line	Column 1	Column 2 (Additional contribution rate)
1	None, 1, 2, 3, or 4	0.20%
2	5, 6, or 7	0.15%
3	8 or more	0.10%
4		

(b) Subdivision (a) shall not apply if at the time of calculating the additional contribution rate it is apparent that the rate so determined, multiplied by the estimated taxable wages for the year would cause a surplus in the extended duration benefit account exceeding approximately seven-tenths of one percent (0.7%) of such taxable wages. In that event the director shall reduce the additional contribution rate to the extent that when multiplied by the estimated taxable wages the surplus in such account will not exceed approximately seven-tenths of one percent (0.7%) of such taxable wages.

SEC. 7. The amendments made to Section 3802 of the Unemployment Insurance Code by Section 6 of this act shall not be construed to relieve any employer from its liability for additional contributions arising under the prior law and such liability, including liability for additional contributions for the year 1961 at the rate of 0.20 percent as determined by the Director of Employment pursuant to such prior law, is hereby expressly preserved. Same: Construction

SEC. 8. The amendments and additions to the Unemployment Insurance Code made by this act shall be effective with respect to primary claims filed with an effective date on or after the Sunday preceding the effective date of this act. Effect re primary claims

SEC. 9. This act is an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

Since the statewide extension ratio computed under Chapter 1 of Part 3 of Division 1 of the Unemployment Insurance Code is 0.05762 for the first calendar quarter of 1961, it is not such as will make operative, during the first and second quarters of 1961, the provisons of law authorizing the payment of extended duration unemployment insurance benefits throughout the State. However, the Legislature finds that on the basis of current data, if a statewide extension ratio were computed using data for the three-month period of November and December, 1960 and January, 1961, it is apparent that such statewide extension ratio would exceed 0.06. The State is undergoing acute unemployment. Because unemployment insurance assistance is especially needed during critical months in the first and second calendar quarters of 1961 by individuals exposed to financial hardship because of these conditions of acute unemployment, it is necessary that this act take immediate effect in order that benefits will be available during this critical period of need.

CHAPTER 6

An act to add Section 2571 to the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 27, 1961. Filed with Secretary of State March 1, 1961.] In effect immediately

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

SECTION 1. Section 2571 is added to the Education Code, to read:

2571. If a unified district is formed to include a city high school district and the boundaries of the high school district are coterminous with a junior college district and with the boundaries of the newly formed unified school district, the

junior college district shall remain a separate district and shall not become an integral part of the unified district.

This section applies only to a unified district heretofore or hereafter formed, the formation of which will be effective for all purposes on July 1, 1961.

The governing board of the unified district shall constitute the governing board of the junior college district, and after organizing as a junior college board shall have the management and control of the junior college district, provided, however, should any territory be included within the boundaries of such junior college district by annexation thereto or by change of boundaries thereof, which territory is not included within the unified district, such junior college district shall be governed by a board of five members who shall be elected in the same manner, for the same terms, and at the same time as are members of the governing boards of other junior college districts. Within 15 days after the effective date of the annexation or change of boundaries for the purpose of electing members of the governing board, the county superintendent of schools having jurisdiction over the junior college district shall call an election. The election shall be called and conducted pursuant to Section 937 of this code.

A junior college district remaining a separate district pursuant to this section shall not be deemed a newly created district within the meaning of Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code.

Urgency

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

The establishment of adequate junior college facilities and the administrative districts to operate them has prompted widespread consideration of the expansion of some existing junior college districts. The immediate prospect of the establishment of unified districts in the type of instance exempted by this act would unduly complicate the logical solution of the junior college district organization. There would be serious procedural difficulties involved in the junior college becoming an integral part of the unified district and subsequently having to be separated therefrom. The transfer of title to and the acquisition of property would be unduly involved. In order to provide a means for the orderly expansion of the junior college district and to permit annexation thereto without unnecessary procedure and complicated actions, it is essential that this act go into immediate effect.

CHAPTER 7

An act to repeal Section 20987 of, and to add Section 20987 to the Government Code, relating to the compulsory age for retirement under the State Employees' Retirement System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 1, 1961. Filed with Secretary of State March 1, 1961.] In effect immediately

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

SECTION 1. Section 20987 of the Government Code is repealed: Repeal

SEC. 2. Section 20987 is added to said code, to read:

20987. During the effective period of this section, the compulsory retirement provisions of this article relating to state miscellaneous members and warden and forestry members shall be inoperative. While this section is in effect, its provisions shall supersede any existing provisions of law which are in conflict with the provisions of this section; but such provisions are not repealed by this section, and after this section is no longer effective shall have the same force as though this section had not been enacted. Suspension of provisions

This section shall remain in effect until August 1, 1961, unless legislation is enacted at the 1961 Regular Session of the Legislature authorizing the inclusion of state miscellaneous members of the State Employees' Retirement System in the federal system. If such legislation is enacted, this section shall remain in effect until January 1, 1962. Such members attaining compulsory retirement age in the month in which this section becomes effective or thereafter during the effective period of this section shall be retired on the first of the month following that in which this section ceases to be effective, unless the member applies for retirement as of an earlier date. Duration

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

In order that the benefits of the federal system of old age and survivors insurance, if such benefits are made available to state employees, will not be denied to those employees who are in need thereof by reason of the arbitrary age fixed for compulsory retirement under the state system, it is necessary that this act take effect immediately.

CHAPTER 8

An act to repeal Sections 870 to 873, inclusive, of, and to amend Section 874 of, the Financial Code, relating to the reporting of dormant bank accounts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 1, 1961. Filed with Secretary of State March 1, 1961.]

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

Repeal

SECTION 1. Section 870 of the Financial Code is repealed.

Repeal

SEC. 2. Section 871 of said code is repealed.

Repeal

SEC. 3. Section 872 of said code is repealed.

Repeal

SEC. 4. Section 873 of said code is repealed.

SEC. 5. Section 874 of said code is amended to read:

Abandoned or unclaimed deposits

874. Any bank which delivers or has heretofore delivered to the State Treasurer pursuant to law any unclaimed or abandoned deposit shall not thereafter be liable to any person for the same and any action which may be brought by any person against a bank for money so delivered to the State Treasurer shall be defended by the Attorney General without cost to the bank.

Urgency

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Legislature at the 1959 Session enacted a comprehensive act known as The Abandoned Property Act which, among other things, provides for the reporting by banks to the State Controller of all dormant bank accounts and requires banks to turn over to the State Controller all unclaimed moneys in bank accounts which have been dormant for 15 years or more and provides for the publication of lists of all such accounts. In enacting this act the Legislature repealed certain provisions of the Code of Civil Procedure relating to dormant bank accounts but failed to repeal the provisions of the Financial Code which require banks before the first day of March in every odd-numbered year to publish a list of dormant accounts. Unless these provisions are repealed before the first Monday in March there will result a duplication of publications and the incurring of unnecessary expense which is chargeable against said dormant accounts. It is therefore essential to protect the public peace, health and safety and to prevent the depletion of many small bank accounts of savings depositors and others that this act go into immediate effect.

CHAPTER 9

An act to amend Sections 950, 955, and 956 of the Education Code, relating to school district elections, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 1, 1961. Filed with Secretary of State March 2, 1961.] In effect immediately

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

SECTION 1. Section 950 of the Education Code is amended to read:

950. (a) The governing board shall, or upon written request of the governing board the county clerk or the registrar of voters of the county in which the majority of the territory of the district is located shall, at least 10 days before the day fixed for the election, mail to each registered voter within the district a notice designating his polling place, the time of the election and a list of candidates for the governing board or boards. The cost thereof shall be paid out of the funds of the district. Notice given in compliance with this subdivision in any school district governing board member election shall constitute a compliance with the notice requirements of Section 1152 of this code. Notice of election, etc

(b) The provisions of subdivision (a) of this section and the provisions of Section 1152 of this code do not apply with respect to any election held on or before September 1, 1962, for a school district in a county having a population of 300,000 or less as determined by the 1960 federal census. With respect to such a school district election held on or before September 1, 1962, the governing board may mail to each registered voter within the district a notice designating his polling place, the time of the election and a list of the candidates for the governing board or boards. The cost thereof shall be paid out of the funds of the district. Application

SEC. 2. Section 955 of said code is amended to read:

955. In any school district governing board member election the name of any registered voter shall be placed on the official ballot if such person files with the county superintendent of schools having jurisdiction not less than 46 days prior to the election a declaration of candidacy substantially as follows: Declaration of candidacy

"I, _____, do hereby declare myself as a candidate for election to the governing board of _____ district, of the County of _____; I am a registered voter; if elected I will qualify and serve to the best of my ability; and I request my name be placed on the official ballots of the district, for the election to be held April _____, 19____.

_____

Residence address: _____"

In an election held under Section 1231 to elect additional governing board members all candidates for member of the governing board shall also indicate on their declaration of candidacy whether they are candidates for the existing office or for the new offices.

In a recall election all candidates for member of the governing board shall also state on their declaration of candidacy that they are candidates in the recall election to succeed the incumbent (naming him) if he is recalled.

SEC. 3. Section 956 of said code is amended to read:

Nomination by sponsors

956. In lieu of the method prescribed in Section 955, the name of any registered voter in the district shall be placed on the official ballot if proposed by written declaration with his consent. The declaration shall:

(a) Be signed by not less than three nor more than 10 persons each of whom is a registered voter and is a parent of a pupil attending a school of the district.

(b) State the place of residence and the occupation of the signers.

(c) Contain an acceptance of nomination signed by the candidate.

(d) Be filed with the county superintendent of schools having jurisdiction not less than 46 days prior to the election.

(e) In an election held under Section 1231 to elect additional governing board members, contain a statement whether the proposed candidate is a candidate for the existing office or for the new offices.

(f) In a recall election, contain a statement that the proposed candidate is a candidate in the recall election to succeed the incumbent (naming him) if he is recalled.

Operative dates

SEC. 4. Section 1 of this act shall become operative immediately. Sections 2 and 3 of this act shall become operative on July 1, 1961.

Urgency

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act changes the notice requirements applicable to elections of school district governing bodies. In order that the new notice requirements may apply to the forthcoming school election, to be held in April, 1961, it is essential that this act go into effect immediately.

CHAPTER 10

An act to amend Sections 3, 13, 22, 33.5, 45, 66.5, 70, 75, 76, and 77 of, and to add Sections 22.1, 75.1, 75.2, 75.3, 75.4, 76.1, and 78 to, the Citrous Pest District Control Act (Chapter 89, Statutes of 1939), relating to citrous pest control districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 1, 1961. Filed with Secretary of State March 2, 1961.] In effect immediately

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

SECTION 1. Section 3 of the Citrous Pest District Control Act is amended to read:

Sec. 3. In this act, unless the context otherwise requires, Definitions

(a) "District" means a citrous pest control district organized pursuant to the provisions of this act.

(b) "Board" means the board of directors of a district.

(c) "Owner" includes joint owner, co-owner, guardian, executor, administrator, or any other person holding property in a trust capacity under appointment of court.

(d) "Citrous acreage" means any parcel, tract or lot of land with 25 or more citrous trees of any age growing thereon, except parcels, tracts, or lots used for nurseries.

(e) "Citrous pest" includes any infectious, transmissible or contagious disease, any form of animal life or any form of vegetable life infesting citrous trees or citrous fruits.

(f) "Number of trees per acre of average planting" for the purpose of assessment under the provisions of this act shall be 100 trees per acre.

SEC. 2. Section 13 of said act is amended to read:

Sec. 13. The petition shall: Contents of petition

(a) State the name of the district.

(b) Set forth the boundaries of the proposed district or describe the lands to be included therein.

It shall be a sufficient designation of the boundaries of a district to recite that all the citrous acreage in the county is proposed to be included in the district, or that all the citrous acreage in a designated area within the county is to be included in the district.

If either such designation is used then the outside boundary of the area so designated shall be deemed to be the boundary of the district and the district shall include all area within the outside boundary, if the district is formed pursuant to this act.

SEC. 3. Section 22 of said act is amended to read:

Sec. 22. If the board of supervisors determines that the Order project is feasible and for the interest of the citrous growers of the county, the board shall by order entered in its minutes declare the district duly organized under the name designated in the petition for the formation of the district.

The order shall describe the territory included in the district and, if the board of supervisors does not exclude or include land pursuant to Section 23 hereof, it shall be a sufficient description of the territory to describe the boundaries in substantially the same way as they are described in the petition. A copy of the order duly certified by the clerk of the board of supervisors shall be filed for record in the office of the county recorder of the county in which the district is situated.

SEC. 4. Section 22.1 is added to said act, to read:

Validation of district

Sec. 22.1. Any district heretofore formed in which the order of the board of supervisors adopted the description in general terms as it appears in the petition is hereby validated.

SEC. 5. Section 33.5 of said act is amended to read:

Board organization

Sec. 33.5. Immediately after the organization of the district, the directors shall meet and organize as a board and shall elect a chairman, a vice chairman, a secretary, and an assistant secretary, from among their own number.

Chairman

It shall be the duty of the chairman to call and preside at all meetings of the board, sign all warrants drawn on the county treasurer and all contracts and other documents, and the minutes of all meetings at which he is present. In case of his absence from a meeting, the vice chairman shall act as president pro tempore for him, and the vice chairman shall have the authority to sign warrants in place of the chairman if the chairman is absent from a meeting or unavailable.

Secretary

It shall be the duty of the secretary to give notice of and keep the minutes of all meetings and to prepare and have custody of all records and papers, and to have custody of the seal of the district. He or the assistant secretary shall attest all warrants drawn on the county treasurer, all contracts and other documents and shall sign the minutes of all meetings at which he is present. He shall prepare the annual reports and any other reports required by the board and shall prepare all notices and all calls for bids. In case of his absence from a meeting the assistant secretary will perform his duties.

SEC. 6. Section 45 of said act is amended to read:

Powers

Sec. 45. The district shall have perpetual succession and may:

(a) Sue and be sued in all actions and proceedings in all courts and tribunals of competent jurisdiction;

(b) Adopt a seal and alter it at pleasure;

(c) Take by grant, purchase, gift, devise, lease or otherwise, and hold, use and enjoy, and lease, or otherwise dispose of, real and personal property of every kind and description within or without the district necessary to the full and convenient exercise of its powers;

(d) Cause taxes to be levied as herein provided, for the purpose of paying any obligation of the district, and to accomplish the purposes of the district in the manner herein provided;

(e) Make contracts, and employ except as otherwise provided herein, all persons, firms and corporations necessary to carry out the purposes and the powers of the district, and at such salary, wage or other compensation as the board of directors shall determine;

(f) Eradicate, remove or prevent the spread of any and all citrous pests;

(g) Enter into or upon any land included within the boundaries of the district for the purpose of inspecting and treating the citrous trees and other host plants and fruit growing thereon.

(h) Perform any and all acts either within or outside the district necessary or proper to fully and completely carry out the purposes for which the district was organized.

SEC. 8. Section 66.5 of said act is amended to read:

Nature of tax

Sec. 66.5. The tax herein authorized to be assessed and levied is hereby declared to be in the nature of a special assessment, and the Legislature hereby finds that the owners of all citrous trees will be benefited by the district to the same extent and in the same manner regardless of the age of the trees, and the taxes or special assessments authorized by this division to be assessed and levied on such trees shall be assessed and levied on all citrous trees regardless of their age.

SEC. 9. Section 70 of said act is amended to read:

Payments

Sec. 70. The county treasurer shall pay out the moneys of the district only upon warrants of the county auditor drawn upon the order of the board of directors of the district signed by the chairman or vice chairman and attested by the secretary or assistant secretary. The county treasurer shall report in writing on the first day of July, October, January, and March of each year, to the board the amount of money he then holds for the districts, the amount of receipts since his last report, and the amounts paid out; and each such report shall be verified and filed with the secretary of the district to whom it is addressed.

SEC. 10. Section 75 of said act is amended to read:

Inclusion: Petition

Sec. 75. Upon the receipt of a verified written petition by the owners of 51 percent by area of lands devoted exclusively to the growing of citrous fruits within a tract of land outside the district but in the county wherein the district is located for inclusion of the tract in the district, the board of directors shall hold a hearing to determine whether or not the tract shall be included in the district. The hearing shall be held within the district and not less than thirty (30) days and not more than sixty (60) days after the receipt of said petition. The secretary shall give notice of the hearing by publication at least once in a newspaper of general circulation published in the county wherein the district is located. The notice shall recite the fact that the petition has been filed, describe the land sought to be included and give the time and place of the hearing.

Hearing

Notice

SEC. 11. Section 75.1 is added to said act, to read:

Failure to object

Sec. 75.1 The petitioners and persons who do not, at or before the hearing, file objections in writing showing cause why the land should not be included shall be deemed to assent to including the land in whole or in part.

SEC. 12. Section 75 2 is added to said act, to read:

Hearing of petition

Sec. 75.2. At the time and place mentioned in the notice or at the time to which the hearing of the petition may be adjourned, the board shall hear the petition, all the objections to it presented in writing and all evidence in support of or against the petition.

SEC. 13. Section 75.3 is added to said act, to read:

Findings

Sec. 75.3. After hearing the petition, the board shall grant the petition only if it finds that the lands sought to be included will be benefited by the inclusion and that it would be in the best interests of this district to include the lands.

SEC. 14. Section 75.4 is added to said act, to read:

Inclusion order

Sec. 75.4. An inclusion order shall describe the land included in the district by the inclusion proceeding, and for the purposes of inclusion proceedings, it shall be sufficient if the petition and all subsequent proceedings describe the land sought to be included as provided in Section 13 of this act.

SEC. 15. Section 76 of said act is amended to read:

Filing of order

Sec. 76. A certified copy of each order of the board including additional lands within the district shall be immediately filed for record by the board in the office of the county recorder of the county.

SEC. 16. Section 76.1 is added to said act, to read:

Acreage subject to tax

Sec. 76.1. Whenever acreage within the district is planted or shall be planted after the formation of the district with citrous trees in such a fashion as to qualify as "citrous acreage" under the definition in Section 3 of this act, then that acreage shall be subject to taxation as provided in this act.

SEC. 17. Section 77 of said act is amended to read:

Exclusion Petition

Sec. 77. Whenever any citrous trees have been removed from any parcel of land included in the district, the owner of such parcel of land may file with the board an affidavit particularly describing the parcel of land, and setting forth the fact of the removal therefrom of such trees. Thereupon, the board shall cause an investigation of the parcel of land to be made and, if the board finds the allegations of the affidavit to be true, the board shall immediately certify this fact to the county assessor and the amount of citrous acreage removed shall not be assessed on the next assessment roll.

SEC. 18. Section 78 is added to said act, to read:

Same

Sec. 78. Any owner of land within the district may file with the board a verified petition alleging that the district is not benefiting and cannot benefit his lands and requesting exclusion of the land from the district. If the board finds that the land is not benefited and cannot be benefited by the operation of the district, the board may order the land excluded from the district. A certified copy of such order particularly

describing the parcel of land shall immediately be filed for record in the office of the county recorder of the county wherein the district is located and a copy of said order delivered to the board of supervisors of said county.

SEC. 19. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

The change made by this act in the Citrous Pest District Control Act are necessary to enable districts organized under that act to operate more efficiently to combat citrous pests. In order for these changes to be operative regarding the assessment of property for the 1961-1962 fiscal year it is imperative that this act take effect immediately.

CHAPTER 11

An act to add Sections 13 and 14 to the Lower San Joaquin Levee District Act (Chapter 1075 of the Statutes of 1955), relating to the Lower San Joaquin Levee District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 3, 1961. Filed with Secretary of State March 3, 1961.] In effect immediately

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

SECTION 1. Section 13 is added to the Lower San Joaquin Levee District Act (Chapter 1075 of the Statutes of 1955), to read:

Sec. 13. Any owner in fee of land included in the district may file a written petition with the secretary of the district for the withdrawal of such land from the district because his land is not benefited by the services rendered by the district. The petition shall be signed by the owner and shall contain a description of the land proposed to be withdrawn. Exclusion: Petition

The last equalized assessment roll of each county containing land proposed by the petition to be withdrawn is prima facie evidence of the ownership of the land in the county proposed to be withdrawn and the name of the owner in fee of the land.

The secretary of the district shall promptly transmit the petition to the board and the board shall consider, and approve or disapprove, the petition at its regular meeting following the filing of the petition, or at a subsequent regular or special meeting not more than 60 days subsequent to such regular meeting, to which such matter may be continued. If a majority of the board finds that the land will not benefit by remaining in the district, the board shall by resolution exclude the land from the district. The resolution shall describe such land. Hearing Resolution

Tax liability of excluded lands

Upon the adoption of the resolution, such land is no longer a part of the district, except that if there is district indebtedness or district expense outstanding and owing on the date of the adoption of the resolution of exclusion, the land so excluded shall remain liable for assessment and payment of the tax for its pro rata share thereof until the extinguishment of such indebtedness or expense.

SEC. 2. Section 14 is added to said act, to read:

Boundary change Effective

Sec. 14. Notwithstanding the provisions of Sections 54900 to 54904, inclusive, of the Government Code, any change in the boundaries of the Lower San Joaquin Levee District made prior to April 1, 1961, is effective for assessment or taxation purposes for the 1961-1962 fiscal year if the statement and map or plat of such change is filed with the assessor whose roll is used for the levy and the State Board of Equalization on or before April 1, 1961.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: The lands presently within the Lower San Joaquin Levee District which are not benefited by the district's services will be charged with an inequitable tax burden in 1961 unless this act is immediately effective.

CHAPTER 12

An act to repeal Sections 358, 23602, 24851, 24853, 24854, 24855, 25051, 25052, and 25055 of, and to repeal Article 3 (commencing with Section 24801), Article 5 (commencing with Section 24901), Article 7 (commencing with Section 25001), Article 9 (commencing with Section 25101), Article 10 (commencing with Section 25151), Article 11 (commencing with Section 25201), Article 12 (commencing with Section 25251), and Article 14 (commencing with Section 25351) of Chapter 13, Division 18 of, and to amend Sections 152, 253, 254, 256, 257, 258, 260, 261, 265, 355, 356, 357, 360, 401, 403, 404, 405, 554, 557, 1094, 1095, 5451, 5711, 6301, 8003, 10652, 13319, 22600, 22601, 22603, 22604, 22605, 22606, 22607, 22700, 22703, 23601, 23603, 23604, 23605, 23607, 23608, 23609, 23610, 23651, 23652, 23653, 23657, 23658, 23701, 23703, 23706, 23707, 23751, 23752, 23753, 23754, 23757, 23760, 23761, 23801, 23803, 23851, 23852, 23853, 23854, 23855, 23856, 23858, 23859, 23860, 23862, 23863, 23864, 23865, 23866, 23901, 23902, 23903, 23951, 23952, 23953, 24000, 24051, 24052, 24053, 24054, 24101, 24102, 24103, 24104, 24351, 24352, 24353, 24354, 24355, 24452, 24453, 24454, 24456, 24502, 24581, 24582, 24601, 24651, 24701, 24702, 24703, 24753, 24754, 24755, 24952, and 24954 of, to amend the heading of Chapter 3 (commencing with Section 22600), Division 16.5 of, and to amend

and renumber the article heading of Article 4 (commencing with Section 24851), Article 4.5 (commencing with Section 24856), Article 6 (commencing with Section 24951), and Article 8 (commencing with Section 25051) of Chapter 13, Division 18 of, and to add Sections 23600, 23604.1, 23604.2, 23604.3, 23611, 23612, 23613, 23614, 23615, 23616, 23617, 23618, 23619, 23620, 23621, 23622, 23623, 24003, 24004, 24005, 24351.1, 24352.1, and 24358 to, and to add a new chapter heading, Chapter 1.5 (commencing with Section 23603) to Division 18 of, the Education Code, relating to the California State Colleges.

[Approved by Governor March 3, 1961. Filed with Secretary of State March 3, 1961.]

In effect September 15, 1961

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

SECTION 1. In enacting this act, the Legislature intends to conform the affected provisions of the Education Code to the Donahoe Higher Education Act (Statutes of 1960 (1st Extraordinary Session), Chapter 49) without making any substantive change in the laws affected by this act. To the extent that any conflict may exist between the provisions of this act and the Donahoe Higher Education Act, the Legislature hereby declares that it intends the provision of said Donahoe Higher Education Act to prevail over the provisions of this act. The sections of law added or amended by this act, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations and not as new enactments.

Legislative intent

SEC. 2. Section 152 of the Education Code is amended to read:

152. The board shall adopt rules and regulations not inconsistent with the laws of this State (a) for its own government, (b) for the government of its appointees and employees, (c) for the government of the day and evening elementary schools, the day and evening secondary schools, and the technical and vocational schools of the State, and (d) for the government of such other schools, excepting the University of California and the California State Colleges, as may receive in whole or in part financial support from the State.

Rules and regulations

The rules and regulations adopted shall be published for distribution as soon as practicable after adoption.

SEC. 3. Section 253 of said code is amended to read:

253. The Superintendent of Public Instruction shall:

Duties

(a) Superintend the schools of this State.

(b) Prepare, have printed, and furnish to teachers and to all officers charged with the administration of the laws relating to the public schools such blank forms and books as may be necessary to the discharge of their duties, including blank teachers' certificates to be used by county and city and county boards of education.

(c) Visit the several orphan asylums to which state appropriations are made, and examine into the course of instruction in the asylums.

(d) Visit the schools in the different counties, and inquire into their condition; and the actual traveling expense thus incurred, not exceeding one thousand eight hundred dollars ($1,800) per annum, shall be allowed, audited and paid out of the General Fund in the same manner as other claims are audited and paid.

(e) Authenticate with his official seal all drafts or orders drawn by him, and all papers and writings issued from his office.

(f) Have bound, at the state bindery, all valuable school reports, journals, and documents in his office, or received by him.

(g) Deliver over, at the expiration of his term of office, on demand, to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office.

SEC. 4. Section 254 of said code is amended to read:

Contracts, etc., with federal government

254. The Superintendent of Public Instruction shall prescribe regulations under which contracts, agreements or arrangements may be made with agencies of the federal government for funds, services, commodities, or equipment to be made available to schools of the public school system, except the California State Colleges.

SEC. 5. Section 256 of said code is amended to read:

Aeronautics courses agreement

256. The Superintendent of Public Instruction may enter into an agreement with the government of the United States or any agency thereof relative to the establishment of courses of study in aeronautics in the junior colleges and technical schools of the public school system except the California State Colleges.

SEC. 6. Section 257 of said code is amended to read:

Agreements with federal government

257. The Director of Education may enter into agreements with any agency of the federal government for the education of persons in the service of the federal government in schools under the jurisdiction of the Department of Education. All money received from an agency of the federal government for the education of persons in any such school is hereby appropriated for the support of such school in addition to such other funds as may be appropriated therefor by the Legislature.

SEC. 7. Section 258 of said code is amended to read:

Same: Performance of services

258. The Director of Education may enter into agreements with agencies of the federal government, county superintendents of schools, county boards of education, any school district, and state college foundations or other auxiliary organizations, including those established pursuant to Sections 23801, 24451, 24581, 24582, and 24601, for the performance of any services for such agencies by any school under the jurisdiction of the Department of Education. All money received under any such

agreement, except recovery of contributions to the State Employees' Retirement Fund, is hereby appropriated for the support of such school in addition to such other funds as may be appropriated therefor by the Legislature.

SEC. 8. Section 260 of said code is amended to read:

Length of vacations

260. Other than for persons in the state civil service, the length of, and the time for, vacations of teachers, officers, and employees of the schools for the deaf, the school for the blind, and orientation centers for the blind shall be prescribed by the Director of Education, except that the length of vacations for teachers at orientation centers for the blind shall not exceed 30 days.

SEC. 9. Section 261 of said code is amended to read:

Report to Governor

261. The Superintendent of Public Instruction shall report to the Governor, on or before the 15th day of September, preceding each regular session of the Legislature, a statement of the condition of the public elementary and secondary schools, and other educational institutions supported in whole or in part by the State and under the jurisdiction of the Department of Education.

He shall accompany his report with tabular statements, showing:

(a) The number attending public schools, and the average attendance.

(b) The amount of state school funds apportioned, and the sources from which derived.

(c) The amount raised by county, city and county, and district taxes, or from other sources of revenue, for school purposes.

(d) The amount expended for salaries of teachers, for building schoolhouses, for district school libraries, and for incidental expenses.

SEC. 10. Section 265 of said code is amended to read:

Exchange and employment of teachers

265 Notwithstanding anything to the contrary in Article 2 (commencing with Section 1940) of Chapter 2 of Part 7 of Division 2 of the Labor Code, the Director of Education may enter into an agreement with any political entity mentioned in Section 13271 for the exchange and employment of persons serving as teachers in schools under the jurisdiction of the Department of Education and employees of public schools of the political entity. The exchange and employment shall be made under comparable circumstances, subject to comparable conditions, with comparable effect as to tenure and retirement rights, subject to comparable requirements as to payment of salary and deductions therefrom, and for the same period of time as set forth in Sections 13271, 13272, and 13273 with respect to the exchange of school district employees, except that the circumstances, conditions, rights, and requirements shall be those appropriate to the employment relationship between the teachers and the Department of Education.

SEC. 11. Section 355 of said code is amended to read:

Conduct of department

355. The provisions of Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3 of Title 2 of the Government Code, shall govern and apply to the conduct of the Department of Education in every respect as if such provisions were herein set forth at length.

SEC. 12. Section 356 of said code is amended to read:

"Head of department"

356. Wherever in Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3 of Title 2 of the Government Code, the term "head of the department," or similar designation occurs, it shall, for the purposes of Section 355 mean the Director of Education.

SEC. 13. Section 357 of said code is amended to read:

Successor to powers

357. The Department of Education is the successor to, and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction of the State Board of Education as they existed on July 30, 1921, of the board of directors of the California School for the Deaf and the Blind, and of the several officers, deputies, and employees of such bodies and offices.

Repeal

SEC. 14. Section 358 of said code is repealed.

SEC. 15. Section 360 of said code is amended to read:

Administration of laws

360. The Department of Education shall administer and enforce all laws now or hereafter imposing any duty, power, or function upon any of the bodies, offices, officers, deputies, or employees transferred to the Department of Education under the provisions of Section 357.

SEC. 16. Section 401 of said code is amended to read:

Expenditure of money

401. The department may expend the money in any appropriation, or in any special fund in the State Treasury now remaining or made available by law for the administration of the provisions of any of the statutes enumerated in this article or for the use, support, or maintenance of any board, commission, office, or officer that is abolished by the provisions of Section 361, and whose duties, powers, and functions are, by the provisions of Section 357, transferred to and conferred upon the Department of Education, excepting that the funds of the State Board of Education in respect to functions retained by it, including such funds as are now or may hereafter be entrusted to the State Board of Education for administration, and the funds of the Superintendent of Public Instruction shall be administered as heretofore.

SEC. 17. Section 403 of said code is amended to read:

Gifts and bequests

403. The Director of Education may, with the approval of the Director of Finance, accept on behalf of, and in the name of, the State such gifts, donations, bequests, and devises as may be made to the Department of Education, or to any school or other institution administered by the Director of Education or the Department of Education, which in his judgment would be of benefit to the State and, if made to a school or other institution, would be of benefit to the school or other institution. Gifts, donations, bequests, and devises may be

made subject to such conditions or restrictions as the Director of Education may deem advisable.

SEC. 18. Section 404 of said code is amended to read:

Disposition of funds

404. Money received under Section 403 may, with the approval of the Director of Finance, be deposited by the Director of Education to the credit of the department or of the school or institution designated by him, in accounts in banks or transmitted by him to the State Treasurer for deposit in trust accounts. Withdrawals may be made from any such bank account or trust account by the Director of Education or any employee of the Department of Education authorized by him to make withdrawals therefrom

SEC. 19. Section 405 of said code is amended to read:

Appropriation: Education of veterans

405. All moneys received by or for any school under the jurisdiction of the Department of Education from any agency of the federal government, directly or indirectly, for the education of veterans, is hereby appropriated for the support of such school in addition to such other funds as may be appropriated therefor by the Legislature.

SEC. 20. Section 554 of said code is amended to read:

Power to receive, expend, etc., federal funds

554. The board of governors of the State Nautical School on behalf of the State Nautical School, and the governing board of a school district on behalf of any school or junior college maintained by the district is vested with all necessary power and authority to perform all acts necessary to receive the benefits and to expend the funds provided by said act of Congress and with all necessary power and authority to co-operate with the government of the United States, or any agency or agencies thereof, and with the State Board of Education for the purpose of receiving the benefits and expending the funds provided by said act of Congress, in accordance with said act, or any rules or regulations adopted thereunder, or any state plan or rules or regulations of the State Board of Education adopted in accordance with said act of Congress.

SEC. 21. Section 557 of said code is amended to read:

Student loan fund

557. The president or the administrative head of each junior college and the State Nautical School may establish and administer student loan funds pursuant to said act of Congress. Money allocated for the purpose of establishing a student loan fund at the State Nautical School may be withdrawn from the State Treasury and deposited to the credit of that institution in a trust account in accordance with the provisions of Government Code Sections 16305-16305.7 for the purpose of making loans to students in accordance with the federal act.

SEC. 22. Section 1094 of said code is amended to read:

Service agreements School districts

1094. The governing board of any school district or the county superintendent of schools of any county may enter into agreements to render to a state college, to the University of California, or to any state institution any service which such governing board or county superintendent of schools is authorized to provide to school districts. Any such agreement

must provide for the payment for services rendered of an amount not less than the cost of rendering such service. The Trustees of the California State Colleges, the Regents of the University of California, and the Director of Finance are hereby authorized to enter into such agreements as to any state college, the University of California, and any state institution, respectively.

All funds received by a county superintendent of schools under this section shall be paid by him into the county treasury to the county school service fund and all funds received by the governing board of a school district under this section shall be paid by it into the county treasury to the credit of the general fund of the district.

SEC. 23. Section 1095 of said code is amended to read:

Practice teaching

1095. The governing board of any school district may enter into agreements with a state college, the University of California, or any other university or college accredited by the State Board of Education as a teacher education institution, to provide teaching experience through practice teaching and to provide for supervised field experience in the public schools in such areas as may be called for in the requirements of the various authorized credentials for public school service to students enrolled in teacher education curricula of such institutions. Any such agreement may provide for the payment for the services rendered by the school district of an amount not to exceed the actual cost to the school district of the services rendered or such agreement may provide for the rendering of services to the school district of a value not to exceed the actual cost to the school district of the services rendered by the district The Trustees of the California State Colleges and the Regents of the University of California are hereby authorized to enter into such agreements with the governing board of any school district as to any state college, and the University of California, respectively.

All funds received by the governing board of a school district under this section shall be paid by it into the county treasury to the credit of the general fund of the district.

SEC. 24. Section 5451 of said code is amended to read:

Education by state colleges

5451. The governing board of any elementary school district within which a state college is located may contract with the Trustees of the California State Colleges for the education by the state college of pupils eligible to attend school in the elementary school district. The pupils educated by the state college under the contract may be housed on the campus of the state college or in a building of the school district.

SEC. 25. Section 5711 of said code is amended to read:

Junior colleges Contracts

5711. The governing board of any school district which is authorized to maintain a junior college may contract with the Trustees of the California State Colleges for the maintenance of a junior college in a state college situated in the district. Any contract executed pursuant to this section shall include

among its provisions a requirement that all expenditures incurred for junior college maintenance shall be payable only on order of the governing board as all other expenditures of the district are payable, and an additional provision that the president of the state college shall serve as principal of the junior college and in that capacity shall be responsible to the governing board through the superintendent of schools of the district if there is one. Otherwise he shall be responsible directly to the governing board.

SEC. 26. Section 6301 of said code is amended to read:

Agreements for education of veterans

6301. Subject to the provisions of this article, the Department of Education acting by and through the Director of Education is hereby authorized to enter into an agreement, or agreements, with the Veterans Administration, or any other agency of the federal government, for the education of veterans in any of the schools of the public school system except the California State Colleges. Such contract shall provide for the payment to such schools through the Department of Education or otherwise of the maximum amount permitted by the act, or acts, of Congress under which the agreement, or agreements, is entered into by the Veterans Administration, or any other agency of the federal government.

SEC. 27. Section 8003 of said code is amended to read:

Public safety

8003. The Trustees of the California State Colleges in standardizing the courses of instruction offered in the state colleges shall prescribe a course in public safety and shall make the completion of the course a requirement for graduation.

SEC. 30. Section 10652 of said code is amended to read:

Children of disabled veterans

10652. No state-owned college, university, or other school shall charge any tuition, or incidental fees to any dependent receiving assistance under Division 4, Chapter 4, Article 2 of the California Military and Veterans Code or to any child of any veteran of the United States military service who has a service-connected disability, and whose annual income not including governmental compensation for such service-connected disability, does not exceed three thousand dollars ($3,000). Nothing contained in this section shall prevent the Regents of the University of California from charging to and collecting from nonresident students an admission fee and rate of tuition in accordance with Section 23053, nor shall anything in this section prevent the charging and collecting of fees required of nonresident students admitted to schools under the jurisdiction of the Department of Education or the Director of Education or to a state college under the jurisdiction of the Trustees of the California State Colleges.

SEC. 31. Section 13319 of said code is amended to read:

Teachers in state institution at junior college

13319. Any employee in a position requiring certification qualifications of a junior college school district who teaches in a four-year state institution of higher education maintained on the campus of the junior college pursuant to contracts entered into between the Trustees of the California State Colleges and said district, shall, without regard to subject or

grade taught, whether of junior college level or higher, acquire and retain all rights to employment in said district the same as though said employee were teaching exclusively in a junior college of the said district; provided, that nothing in this section shall be construed to prevent said employee from resigning from employment in said district pursuant to the provisions of Section 13401 of this code.

SEC. 32. Section 23600 is added to said code, immediately following the chapter heading of Chapter 1 (commencing with Section 23601) of Division 18 of said code, to read:

"Trustees" 23600. As used in this division, "trustees" means the Trustees of the California State Colleges, created under Section 22600.

SEC. 33. Section 23601 of said code is amended to read:

State colleges 23601. The California State Colleges include the following state colleges:

(a) San Jose State College.
(b) San Francisco State College.
(c) Chico State College.
(d) Humboldt State College.
(e) San Diego State College.
(f) Fresno State College.
(g) California State Polytechnic College
(h) Long Beach State College, located in the area consisting of Orange County and the southeastern part of Los Angeles County.
(i) Los Angeles State College of Applied Arts and Sciences, located in the City of Los Angeles.
(j) Sacramento State College, located in the County of Sacramento and within five miles of the State Capitol.
(k) State College for Alameda County, located in the southern portion of Alameda County.
(*l*) San Fernando Valley State College, located in the San Fernando Valley.
(m) Orange County State College, located in Orange County.
(n) Stanislaus State College, located in Sanislaus County.
(o) Sonoma State College, located in Sonoma County.
(p) San Bernardino-Riverside State College, located in San Bernardino County.
(q) South Bay State College, located in Los Angeles County, in the vicinity of the Los Angeles International Airport.

Repeal SEC. 34. Section 23602 of said code is repealed.

SEC. 35. A new chapter heading, Chapter 1.5, is added to Division 18 (commencing with Section 23600) of said code, immediately preceding Section 23603, to read:

CHAPTER 1.5. POWERS OF THE TRUSTEES OF THE CALIFORNIA STATE COLLEGES

SEC. 36. Section 23603 of said code is amended to read:

Administration of colleges 23603. The state colleges are in the charge of the trustees for purposes of administration.

SEC. 37. Section 23604 of said code is amended to read:

23604. The trustees shall adopt rules and regulations not inconsistent with the laws of this State for: Rules

(a) The government of the trustees.

(b) The government of their appointees and employees.

(c) The government of the state colleges.

(d) The reports of officers and teachers of the colleges and for visiting other schools and institutions.

The rules and regulations shall be published for distribution as soon as practicable after adoption.

SEC. 38. Section 23604.1 is added to said code, to read:

23604.1. The trustees shall provide for the visitation and inspection of each state college from time to time, and an inquiry into its condition and management Inspection

SEC. 39. Section 23604.2 is added to said code, to read:

23604.2. All meetings of the trustees shall be open and public. Nothing contained in this section shall be construed to prevent the trustees from holding executive sessions to consider the employment or dismissal of an officer or employee of the trustees to hear complaints or charges brought against such officer or employee by another officer, person, or employee unless such officer or employee requests a public hearing. The trustees may also exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the trustees. Meetings and executive sessions

SEC. 40. Section 23604.3 is added to said code, to read:

23604.3. All records of the trustees shall be open to inspection by the public during regular office hours, except as otherwise provided by law. Records

SEC. 41. Section 23605 of said code is amended to read:

23605. A joint meeting of the trustees and the representatives of the several state colleges shall be held annually at such time as is determined by the rules of the trustees to consider and act upon matters pertaining to the several state colleges. Annual joint meeting Trustees and college representatives

SEC. 42 Section 23607 of said code is amended to read:

23607. At the joint meeting of the trustees and the representatives of each individual state college, matters affecting the colleges may be presented by individual trustees, and by the representatives of the colleges, and, after due presentation and consideration, the trustees may adopt rules and regulations for the government of state colleges pursuant to this division (commencing with Section 23600). Matters to be considered

SEC. 43 Section 23608 of said code is amended to read:

23608. The trustees may contract with any public or private hospital or other public or private institution or agency having clinical facilities for furnishing clinical experience and the use of clinical facilities to the State in connection with approved state college programs requiring such facilities and experience. Agreements for clinical experience and facilities

SEC. 44. Section 23609 of said code is amended to read:

Right to contract for television broadcasts

23609. The trustees on behalf of any state college, may enter into contracts, either alone or in co-operation with the governing board of any school district, or a county superintendent of schools with the permission of the governing boards and acting on behalf of such school districts, for the purpose of participating in or the procuring of television broadcasts for use in the educational program of the college. Nothing contained in this section, however, shall be construed as authorizing the trustees to own, lease, or operate a television broadcasting station.

SEC. 45. Section 23610 of said code is amended to read:

Agreements with federal agencies

23610. The Director of Finance may enter into agreements with any agency of the federal government for the construction of housing and other educational facilities for students and faculties of any college under the jurisdiction of the trustees if the director determines that the income, rent and charges for the use of the facilities will be sufficient in amount to repay the principal and interest on the amount secured from the federal government for the construction of the facilities. Whenever necessary to secure the full benefits of any federal statutes pertaining to loans or grants to educational institutions for housing and other educational facilities, the director may give such security as may be required and may comply with such conditions as may be imposed by the federal government.

SEC 46. Section 23611 is added to said code, to read:

Same For services, funds, etc

23611. The trustees shall prescribe regulations under which contracts, agreements or arrangements may be made with agencies of the federal government for funds, services, commodities, or equipment to be made available to the California State Colleges.

SEC. 47. Section 23612 is added to said code, to read:

Same Courses in aeronautics

23612. The trustees may enter into an agreement with the government of the United States or any agency thereof relative to the establishment of courses of study in aeronautics in the state colleges.

SEC. 48. Section 23613 is added to said code, to read:

Education of federal government personnel

23613. The trustees may enter into agreements with any agency of the federal government for the education of persons in the service of the federal government in colleges under the jurisdiction of the trustees. All moneys received from an agency of the federal government for the education of persons in any such college is hereby appropriated for the support of such college in addition to such other funds as may be appropriated therefor by the Legislature.

SEC. 49. Section 23614 is added to said code, to read:

Agreements for services

23614. The trustees may enter into agreements with agencies of the federal government, county superintendents of schools, county boards of education, any school district, and state college foundations or other auxiliary organizations, including those established pursuant to Sections 23801, 24451,

24581, 24582, and 24601, for the performance of any services for such agencies by any college under the jurisdiction of the trustees. All money received under any such agreement, except recovery of contributions to the State Employees' Retirement Fund, is hereby appropriated for the support of such college in addition to such other funds as may be appropriated therefor by the Legislature.

SEC. 50. Section 23615 is added to said code, to read:

Subpoenas

23615. The trustees shall issue subpoenas to compel the attendance of witnesses before the trustees, or any member thereof, in the same manner as any court in this State. Whenever the testimony of any witness upon any matter pending before them is material, the trustees shall cause the attendance of the witnesses before the trustees, or a member of the trustees, to testify concerning the matter, and the trustees may make a reasonable allowance for this purpose not exceeding the fees of witnesses in civil cases. The allowance shall be paid for out of the appropriation for the expense of the trustees, but in no instance shall an allowance be made in favor of a witness who appears in behalf of a claimant. The provisions of this section shall not apply to proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 51. Section 23616 is added to said code, to read:

Biennial reports to Governor

23616. The trustees shall submit to the Governor biennially on or before the 15th day of September next preceding the general session of the Legislature, a statement of the condition of the state colleges and a report of transactions of the trustees for the preceding two years, together with recommendations of its needs for the coming biennium, and such recommendations as to changes in laws or new educational legislation as may seem to the trustees to be necessary.

SEC. 52. Section 23617 is added to said code, to read:

Powers

23617. The trustees shall have the powers conferred upon heads of departments of the State by Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

SEC. 53. Section 23618 is added to said code, to read:

Printing

23618. All printing or binding required by the trustees shall be performed by the Department of Finance in the form and manner and at the prices of other state printing, and be paid for in like manner.

SEC. 54. Section 23619 is added to said code, to read:

Sale of publications, etc.

23619. With the approval of the Department of Finance, the trustees may fix the price for the sale of any bulletin or publication of the trustees, or any state college.

SEC. 55. Section 23620 is added to said code, to read:

Price

23620. When the trustees fix the price of any publication, it shall specify the class of persons or institutions that may receive copies of the publication free of charge.

SEC. 56. Section 23621 is added to said code, to read:

Purchase of publications

23621. Any county, or any school district, in this State may purchase the publications described in Section 23619 from the trustees.

SEC. 57. Section 23622 is added to said code, to read:

Deposit of funds

23622. All money received from the sale of publications shall be deposited in the State Treasury to the credit of the fund against which the cost of printing the publication was charged.

SEC. 58. Section 23623 is added to said code, to read:

Traveling expenses

23623. For the purposes of Government Code Section 11032, the following constitute, among other proper purposes of like or different character, state business for officers and employees of the trustees for which the officers and employees shall be allowed actual and necessary traveling expenses:

(a) Attending meetings of any national association or organization having as its principal purpose the study of matters relating to education or to a particular field or fields of education, or any agency of such association.

(b) Conferring with officers or employees of the United States, or appearing before committees of either house of the Congress of the United States, relative to problems relating to education in California.

(c) Conferring with officers or employees of other states engaged in the performance of similar duties.

(d) Obtaining information useful to the trustees in the conduct of their work.

When traveling is outside the State, traveling and expense shall be approved by the Governor and Director of Finance as provided in Government Code Section 11032.

SEC. 59. Section 23651 of said code is amended to read:

State college advisory boards

23651. For each state college, except as otherwise provided in this chapter, there shall be an advisory board of not less than seven nor more than 13 members, who shall be appointed by the trustees. Each member of the advisory board of a state college shall reside in the area in which the college is located. No person shall be appointed to serve as a member of an advisory board who at the time holds any salaried educational position.

SEC. 60. Section 23652 of said code is amended to read:

Terms of office

23652. The terms of office of the members of each board shall be four years, except as otherwise provided, and they shall hold office until the appointment and qualification of their successors. The terms of the first members of each advisory board shall be fixed by the trustees and in such manner as will provide for the expiration each year of the terms of, as nearly as may be possible, one-fourth of the members.

SEC. 61. Section 23653 of said code is amended to read:

Vacancies

23653. A vacancy shall be filled by appointment by the trustees. The appointee shall hold office only for the balance of the unexpired term.

SEC. 62. Section 23657 of said code is amended to read:

Reports

23657. The executive secretary of each board shall keep the trustees fully informed with respect to the activities of the board and immediately following each meeting thereof shall forward to the trustees a complete report of the meeting, including all recommendations made by the board.

SEC. 63. Section 23658 of said code is amended to read:

Applicability

23658. This chapter does not apply to the California State Polytechnic College.

SEC. 64. Section 23701 of said code is amended to read:

Standards for admission and transfer

23701. The trustees at the joint meeting of the trustees and the representatives of each state college may adopt rules and regulations for the government of the state colleges in prescribing the standards of admission for students entering the state colleges, and the rules for transfer of students from one state college to another.

SEC. 65. Section 23703 of said code is amended to read:

Admission of students

23703. Students shall be admitted to the state colleges in accordance with the rules and regulations of the trustees pursuant to this article.

SEC. 66. Section 23706 of said code is amended to read:

Qualifications

23706. Teachers holding valid certificates to teach in any county in the State, and such other persons as are qualified for admission under the rules and regulations of the trustees may be admitted to any state college.

SEC. 67. Section 23707 of said code is amended to read:

Exclusion

23707. The trustees may on recommendation of the faculty and president of a college exclude students who, because of poor scholarship or other evidence of unfitness, are judged incapable of completing the college course or who violate in any substantial manner generally accepted standards of conduct.

SEC. 68. Section 23751 of said code is amended to read:

Fees and deposits

23751. The trustees may require and collect tuition fees and deposits of students enrolled in state colleges. The trustees may require and collect special fees to cover cost of materials for specific courses in either regular or summer sessions, other fees as the trustees determine to be necessary to cover cost of accommodation services and other services provided students, and fees for extension and correspondence courses, but such fees shall not be considered as part of the general tuition fee.

SEC. 69. Section 23752 of said code is amended to read:

Unexpended portion

23752. The unexpended portion of any fee, as determined by regulations prescribed by the trustees and approved by the Department of Finance, collected from a student in any state college may be refunded to such person.

SEC. 70. Section 23753 of said code is amended to read:

Fees for transcripts

23753. With the approval of the trustees, fees may be required of and collected from, applicants for admission to state colleges and from former students of state colleges, for the evaluation of transcripts or furnishing of transcripts. The fee

for each evaluation of a transcript or for each transcript furnished shall not exceed two dollars ($2).

SEC. 71. Section 23754 of said code is amended to read:

Placement service and fee

23754. A placement service may be maintained at any state college for the placement of students and former students of the college. A placement service fee in the amount fixed by the trustees may be charged former students using such service.

SEC. 72. Section 23757 of said code is amended to read:

Nonresident fee

23757. Except as otherwise specially provided, an admission fee and rate of tuition fixed by the trustees shall be required of each nonresident student. The rate of tuition to be paid by each nonresident student shall not be less than one hundred eighty dollars ($180) per year.

Exchange students

No admission fee or tuition fee shall be required of any student who is a citizen and resident of a foreign country and who attends a state college under an agreement entered into by a governmental agency formed under the Constitution or laws of this State or a nonprofit corporation or organization so formed, with a similar agency, or corporation or association, domiciled in and organized under the laws of a foreign country, where a principal purpose of the agreement is to encourage the exchange of students with the view of enhancing international good will and understanding. The trustees shall, in each instance, determine whether the conditions for such exemption from fees exist and may prescribe appropriate procedures to be complied with in obtaining the exemption.

SEC. 73. Section 23760 of said code is amended to read:

Determination of residence

23760. The residence of each student shall be determined in accordance with the rules for determining residences prescribed by Sections 243 and 244 of the Government Code, except that for the purpose of this section it shall be deemed that the residence of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian. Every alien student is deemed to be a nonresident student unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States.

Nothing in this section or in Sections 243 and 244 of the Government Code prevents the trustees from causing to be classified as a resident student:

(a) Any citizen of the United States, or any alien who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States, who has attained his majority according to the laws of this State, and who for a period of one year immediately preceding the opening day of a semester during which he proposes to attend a state college has been entirely self-supporting and actually present in the State, with the intention of acquiring a residence therein.

(b) Any minor child, a citizen of the United States, or any alien, who is a minor child, who has been lawfully admitted to

the United States for permanent residence in accordance with all applicable provisions of the laws of the United States, who does not receive and has not for a period of more than one year immediately preceding the opening day of a semester during which he proposes to attend a state college received, directly or indirectly, any support or financial assistance from his father, if the minor lives with his mother, who is and has been for a period of more than one year immediately preceding the opening day of the semester actually present in the State with the intention of making her permanent home therein.

SEC. 74. Section 23761 of said code is amended to read:

Oaths re residence

23761. The trustees shall designate a person employed at each state college to administer oaths or affirmations in connection with the taking of testimony relative to any residence status.

SEC. 75. Section 23801 of said code is amended to read:

Establishment of student body organizations

23801. A student body organization may be established at any state college under the supervision of the college officials for the purpose of providing essential activities closely related to, but not normally included as a part of, the regular instructional program of the college. The activities conducted by such an organization shall be designed to contribute to the development of skill and facility in human relations, the development of leadership ability, and the recreational and social needs of students The activities may include but shall not be limited to the operation of campus publications, musical organizations, speech and dramatics activities, student government activities, intramural and intercollegiate sports, and the sponsorship of clubs and organizations which are designed for students specializing in various major subject matter areas offered by the college. Such an organization may also operate a campus store, a cafeteria, and other projects not inconsistent with the purposes of the college.

If a student body organization is established at any state college and upon the favorable vote of two-thirds of the students voting in an election held for this purpose, in such manner as the trustees shall prescribe, and open to all regular students enrolled in such college, the trustees shall fix a membership fee which shall be required of all regular students attending such college. This required fee may be subject to referendum at any time upon the presentation of a petition to the president of the college containing the signatures of 35 percent of the regularly enrolled students at such college. A successful referendum shall take effect with the beginning of the academic year following that in which the election was held. The trustees may also fix student body organization membership fees for limited and summer session students attending such college. Such fees shall not be charged to students registering solely in extension classes offered by the college. Each state college student shall pay the required membership fee, or at his option shall agree to work off the amount of the fee at the

prevailing student rate of the college, as a prerequisite to enrollment in the college. No student shall be required to pay student body membership fees in an aggregate amount exceeding twenty dollars ($20) annually.

SEC. 76. Section 23803 of said code is amended to read:

Use of fees

23803. All money collected by a state college on behalf of a student body organization under Sections 23801, 23802, 24051, 24101, 24102, 24581, 24582, and 24601 shall be available for such purposes of the student body organization as are approved by the trustees These funds may be drawn against by the appropriate officers of the student body organization for expenditures necessary to carry out the purpose of the organization.

SEC. 77. Section 23851 of said code is amended to read:

Length of courses

23851. The courses of instruction in any state college shall be of such length as may be necessary to fulfill the requirements for the various credentials approved for the teacher-training program of that college by the trustees.

SEC. 78. Section 23852 of said code is amended to read:

23852. The trustees may:

Courses of study

(a) Establish courses for training of teachers in any or all of the subjects for which special credentials of the elementary and secondary grade are granted, and upon the satisfactory completion of these courses grant diplomas of graduation therefrom.

(b) Establish such additional teacher-training courses as are authorized by law or by the trustees in accordance with law.

(c) Establish courses of instruction and teacher-training leading to a baccalaureate degree, and grant the degree.

(d) Establish courses of instruction leading to a master degree, and grant the degree.

SEC. 79. Section 23853 of said code is amended to read:

Rules

23853. The trustees, at the joint meeting of the board and the representatives of each individual state college, may adopt rules and regulations for the government of the state colleges in the following matters:

(a) The standardizing, as far as the trustees deem wise and necessary, of the courses of instruction offered in the several state colleges for the preparation of teachers for the public schools of the State.

(b) The establishing and conducting in any or all of the state colleges of courses for the training of teachers in any or all of the subjects for which special certificates of the elementary and the secondary grade may by law be granted.

SEC. 80. Section 23854 of said code is amended to read:

Military science and tactics

23854. The trustees may establish at any one or more of the state colleges courses in military science and tactics complying with the laws of the United States made and provided with reference to R.O.T.C. units in educational institutions. No student enrolled in any state college shall be required to enroll in any course in military science and tactics.

SEC. 81. Section 23855 of said code is amended to read:

23855. The trustees may give in the name of the State of California such bond as may be required by the federal government or any officer or agency thereof, for the care, safekeeping, and return of property of the United States issued to any state college for the Reserve Officer Training Corps unit maintained at such state college. Bond

SEC. 82. Section 23856 of said code is amended to read:

23856. The trustees may establish and maintain model and training schools of the kindergarten, elementary, and intermediate or junior high school grade, and require the students of the state colleges to teach and instruct classes therein. Model and training schools

SEC. 83. Section 23858 of said code is amended to read:

23858. Such state colleges as are designated by the trustees to do so, shall prepare students to become teachers of elementary agriculture. Agriculture

The amount of time devoted to such preparation shall be equal to that devoted by the state colleges to preparation for the teaching of any other subject taught in the public elementary schools.

SEC. 84. Section 23859 of said code is amended to read:

23859. In standardizing the courses of instruction offered in the several state colleges the trustees shall prescribe a course of fire prevention and shall make the completion of the course a requirement for graduation. Fire prevention

SEC. 85. Section 23860 of said code is amended to read:

23860. In standardizing the courses of instruction offered in the several state colleges the trustees shall prescribe a course in physical education. The completion of the course shall be a requirement for graduation unless an exemption shall have been granted as herein provided. The president of each state college may grant temporary exemption to students who are ill or injured where a modified program to meet the needs of the students cannot be provided, and to students while enrolled for one-half, or less, of the work normally required of full-time students. Permanent exemption may be granted a student who has reached his 25th birthday. Physical education

SEC. 86. Section 23862 of said code is amended to read:

23862. The trustees may establish in any one or more of the state colleges courses for the giving of adequate instruction in the best methods of testing sight and hearing of public school pupils. Teaching sight and hearing

SEC. 87. Section 23863 of said code is amended to read:

23863. The trustees may authorize the establishment of a teacher-training program for teachers of speech correction, lipreading, the deaf, the blind, spastics, physically handicapped, and mentally retarded at a state college. Training for teachers of handicapped

SEC. 88. Section 23864 of said code is amended to read:

23864. The trustees may authorize a state college to conduct and maintain an annual summer session. Summer session

SEC. 89. Section 23865 of said code is amended to read:

Tuition fees

23865. Tuition fees adequate, in the long run, to meet the cost of maintaining summer sessions in the state colleges shall be required of, and collected from, students enrolled in each such summer session under and pursuant to rules and regulations prescribed by the trustees.

SEC. 90. Section 23866 of said code is amended to read:

Special fees

23866. The trustees may require and collect special fees to cover cost of materials for specific services and other fees to cover the cost of accommodation services and other services provided students from students enrolled in each summer session.

SEC. 91. Section 23901 of said code is amended to read:

Textbooks

23901. At the joint meeting of the board and the representatives of the individual state colleges, the trustees may adopt rules and regulations for the government of the state colleges in prescribing the use, in the grades and classes for which they are adopted, of the state series of textbooks.

SEC. 92. Section 23902 of said code is amended to read:

Purchase

23902. The trustees shall provide for the purchase of apparatus, furniture, equipment, stationery, and textbooks for the use of the students of state colleges. The provisions of Article 1 (commencing with Section 4300) of Chapter 4, Division 5, Title 1 of the Government Code shall not apply to the purchase of musical instruments made pursuant to this section.

SEC. 93. Section 23903 of said code is amended to read:

Wind tunnel

23903. A wind tunnel and necessary appurtenances may be erected and maintained on the campus of the San Diego State College for use in the study of problems relating to aircraft.

The wind tunnel and appurtenances may be erected and maintained by the federal government, or by any agency thereof, or may be erected and maintained through funds granted to the State, or any agency thereof, by the federal government, or any agency thereof. The construction, maintenance, and use thereof shall, in any case, be subject to such terms and conditions as are agreed upon by the federal government or any of its agencies and the trustees.

The wind tunnel and appurtenances may be leased, in the manner provided by law, to industries engaged in furnishing supplies and materials to the federal government, or any agency or agencies thereof, and to educational institutions.

SEC. 94. Section 23951 of said code is amended to read:

Standards

23951. At the joint meeting of the trustees and of the representatives of each individual state college, the trustees may adopt rules and regulations for:

(a) The determination of the time and standards for graduation from the state colleges except that no student who is not a candidate for a teaching credential shall be required as a condition to graduation or otherwise to enroll in more than six units of pedagogy.

No student shall be required as a condition to graduation, or for any other purpose, to enroll in any course in military science and tactics.

(b) The prescribing of standards for the granting of designated baccalaureate and master degrees by the state colleges.

(c) The establishing of standards for the maintenance of collegiate and degree-granting status by any of the state colleges.

(d) The authorizing of any state college, upon its application therefor and upon proper showing that it has met the standards established and prescribed, to grant baccalaureate and master degrees.

SEC. 95. Section 23952 of said code is amended to read:

Diplomas and master degrees

23952. The trustees, upon the recommendation of the faculty, may issue to those students, who worthily complete the full course of study and training prescribed, diplomas of graduation and master degrees from any of the courses of study and training authorized by law.

SEC. 96. Section 23953 of said code is amended to read:

Board of examiners for vocational teachers

23953. There is hereby continued in existence a board of examiners for vocational teachers. The board shall consist of the Commission for Vocational Education, as created and established by the State Board of Education and two other members, selected by the trustees who are presidents of state colleges and who shall hold office at the pleasure of the trustees.

SEC. 97. Section 24000 of said code is amended to read:

Gifts and donations

24000. The trustees may accept on behalf of the State any gift or donation of real or personal property whenever such gift and the terms and conditions thereof will aid in carrying out the primary functions of the state colleges as specified in Section 22606. Neither Section 11005 of the Government Code or any other provision of law requiring approval by a state officer of gifts and donations shall apply to such gifts or donations. Such gifts or donations shall be annually reported to the Co-ordinating Council for Higher Education.

SEC. 98. Section 24003 is added to said code, to read:

Appropriation of federal monies received

24003. All money received by or for any state college under the jurisdiction of the trustees from any agency of the federal government, directly or indirectly, for the education of veterans, is hereby appropriated for the support of such state college in addition to such other funds as may be appropriated therefor by the Legislature. Such money shall augment such support appropriation of the state college current at the date of issuance of the State Controller's receipt therefor as may be designated by the state college prior to its deposit in the State Treasury.

SEC. 99. Section 24004 is added to said code, to read:

National defense education act

24004. The trustees are vested with all necessary power to perform acts, receive and expend funds, and co-operate with state and federal agencies as provided in Section 554 for the purpose of receiving and spending the funds provided by the act of Congress entitled "An act to strengthen the national

defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs; and for other purposes" (National Defense Education Act of 1958), approved September 2, 1958.

SEC. 100. Section 24005 is added to said code, to read:

Student loan fund

24005. The president of each state college may establish and administer student loan funds pursuant to the act of Congress cited in Section 24004. Money allocated for the purpose of establishing a student loan fund at a state college may be withdrawn from the State Treasury and deposited to the credit of that institution in a trust account in accordance with the provisions of Government Code Sections 16305 to 16305.7, inclusive, for the purpose of making loans to students in accordance with the federal act.

SEC. 101. Section 24051 of said code is amended to read:

Expenditure of money

24051. The trustees shall control and expend all money appropriated for the support and maintenance of the state colleges, and all money received as donations.

SEC. 102. Section 24052 of said code is amended to read:

Accreditation costs

24052. The trustees shall, from any money appropriated for the support and maintenance of a state college, pay the necessary expenses of individuals assigned by accreditation associations or organizations to investigate and evaluate a college for purposes of accreditation and to pay the fees required by accreditation associations or organizations for each college accredited by or belonging to each such association or organization.

SEC. 103. Section 24053 of said code is amended to read:

Rules Collection, etc of money

24053. The trustees shall prescribe rules and regulations subject to the approval of and audit by the Department of Finance covering the collection, custody, and disposition of all money collected by any state college.

SEC. 104. Section 24054 of said code is amended to read:

Audit of auxiliary funds

24054. The Department of Finance, or a public accountant selected by the organizations or funds hereafter described and in accordance with procedures prescribed by the Department of Finance, shall audit any and all state college auxiliary funds and funds of organizations using the name of the State, state college, or representing an official relationship with the college, or funds in which college officials participate as directors as part of their official position, whether such funds be maintained on campus or not. The operation of state college auxiliary organizations shall be conducted in conformity with regulations established by the trustees and approved by the Director of Finance.

SEC. 105. Section 24101 of said code is amended to read:

Lease of property

24101. The trustees, subject to the approval of the Department of Finance, may lease any property of a state college to a nonprofit organization composed exclusively of students of the college or of members of the faculty of the college, or of both, for purposes related to the activities of the college or

to activities of organizations of students or members of the faculty.

SEC. 106. Section 24102 of said code is amended to read:

Same

24102. The trustees, with the approval of the Director of Finance, may lease land of a state college to any nonprofit organization, including but not limited to fraternities, sororities, and student clubs, for the purpose of constructing and using thereon buildings as living quarters for students of the state college and buildings as meeting places for organizations composed of students of the state college. Such leases shall be for a period of not to exceed 99 years and otherwise upon such terms and conditions as shall be in the best interest of the State.

SEC. 107. Section 24103 of said code is amended to read:

Same

24103. The president of a state college, with the approval of the trustees and Director of Finance, may let any property of the state college for any purpose which will not interfere with the requirements of the state college. The trustees and the Director of Finance may each exempt from the requirement of their or his approval under this section certain types or classes of transactions and authorize the entering into of such transactions without submitting them for their or his approval.

Any rental received under this section shall be deposited in the State Treasury and credited to the support appropriation or appropriations of the college current during the period of occupancy.

SEC. 108. Section 24104 of said code is amended to read:

Driver training insurance

24104. The trustees may insure the owner of any motor vehicle used in driver training and employees of state colleges and the students instructed by them against any liability, other than a liability which may be insured against under Division 4 (commencing with Section 3201) of the Labor Code, for injuries or damages resulting from the negligent operation of any motor vehicle while such motor vehicle is operated by the employees or by students in connection with the giving of instruction in the operation of motor vehicles within the curricula of the state college.

SEC. 109. Section 24351 of said code is amended to read:

Attendance at institutes

24351. The trustees may authorize the president of any college, or any member of the faculty of his college designated by him, to attend any county institute as a lecturer or instructor, or to attend other educational meetings and conferences.

SEC. 110. Section 24351.1 is added to said code, to read:

Contracts for education of veterans

24351.1. The trustees may enter into an agreement, or agreements, with the Veterans Administration, or any other agency of the federal government, for the education of veterans in any of the state colleges. Such contract shall provide for the payment to such schools and colleges through the trustees or otherwise of the maximum amount permitted by the act, or acts, of Congress under which the agreement, or agreements,

is entered into by the Veterans Administration, or any other agency of the federal government.

The trustees are vested with all necessary power and authority to co-operate with any such agency of the federal government in the administration of any applicable act of Congress and rules and regulations adopted thereunder.

SEC. 111. Section 24352 of said code is amended to read:

Same Powers

24352 The trustees may do any and all things required or authorized to be done by them or by any college under their jurisdiction under any agreement entered into by the trustees under Section 24351 1, including, but not limited to, the purchase of books, supplies, and equipment for veterans educated in such college under such agreement.

SEC. 112. Section 24352.1 is added to said code, to read:

Same Funds

24352.1 The State Treasurer is designated as the custodian of all funds received by the State from the government of the United States or of any agency or agencies thereof under Section 24351 1 and he may receive, and provide for the proper custody of, all money so received.

The funds received by the State under Section 24351.1 shall be expended by the officers or agency administering the program to carry out the provisions of the act of the Congress and rules and regulations lawfully adopted thereunder. Such funds are exempt from the provisions of Section 16003 of the Government Code and shall be paid out by the Treasurer on warrants drawn by the State Controller on claims submitted by the trustees.

SEC. 113. Section 24353 of said code is amended to read:

Extension courses

24353. The trustees shall authorize the president of any state college to establish extension and field services, including extension courses, workshops, conferences, and institutes.

SEC. 114. Section 24354 of said code is amended to read:

Laboratory demonstration elementary school

24354. The trustees, with the approval of the Director of Finance, and the governing board of any school district within which a state college is located, may enter into an agreement providing for the leasing by the State of a school building of the school district for use by the state college as a laboratory demonstration elementary school on such terms and conditions as may be agreed upon by the trustees and the governing board of the elementary school district except as otherwise herein provided.

SEC. 115. Section 24355 of said code is amended to read:

Same Lease period

24355. The lease may be for a period of not to exceed 20 years and shall in addition to any other terms and conditions set forth therein (a) require the school district to maintain the building at its own expense, (b) require the trustees to maintain a school therein open to pupils of the school district residing in the attendance district for the school as established by the governing board of the district, and (c) require the school district to pay annually to the State on or before the end of each fiscal year an amount determined by computing the current expenditures per pupil in the elementary schools of

the district for the fiscal year and multiplying the amounts so computed by the average daily attendance for the fiscal year in the school in excess of 400.

SEC. 116. Section 24358 is added to said code, to read:

Same Exchange of teachers

24358. Notwithstanding anything to the contrary in Article 2 (commencing with Section 1940) of Chapter 2 of Part 7 of Division 2 of the Labor Code, the trustees may enter into an agreement with any political entity mentioned in Section 13271 for the exchange and employment of persons serving as teachers in state college laboratory demonstration elementary schools and employees of public schools of the political entity. The exchange and employment shall be made under comparable circumstances, subject to comparable conditions, with comparable effect as to tenure and retirement rights, subject to comparable requirements as to payment of salary and deductions therefrom, and for the same period of time as set forth in Sections 13271, 13272, and 13273 with respect to the exchange of school district employees, except that the circumstances, conditions, rights, and requirements shall be those appropriate to the employment relationship between the teachers and the trustees.

SEC. 117. Section 24452 of said code is amended to read:

Unmarried minors

24452. The president of a state college, with the approval of the trustees, may require unmarried minor students of the state college, not living with a parent or guardian, to reside in private homes or other dwellings approved by the college, or to occupy student housing facilities provided at the college by the State.

SEC. 118. Section 24453 of said code is amended to read:

Rents, etc.

24453. The trustees, with the approval of the Director of Finance, shall fix the rents, charges, and fees to be required of students utilizing student housing facilities operated by a state college, but such rents, charges, and fees shall be fixed to yield not less than the annual revenue required to meet annual operating and maintenance expenses, including repairs and the replacement of equipment.

All rents, charges, and fees collected pursuant to this section shall be paid into a working capital revolving fund in the State Treasury, to be designated the College Auxiliary Enterprise Fund, which fund is hereby continued in existence.

All money in the College Auxiliary Enterprise Fund is hereby appropriated to the trustees for the maintenance, repair, and operation of student housing facilities established under the provisions of this section and for the construction, including repayment of loans or advances for initial costs, improvement, and equipment of such student housing facilities pursuant to the provisions of this section, and for the payment of refunds of rents, charges, and fees to any person entitled thereto, as determined by the trustees in accordance with law.

SEC. 119. Section 24454 of said code is amended to read:

Refunds

24454. Rents, charges, and fees collected in error may be refunded by the trustees in accordance with regulations prescribed by the trustees and approved by the Department of Finance.

Refunds of rents, charges, and fees collected for facilities requested by students and not utilized by them may be made for good cause by the trustees in such amounts and under such conditions as may be prescribed by regulations adopted by the trustees and approved by the Director of Finance.

SEC. 120. Section 24456 of said code is amended to read:

Applicability

24456. Notwithstanding any other provisions of this article to the contrary the President of the California State Polytechnic College may, with the approval of the trustees and the Director of Finance, contract with the California State Polytechnic College Foundation to operate student housing facilities of the college embraced within the provisions of this article.

SEC. 121. Section 24502 of said code is amended to read:

Definitions

24502. The following terms wherever used or referred to in this article, or in any indenture entered into pursuant hereto, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) "Board" means the Trustees of the California State Colleges.

(b) "State college" means a state college maintained under the authority of this code.

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

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

(e) The term "revenues" means and includes any and all fees, rates, rentals and other charges received or receivable in connection with, and any and all other incomes and receipts of whatever kind and character derived by, the board from the operation of or arising from a project, including any such revenue as may have been or may be impounded or deposited in any fund in the State Treasury created by this article for

the security of any revenue bonds issued hereunder, or for the purpose of providing for the payment thereof or the interest thereon.

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

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

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

(i) (a) The present tense includes the past and future tenses; and the future, the present.

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

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

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

SEC. 122. Section 24581 of said code is amended to read:

Cafeterias

24581. The trustees may authorize an organization maintaining a co-operative store on the campus of a state college pursuant to Sections 23801 or 24601 to establish and maintain a cafeteria in connection with the store.

SEC. 123. Section 24582 of said code is amended to read:

Same

24582. The trustees may provide for the establishment and maintenance of cafeterias in the state colleges whenever in their judgment it is desirable to do so. The food served shall be sold to the patrons of the cafeterias at such price as will pay the cost of operating and maintaining the cafeterias.

SEC. 124. Section 24601 of said code is amended to read:

Co-operative stores

24601. The trustees may rent, in the name of the State, any space in the buildings of any state college not needed for other authorized purposes to any organization composed entirely of students attending the college or members of the faculty, or both, for the purpose of establishing and maintaining co-operative stores on the campus of the colleges for the sale of materials and supplies required by students in the classes of the college and such activities of the college as are approved by the trustees, after a survey of the conditions, and a public hearing in the community where it is proposed to locate the store. The trustees shall fix a reasonable rental.

The rental fixed by the trustees shall be transmitted monthly to the State Treasurer to be placed to the credit of the General Fund.

SEC. 125. Section 24651 of said code is amended to read:

Security patrol

24651. The trustees may appoint one or more persons to constitute a security patrol for each state college Persons employed and compensated as members of a security patrol, when so appointed and duly sworn, are peace officers only upon the campus of the state college and other grounds or properties of the state college.

SEC. 126. Section 24701 of said code is amended to read:

Summer school of music rules

24701. The Fresno State College may establish a summer school of music at or near Huntington Lake, California. The Fresno State College, with the approval of the trustees, shall make rules and regulations for the operation and maintenance of the summer school of music.

SEC. 127. Section 24702 of said code is amended to read:

Same Fees

24702. Only such fees as are authorized by the trustees, with the approval of the Department of Finance, may be charged in connection with the operation of the school.

SEC. 128. Section 24703 of said code is amended to read:

Same Funds

24703. All tuition and other fees received in conducting and operating the school shall be paid into the State Treasury to the credit of the "Summer School of Music Fund" which fund is continued in existence All money in the fund is appropriated for the maintenance, operation, and support of the school and for construction of necessary housing and other facilities at the school. No money shall ever be paid from the General Fund in the State Treasury for any purpose in connection with the summer school of music.

All funds expended from the Summer School of Music Fund shall be approved by the trustees.

SEC. 129 Section 24753 of said code is amended to read:

Disposal of property

24753. The trustees, with the consent of the Director of Finance, may sell or trade such of the property belonging to the State and used for the California State Polytechnic College as may in the judgment of the trustees be disposed of advantageously. The proceeds of the sale shall be used for the purchase of such other land for the use of the California State Polytechnic College as the trustees and the Director of Finance may deem necessary.

SEC. 130. Section 24754 of said code is amended to read:

Additional land

24754. The trustees, with the consent of the Director of Finance, may purchase such additional land as the trustees and the Director of Finance may deem necessary and may expend for such purpose any money donated or the proceeds from the sale of real or personal property acquired as gifts by the California State Polytechnic College or which is otherwise made available for the use and benefit of the California State Polytechnic College.

SEC. 131. Section 24755 of said code is amended to read:

Law applicable

24755. The California State Polytechnic College shall be governed by the laws governing and regulating the state colleges insofar as such laws are applicable to the college.

SEC. 132. Article 3 (commencing with Section 24801) of Chapter 13, Division 18 of said code is repealed. Repeal

SEC. 133. The heading of Article 4 (commencing with Section 24851) of Chapter 13, Division 18, of said code is amended and renumbered to read:

Article 3. Los Angeles State College of Applied Arts and Sciences

SEC. 134. Section 24851 of said code is repealed. Repeal

SEC. 135. Section 24853 of said code is repealed. Repeal

SEC. 136. Section 24854 of said code is repealed. Repeal

SEC. 137. Section 24855 of said code is repealed. Repeal

SEC. 138. The heading of Article 4.5 (commencing with Section 24856) of Chapter 13, Division 18 of said code is amended and renumbered to read:

Article 4. Los Angeles State College of Applied Arts and Sciences in San Bernardino County

SEC. 139 Article 5 (commencing with Section 24901) of Chapter 13, Division 18 of said code is repealed. Repeal

SEC. 140. The heading of Article 6 (commencing with Section 24951) of Chapter 13, Division 18 of said code is amended and renumbered to read:

Article 5. San Francisco State College Child Care Center

SEC. 141. Section 24952 of said code is amended to read:

24952. The trustees shall determine the fee which the college shall charge the parents or guardian of any child admitted to the center. All fees shall be used to reimburse the college for the cost of operating and maintaining the center. Fees

SEC. 142. Section 24954 of said code is amended to read:

24954. The budget for the center may be prepared and submitted to the trustees with the budget of the state college. Budget

SEC. 143. Article 7 (commencing with Section 25001) of Chapter 13, Division 18 of said code is repealed.

SEC. 144. The heading of Article 8 (commencing with Section 25051) of Chapter 13, Division 18 of said code is amended and renumbered to read:

Article 6. San Fernando Valley State College

SEC. 145. Section 25051 of said code is repealed. Repeal

SEC. 146. Section 25052 of said code is repealed. Repeal

SEC. 147. Section 25055 of said code is repealed. Repeal

SEC. 148. Article 9 (commencing with Section 25101) of Chapter 13, Division 18 of said code is repealed. Repeal

SEC. 149. Article 10 (commencing with Section 25151) of Chapter 13, Division 18 of said code is repealed. Repeal

SEC. 150. Article 11 (commencing with Section 25201) of Chapter 13, Division 18 of said code is repealed. Repeal

Repeal

SEC. 151. Article 12 (commencing with Section 25251) of Chapter 13, Division 18 of said code is repealed.

Repeal

SEC. 152. Article 14 (commencing with Section 25351) of Chapter 13, Division 18 of said code is repealed.

SEC. 153. The heading of Chapter 3 (commencing with Section 22600) of Division 16 5 of said code is amended to read:

CHAPTER 3. THE CALIFORNIA STATE COLLEGES

SEC. 154 Section 22600 of said code is amended to read:

Administration

22600. The California State Colleges shall be administered by a board designated as the Trustees of the California State Colleges, which is hereby created.

SEC. 155. Section 22601 of said code is amended to read:

Members of board

22601. The board shall be composed of the following four ex officio members: the Governor, the Lieutenant Governor, the Superintendent of Public Instruction, and the person named by the trustees to serve as the chancellor of the California State Colleges; and 16 appointive members appointed by the Governor, except that the members, as of the effective date of this section, of the State Board of Education shall serve ex officio as and among the first appointive trustees. The Speaker of the Assembly shall have the status of a legislative interim committee on the subject of the California State Colleges and shall meet with the board and participate in its work to the extent that such participation is not incompatible with his position as a Member of the Legislature.

SEC. 156. Section 22603 of said code is amended to read:

Chancellor of California State Colleges

22603. If the trustees and the Regents of the University of California both consent, the chancellor of the California State Colleges shall sit with the Regents of the University of California in an advisory capacity and the President of the University of California shall sit with the trustees in an advisory capacity.

SEC. 157. Section 22604 of said code is amended to read:

Successor of powers

22604. The Trustees of the California State Colleges shall succeed to the powers, duties and functions with respect to the management, administration and control of the state colleges heretofore vested in the State Board of Education or in the Director of Education, including all powers, duties, obligations, and functions specified in Article 2 (commencing at Section 24501) of Chapter 11 of Division 18 of this code, and all obligations assumed by the State Board of Education pursuant to that article prior to July 1, 1961.

On and after July 1, 1961, the Trustees of the California State Colleges shall have full power and responsibility in the construction and development of any state college campus, and any buildings or other facilities or improvements connected with the California State Colleges. Such powers shall be exercised by the Trustees of the California State Colleges notwithstanding the provisions of Chapter 2 (commencing at Section 14100) and Chapter 3 (commencing at Section 14250) of Part

5 of Division 3 of Title 2 of the Government Code, except that the powers shall be carried out pursuant to the procedures prescribed by these laws.

The provisions of this chapter relating to the transfer of the powers, duties, and functions with respect to the management, administration and control of the state colleges shall become operative on July 1, 1961.

SEC. 158. Section 22605 of said code is amended to read:

Political influence

22605. The California State Colleges shall be entirely independent of all political and sectarian influence and kept free therefrom in the appointment of its trustees and in the administration of its affairs, and no person shall be debarred admission to any department of the state colleges on account of sex.

SEC. 159. Section 22606 of said code is amended to read:

Primary function

22606. The primary function of the state colleges is the provision of instruction for undergraduate students and graduate students, through the master's degree, in the liberal arts and sciences, in applied fields and in the professions, including the teaching profession. Presently established two-year programs in agriculture are authorized, but other two-year programs shall be authorized only when mutually agreed upon by the Trustees of the California State Colleges and the State Board of Education. The doctoral degree may be awarded jointly with the University of California, as provided in Section 22552. Faculty research is authorized to the extent that it is consistent with the primary function of the state colleges and the facilities provided for that function.

SEC. 160. Section 22607 of said code is amended to read:

Transfer of state employees

22607. All state employees employed on June 30, 1961, in carrying out functions transferred to the Trustees of the California State Colleges by this chapter, except persons employed by the Director of Education in the Division of State Colleges and Teacher Education of the Department of Education, are transferred to the California State Colleges.

Same Nonacademic

Nonacademic employees so transferred shall retain their respective positions in the state service, together with the personnel benefits accumulated by them at the time of transfer, and shall retain such rights as may attach under the law to the positions which they held at the time of transfer. All nonacademic positions filled by the trustees on and after July 1, 1961, shall be by appointment made in accordance with Chapter 9 (commencing at Section 24201) of Division 18 of this code, and persons so appointed shall be subject to the provisions of Chapter 9.

Same: Academic and administrative

The trustees shall provide, or co-operate in providing, academic and administrative employees transferred by this section with personnel rights and benefits at least equal to those accumulated by them as employees of the state colleges, except that any administrative employee may be reassigned to an academic or other position commensurate with his qualifications at the salary fixed for that position and shall have a right to appeal from such reassignment, but only as to whether the position

to which he is reassigned is commensurate with his qualifications. All academic and administrative positions filled by the trustees on and after July 1, 1961, shall be filled by appointment made solely at the discretion of the trustees. The trustees shall establish and adjust the salaries and classifications of all academic and administrative positions and neither Section 18004 of the Government Code nor any other provision of law requiring approval by a state officer or agency for such salaries or classifications shall be applicable thereto. The trustees, however, shall make no adjustments which require expenditures in excess of existing appropriations available for the payment of salaries. The provisions of Chapter 9 (commencing at Section 24201) of Division 18 of this code relating to appeals from dismissal, demotion or suspension shall be applicable to academic employees.

Persons excluded from the transfer made by this section shall retain all the rights and privileges conferred upon civil service employees by law. Personnel of state agencies employed in state college work other than those transferred by this section and who are employed by the trustees prior to July 1, 1962, shall likewise be provided with personnel rights and benefits at least equal to those accumulated by them as employees of such state agencies.

SEC. 161. Section 22700 of said code is amended to read:

Co-ordinating Council for Higher Education

22700. There is hereby created an advisory body, the Co-ordinating Council for Higher Education, to be composed of three representatives each of the University of California, the California State Colleges, the public junior colleges, the private colleges and universities in the State, and the general public. The university shall be represented by three representatives appointed by the regents. The California State Colleges shall be represented by the chancellor and two trustees appointed by the trustees. Public junior colleges shall be represented by a member of the State Board of Education or its chief executive officer as the board may from time to time determine, and a member of a local public junior college governing board and a public junior college administrator. The junior college governing board member shall be selected by the State Board of Education from a list or lists of five names submitted for its consideration by any association or associations of statewide coverage which represent junior college governing boards. The public junior college administrator shall be selected by the State Board of Education from a list of five names submitted for its consideration by the California Junior College Association. The private colleges and universities shall be represented by three persons, each of whom shall be affiliated with a private institution of higher education as a governing board member or as a staff member in an academic or administrative capacity and shall be appointed by the Governor after consultation with an association or associations of such private institutions. The general public

shall be represented by three members appointed by the Governor. Appointments and removals made pursuant to this section shall be at the sole discretion of the appointing authority specified **herein.**

SEC. 162. Section 22703 of said code is amended to read:

22703. The co-ordinating council shall have the following functions, advisory to the governing boards of the institutions of public higher education and to appropriate state officials; (1) review of the annual budget and capital outlay requests of the university and the California State Colleges, and presentation of comments on the general level of support sought; (2) advice as to the application of the provisions of this division delineating the different functions of public higher education and counsel as to the programs appropriate to each segment thereof, and in connection therewith shall submit to the Governor and to the Legislature within five days of the beginning of each general session a report which contains recommendations as to necessary or desirable changes, if any, in the functions and programs of the several segments of public higher education; and (3) development of plans for the orderly growth of public higher education and the making of recommendations on the need for and location of new facilities and programs. Functions

SEC. 163. Whenever the term "Trustees of the State College System of California" or the term "chief executive officer of the State College System" is used, such terms shall be deemed to mean the Trustees of the California State Colleges and the chancellor of the California State Colleges respectively. Definition

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CHAPTER 13

An act to add Section 2.5 to Chapter 412 of the Statutes of 1911, relating to Reclamation District No. 1000, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 6, 1961. Filed with Secretary of State March 6, 1961.] In effect immediately

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

SECTION 1. Section 2.5 is added to Chapter 412 of the Statutes of 1911, to read:

Sec. 2.5. The trustees may elect to have a special tax levied by the board of supervisors of each county to raise the amount of money needed for payment of maintenance, repair, operation, incidental expenses, and supplemental construction and replacement expenses by the district pursuant to Article 4 (commencing with Section 51360) of Chapter 2, Part 7, Division 15 of the Water Code, in lieu of levying an operation and maintenance assessment as provided in Article 3 (commencing with Section 51320) of said chapter; provided, that notwithstanding the provisions of said Article 4, the special tax shall

be levied only on taxable land shown on the county tax roll as lying within the county.

Urgency

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

This bill would provide an alternative method of raising funds for operation and maintenance purposes in Reclamation District No. 1000. In order for such alternative method to be available for the levying of taxes for the ensuing fiscal year, it is necessary for this act to go into immediate effect.

CHAPTER 14

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

In effect immediately

[Approved by Governor March 7, 1961. Filed with Secretary of State March 8, 1961.]

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

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

262. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, or 1960 on property as to which the church exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

Urgency

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

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

CHAPTER 15

An act to add Sections 73691, 73692, and 73693 to the Government Code, relating to municipal courts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 7, 1961. Filed with Secretary of State March 8, 1961.]

In effect immediately

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

SECTION 1. Section 73691 is added to the Government Code, to read:

73691. The judges of the court may appoint two official reporters pursuant to Section 72194 who shall be attaches of the court, and in lieu of any other compensation provided by law for their services in reporting testimony in felony criminal proceedings in the court, they shall each receive a monthly salary of three hundred fifty dollars ($350), which shall be a charge against the general fund of the county. For transcribing and for reporting proceedings other than felony criminal proceedings, the official reporters shall receive the fees provided by Sections 69947 to 69953 inclusive, except that in lieu of the per diem fees provided in the sections for reporting testimony and proceedings the official reporters shall in all cases receive thirty-five dollars ($35) per day which shall upon order of the court be a charge against the general fund of the county.

Official reporters

SEC. 2. Section 73692 is added to said code, to read:

73692. Pursuant to Section 72194, the judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary but shall receive the fees provided by Sections 69947 to 69953 inclusive, except that in lieu of the per diem fees provided in the sections for reporting testimony and proceedings the official reporters pro tempore shall in all cases receive thirty-five dollars ($35) per day, which shall upon order of the court be a charge against the general fund of the county.

Additional reporters

SEC. 3. Section 73693 is added to said code, to read:

73693. Notwithstanding Section 69945, the official reporters and official reporters pro tempore shall report to the court when ordered to do so by any judge of said court. When not so ordered to report, such reporters may be employed in their professional capacity elsewhere.

Employment

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Urgency

Due to the fact that the compensation of the official reporters of the Fresno Municipal Court is generally lower than the compensation of reporters in judicial districts of similar

size, the Fresno Municipal Court has been experiencing great difficulty in employing and retaining competent official reporters, thereby adversely affecting the administration of justice in the Fresno Judicial District. In order to employ and retain competent official reporters it is necessary that this act take effect immediately.

CHAPTER 16

An act to amend Section 268 of, and to add Section 268.5 to, the Revenue and Taxation Code, relating to the welfare exemption, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 8, 1961. Filed with Secretary of State March 8, 1961.]

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

SECTION 1. Section 268 of the Revenue and Taxation Code is amended to read:

Cancellation of tax

268. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1954, 1955, 1956, 1957, 1958, 1959 or 1960 on property as to which the welfare exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 2. Section 268.5 is added to the Revenue and Taxation Code, to read:

Same

268.5. For the purposes of Section 268, "property as to which the welfare exemption was available for any fiscal year commencing during the calendar year 1960" includes property owned by a nonprofit corporation which would otherwise qualify for the welfare exemption, except that at the lien date for that year the articles of incorporation of any such nonprofit corporation provided that the nonprofit corporation contemplated the distribution of gains, profits or dividends to its members only upon dissolution or winding up, if the nonprofit corporation does all of the following:

(1) Files an affidavit with the assessor that the property of the nonprofit corporation was at that time and has been since then irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon liquidation, dissolution or abandonment of the owner would not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for religious, hospital, scientific or charitable purposes.

(2) Amended its articles of incorporation during the calendar year 1960 to provide that the property of the nonprofit corporation is irrevocably dedicated to charitable, scientific, or hospital purposes and upon liquidation, dissolution or abandonment of the owner, will not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for charitable, scientific or hospital purposes.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

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

CHAPTER 17

An act to add Section 6018.5 to the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor March 13, 1961. Filed with Secretary of State March 15, 1961.] In effect September 15, 1961

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

SECTION 1. Section 6018.5 is added to the Revenue and Taxation Code, to read:

6018.5. A licensed podiatrist is a consumer of, and shall not be considered a retailer within the provisions of this part with respect to, the prosthetic materials and inlays used or furnished by him in the performance of his professional services in the diagnosis, treatment, or correction of conditions of the human foot, including the adaptation of arch supports or special footgear for the aid thereof.

CHAPTER 18

An act to add Sections 950, 955, 956, 957 and 958 to, and to amend Section 951 of, the Agricultural Code, relating to Acala cotton, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 14, 1961. Filed with Secretary of State March 15, 1961.]

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

SECTION 1. Section 950 is added to Article 3 (commencing with Section 950), Chapter 5, Division 5 of the Agricultural Code, to read:

Purposes

950. The Legislature hereby declares that the purposes of this article are to promote, encourage, aid, and protect the planting and growing of cotton in the State of California; that it believes that these purposes can best be accomplished by restricting within certain areas the planting and growing of but one variety or species of cotton, which is "Acala"; that by this means alone it is possible to bring the cotton growing industry in the State to its highest possible development and to insure the growing of the most superior and economically most profitable variety or species of cotton; that the planting of pure seed is essential to the production of a more merchantable and better grade of cotton and cotton seed and for the production of a grade of fibre best suited for manufacturing purposes; that the planting of impure seed or plants other than that permitted in these areas is an economical harm and loss to the planter thereof and an irreparable injury to the adjoining or neighboring growers; that the restriction of the use to which cotton lands may be used, as provided in this article, is essential to the highest development of the cotton growing industry and of benefit even to one who would violate the provisions of this article; that it is essential that but one variety of cotton should be ginned in the districts so defined, otherwise the gin will mix the different kinds of seed, crossing takes place in the fields, the varieties are mongrelized, and cease to be uniform, the fibre deteriorates in quality, and the seed rendered unfit for planting; that solely by restricting the growing of one variety or species of cotton in certain areas can the fibre be grown of uniform length and quality, and the highest price paid for the cotton thus obtained, and the production of fibre of different lengths or grades be prevented; that fibres of different lengths and grades are commercially inferior and when assembled in one lot or grade are classed and given the value of the lowest grade in the lot or sample; that Acala cotton is now the variety or species of cotton that has been most highly developed and improved and most suited commercially for growing in these districts; that if future experiments should develop an improved variety or species of cotton, this article can be amended to designate it; and that

the districts in this article defined can be altered, restricted or extended.

Also, the improvement of planting cotton seed and cotton has been developed successfully through a co-ordinated program by federal, state and county co-operation in breeding and in research in co-operation with the cotton industry in the San Joaquin Valley at the United States Cotton Field Station near Shafter, in Kern County, California, where Acala cotton seed and cotton has been under development for use and has been used in that valley.

SEC. 2. Section 951 of said code is amended to read:

Unlawful to plant etc., other than "Acala"

951. In the districts in this article defined, it is unlawful to plant, possess for planting, pick, harvest, or gin any variety or species of cotton other than that variety or species known as "Acala," which consists of the seeds or plants derived from the common seed stocks under the one variety breeding program at the United States Cotton Field Station, Shafter, California.

SEC. 3. Section 955 is added to said code, to read:

Public nuisance

955. Any seed cotton, cotton plant or cotton seed not in compliance with the provisions of this article is a public nuisance and shall be subject to seizure on complaint of the director or the commissioner to a court of competent jurisdiction in the area in which the seed cotton, cotton plant or cotton seed is located.

SEC. 4. Section 956 is added to said code, to read:

Same: Abatement

956. The district attorney of the county in which any such nuisance is found, on the relation of the director or the commissioner, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, denatured, or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated.

SEC. 5. Section 957 is added to said code, to read:

Disposal of seed by court order

957. If the owner fails to comply with the order of the court within the time specified therein, the court shall order disposal of the seed cotton, cotton plant or cotton seed and containers, or the sale thereof, under such terms and conditions as the court may prescribe, by the director or the commissioner, or by the sheriff, marshal or constable; and in the event the court orders the sale of any of the seed cotton, cotton plants or cotton seed and containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

SEC. 6. Section 958 is added to said code, to read:

Enforcement

958. The duty of enforcing this article and carrying out its provisions and requirements is vested in the director and the commissioner of each county acting under the supervision and direction of the director.

Urgency

SEC. 7. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: In order to protect the plantings of cotton to be made during the spring of 1961 it is necessary that this act be in effect immediately.

CHAPTER 19

An act to add Section 2147.7 to the Business and Professions Code, relating to the practice of podiatry.

In effect September 15, 1961

[Approved by Governor March 14, 1961. Filed with Secretary of State March 15, 1961.]

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

SECTION 1. Section 2147.7 is added to the Business and Professions Code, to read:

2147.7. Any graduate student registered with the board and upon whom the degree of D.S.C. or doctor of podiatry has been conferred by a school, approved by the board, and any regularly matriculated student in a school approved by the board may, during and as a part of his course of study, but not for a period of more than two years, treat the sick and afflicted either as such student in a school approved by the board, teaching podiatry in this State, or as an intern in a hospital approved for the training of interns in podiatry and may, for rendering such treatment, receive compensation therefor from the hospital or school. Podiatric hospitals functioning as a part of the teaching program of an approved school in this State may exchange instructors or resident or assistant resident podiatrists with an out-of-state approved school, or may appoint a graduate of an approved school as a resident or assistant resident for postgraduate training, and the exchange instructor, resident or assistant resident from such out-of-state school or the resident or assistant resident for postgraduate training may, for a period not exceeding one year, serve as an instructor, resident or assistant resident in such hospital in this State. Any person registered with the board and upon whom the degree of D.S.C. or doctor of podiatry has been conferred by a school, approved by the board, may act as a resident or assistant resident podiatrist in any hospital approved for podiatric residencies or the training of interns in podiatry, and may receive compensation therefor from the hospital; provided, that any such resident or assistant resident shall qualify for and take the next succeeding examination for a certificate to practice podiatry given by the board or shall qualify for and receive a certificate to practice podiatry by any other method which may be specified in this chapter. If he shall fail to pass such examination or fail to receive a

certificate by one of the other methods, pending the results of the examination, all privileges under this section shall automatically cease.

Except to the extent authorized by this section, no graduate student or resident may practice podiatry or receive compensation therefor, or otherwise engage in or offer to engage in the practice of podiatry, unless he shall hold a valid, unrevoked and unsuspended certificate to practice podiatry.

CHAPTER 20

An act to amend Section 10901 of the Revenue and Taxation Code and Sections 42231, 42232, and 42234 of the Vehicle Code, relating to motor vehicle fees.

[Approved by Governor March 14, 1961. Filed with Secretary of State March 15, 1961.] In effect September 15, 1961

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

SECTION 1. Section 10901 of the Revenue and Taxation Code is amended to read:

10901. Whenever the department erroneously collects any license fee not required to be paid under this part, the amount shall be refunded to the person paying it upon application therefor made within three years after the date of the payment. Refund

SEC. 2. Section 42231 of the Vehicle Code is amended to read:

42231. Whenever any application is made under this code and the application is accompanied by any fee which is excessive or not legally due, or whenever the department in consequence of any error either of fact or of law as to the proper amount of any fee or any penalty thereon or as to the necessity of obtaining any privilege under this code collects any fee or penalty which is excessive, erroneous, or not legally due, the person who has paid the erroneous or excessive fee or penalty, or his agent on his behalf, may apply for and receive a refund of the amount thereof as provided in this article, or the department may refund the same within three years after the date of the payment or collection. Application for refund

SEC. 3. Section 42232 of said code is amended to read:

42232. The application for refund shall be presented to the department in writing within three years from the date of payment of the erroneous or excessive fee or penalty and shall identify the payment made and state the grounds upon which it is claimed that the payment was excessive or erroneous. Same

SEC. 4. Section 42234 of said code is amended to read:

42234. Whenever any application has been made and fees have been paid for the registration of a vehicle which is not in fact operated upon the highways of this State during the Same

calendar year for which fees have been paid, this article shall apply if the application for refund is made within three years after the date such fees are paid to the department.

CHAPTER 21

An act to amend and renumber Section 86.5 of, and to add Section 86.5 to, the Agricultural Code, relating to agricultural fairs, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 14, 1961 Filed with Secretary of State March 15, 1961.]

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

SECTION 1. Section 86.5 of the Agricultural Code is amended and renumbered to read:

Sixth, 22d Districts Additional powers

86.4. In addition to any other power granted by this article, the Sixth and 22d District Agricultural Associations, with the approval of the Department of Finance, may build, construct, and maintain and operate a sports stadium or stadia, a sports arena or sports pavilion or other building for holding sports events, athletic contests, contests of skill, exhibitions, spectacles and other public meetings, and may lease, let, or grant licenses for their use.

SEC. 2. Section 86.5 is added to said code, to read:

22d District Funds

86.5. None of the funds expended by the 22d District Agricultural Association to carry out the purposes of Section 86.4, other than the proceeds of any revenue bonds issued therefor, shall be deemed expended for the purpose of determining the need of the association for financial assistance pursuant to Section 19627 of the Business and Professions Code, but shall be considered money available to that association, or reserve funds of that association, for the purposes of said Section 19627; and provided further, that none of the funds expended by that association to carry out the purposes of Section 86.4, other than the proceeds of any revenue bonds issued therefor, shall be deemed expended for the purpose of determining whether an allocation should be made to that association pursuant to Section 19630 of the Business and Professions Code.

Construction

In the exercise of its powers under Section 86.4, the 22d District Agricultural Association shall not construct any facility on any part of that publicly owned park in the City of San Diego, commonly known as Balboa Park, unless such use of the park land is approved by the electors of the city at an election held by the city for such purpose. Such election may be a special election or may be held in conjunction with any special or general election of the city. Such use shall be approved if a majority of the votes cast at the election on the question of such use are in favor thereof.

If any land is acquired by the 22d District Agricultural Association by eminent domain for use as a site for a facility authorized to be constructed pursuant to Section 86.4, the land shall not be used for any other purpose. If, after the acquisition of such land by eminent domain for such purpose, the land is not used for such purpose, the association shall dispose of such land. In such disposition, the association shall first, for a 30-day period, offer such land to the original owner thereof at the price paid for such land by the association.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

It is necessary to begin construction of required facilities immediately in order to stage contemplated events and fulfill the program planned by the 22d District Agricultural Association for this year.

CHAPTER 22

An act to amend Section 31002 of the Vehicle Code, relating to loads of baled hay.

[Approved by Governor March 14, 1961. Filed with Secretary of State March 15, 1961.] In effect September 15, 1961

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

SECTION 1. Section 31002 of the Vehicle Code is amended to read:

31002. No portion of a load of baled hay shall extend more than one-third bale length beyond the rear end of the trailer bed or the end of the truck bed, without trailer, or the end of the semitrailer bed, except that the load may extend beyond the front end of the truck bed over the driver's compartment or sleeper berth, if this portion of the load is supported by permanent substantial steel construction, is tied into the remainder of of the load by interlocking tiers, and the load or supporting structure does not obstruct the view of the driver to the front or sides of the vehicle.

CHAPTER 23

An act to recodify the Elections Code by repealing and re-enacting said code, relating to elections and matters incidental thereto.

In effect September 15, 1961

[Approved by Governor March 16, 1961. Filed with Secretary of State March 17, 1961.]

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

Legislative intent

SECTION 1. The Legislature intends by this act to revise the provisions of the Elections Code in order to clarify its provisions, to remove obsolete material, and to restate the law in a more orderly and concise form. The Legislature intends to accomplish these objectives without making any substantive change in the law.

Repeal

SEC. 2. The Elections Code is repealed.

SEC. 3. The Elections Code is enacted, to read:

ELECTIONS CODE

GENERAL PROVISIONS

Title

1. This act shall be known as the Elections Code.

Continuation of existing law

2. The provisions of this code, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

Tenure

3. All persons who, at the time this code goes into effect, hold office under the code repealed by this code, which offices are continued by this code, continue to hold them according to their former tenure.

Pending proceedings

4. No action or proceeding commenced before this code takes effect, and no right accrued, is affected by this code, but all procedure taken shall conform to the provisions of this code so far as possible.

Construction

5. Unless the provision or the context otherwise requires these general provisions, rules of construction, and definitions shall govern the construction of this code.

Headings

6. Division, part, chapter, article, and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this code.

Delegation of power

7. Whenever a power is granted to, or a duty is imposed upon, a public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this code expressly provides otherwise.

Writings

8. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.

9. Whenever reference is made to any portion of this code or of any other law of this State, such reference applies to all amendments and additions now or hereafter made. References to statutes

10. "Section" means a section of this code unless some other statute is specifically mentioned. "Section"

11. The present tense includes the past and future tenses; and the future, the present. Tense

12. The masculine gender includes the feminine. Gender

13. The singular number includes the plural, and the plural the singular. Singular and plural

14. "County" and "city" both include "city and county." "County" and "City"

15. "Shall" is mandatory and "may" is permissive. "Shall" and "may"

16. "Oath" includes affirmation. "Oath"

17. "County clerk" means "registrar of voters," in those counties in which the latter office has been established. "County clerk"

18. "Clerk" means county clerk, registrar of voters, city clerk, or other officer or board charged with the duty of conducting any election. "Clerk"

19. "Register" means the affidavits of registration, prepared and bound by the county clerk. "Register"

20. "Elector" means any person who qualifies under Section 1 of Article II of the Constitution of this State. "Elector"

21. "Voter" means any elector who is registered under the provisions of this code. "Voter"

22. "Election" includes a primary election. "Election"

23. "General election" is the election held throughout the State on the first Tuesday after the first Monday of November in each even-numbered year. "General election"

24. "Primary election" includes all primary nominating elections provided for by this code. "Primary election"

25. "Presidential primary" is the primary election at which delegations to national party conventions are to be chosen. "Presidential primary"

26. "Direct primary" is the primary election held on the first Tuesday after the first Monday in June in each even-numbered year to nominate candidates to be voted for at the ensuing general election or to elect members of a party central committee. "Direct primary"

27. "Statewide election" is an election held throughout the State. "Statewide election"

28. "Local election" is a municipal, county, or district election. "Local election"

29. "Regular election" is an election, the specific time for the holding of which is prescribed by law. "Regular election"

30. "Special election" is an election, the specific time for the holding of which is not prescribed by law. "Special election"

31. "Judicial officer" means any justice of the Supreme Court, justice of a district court of appeal, judge of the superior court, judge of a municipal court, or judge of a justice court. "Judicial officer"

32. "Judicial office" means the office filled by any judicial officer. "Judicial office"

"School officer" 33. "School officer" means the Superintendent of Public Instruction and the superintendent of schools of a county.

"School office" 34. "School office" means the office filled by any school officer.

"County officer" 35. "County officer" means any officer elected within the boundaries of any county except a:

(a) Member of the State Board of Equalization.

(b) Judicial officer.

(c) Member of the State Senate.

(d) Member of the Assembly.

(e) Member of the House of Representatives of the Congress of the United States.

(f) Member of any party county central committee.

"County office" 36. "County office" means the office filled by any county officer.

"Judicial district" 37. "Judicial district" includes municipal court district and justice court district.

"Inferior court" 38. "Inferior court" includes municipal court and justice court.

"Party" 39. "Party" means a political party or organization which has qualified for participation in any primary election.

"Partisan office" 40. "Partisan office" means an office for which a party may nominate a candidate.

"Nonpartisan office" 41. "Nonpartisan office" means an office for which no party may nominate a candidate. Judicial, school, county, and municipal offices are nonpartisan offices.

"Measure" 42. "Measure" means any constitutional amendment or other proposition submitted to a popular vote at any election.

"Precinct board" 43. "Precinct board" is the board consisting of one or more inspectors, judges, and clerks which serves at a single precinct or a consolidated precinct.

"Precinct board," when used in relation to proceedings taking place after the polls have closed, likewise includes any substitutive canvassing and counting board that may have been appointed to take the place of the board theretofore serving.

"Election board" 44. "Election board" means the board of supervisors of each county, the city council or other governing body of a city, or any board or officer to whom similar powers and duties are given by any charter.

Petitions or paper signed by voters 45. Wherever, by the Constitution or laws of this State, any initiative, referendum, recall, nominating petition or paper, or any other petition or paper, is required to be signed by voters, only a person who is a registered qualified voter at the time he signs the petition or paper is entitled to sign it. Each signer shall at the time of signing the petition or paper personally affix the date of signing and his place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained. No such petition or paper may be signed within 100 feet of any election booth,

Prohibition

polling place, or any place where registration of electors is being conducted.

Precinct to be designated

46. Wherever, by the Constitution or laws of this State, the county clerk is required to determine what number of voters have signed any petition or paper, the petition or paper, when filed with the officer, shall have designated therein the name or number of the respective precinct in which each of the signers reside. The county clerk shall determine that fact with respect to the purported signature of any voter from his original affidavit of registration current and in effect on the date indicated as the time of signing.

Affidavit as to residence

47. Whenever, by the Constitution or laws of this State, the county clerk is required to determine what number of voters have signed any petition or paper, the affidavit of the person circulating the petition or paper, if an affidavit is required by law, shall contain his residential voting address at the time of the execution of the affidavit.

Validity

48. If any provision of this code or the application thereof to any person or circumstance is held invalid, the remainder of the code and the application of such provision to other persons or circumstances shall not be affected thereby.

"War voter"

49. "War voter" refers to an elector who comes within one of the following categories:

(a) Member of the armed forces of the United States or any auxiliary branch thereof.

(b) Employed by the United States and serving outside the territorial limits of the United States.

(c) Employed by the American Red Cross and serving outside the territorial limits of the United States.

(d) Employed as an officer or member of the crew of a merchant vessel documented under the laws of the United States and serving outside the territorial limits of the United States.

(e) Members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces.

(f) Spouses and dependents of the persons enumerated in this section.

Subdivisions (e) and (f) of this section shall become operative only upon the enactment of federal legislation designating the persons mentioned in those subdivisions as war voters.

"Territorial limits of the United States"

50. "Territorial limits of the United States" means the 48 states of the United States and the District of Columbia.

Application under federal statute

51. Whenever by any statute of the United States, provision is made for absentee voting, an application for an absent voter's ballot made under the provisions of that law may be given the same effect as an application for an absent voter's ballot made under this code.

If, by any federal statute, provision is made for the transmission of applications for absent voter's ballots to the Secretary of State, he shall transmit the applications to the county clerk of the county in which the applicant claims residence.

Federal statutes

52. If by any act of Congress which is now or may become effective during the effective period of this section, provision is made for voting by war voters, that act shall control and be superior to any conflicting provisions of this code, and all state, county, municipal and district officers, who are charged with the performance of duties with reference to the election laws of this State, shall perform the duties and discharge the obligations placed upon them by that act of Congress. It is the purpose and intent of this section that full effect shall be given to ballots cast by war voters under federal statutes in order that no person shall be deprived of his vote by virtue of having cast his ballot under any federal statute rather than under the laws of this State.

Party designation

53. On the ballots for any special election at which a partisan office is to be filled there shall be printed in the manner prescribed by Section 10300 after the name of each partisan candidate the designation of the party with which such candidate is affiliated.

Service of process

54. Whenever any candidate files a declaration of candidacy, nomination paper, affidavit of acceptance of sponsor's declaration, acceptance of nomination or any other paper evidencing an intention to be a candidate for any public office at any election in this State with either the Secretary of State or a county clerk, he shall by such filing irrevocably appoint the Secretary of State or the county clerk with whom the filing is made and their successors in office his attorneys upon whom all process in any action or proceeding against him arising out of or in connection with any matters concerning his candidacy or the election laws may be served with the same effect as if the candidate had been lawfully served with process. The appointment shall continue until the day of election.

Records

If in any action or proceeding arising out of or in connection with any matters concerning his candidacy or the election laws it is shown by affidavit to the satisfaction of a court or judge that personal service of process against the candidate cannot be made with the exercise of due diligence, the court or judge may make an order that the service be made upon the candidate by delivering by hand to the Secretary of State or the county clerk appointed as his attorney for service of process, or to any person employed in his office in the capacity of assistant or deputy, one copy of the process for the defendant to be served, together with a copy of the order authorizing such service. Service in this manner constitutes personal service upon the candidate. The Secretary of State and the county clerks of all counties shall keep a record of all process served upon them under this section, and shall record therein the time of service and their action with reference thereto.

Upon the receipt of any such service of process the Secretary of State or the county clerk shall immediately give notice of the service of the process to the candidate by forwarding the copy of the process to the candidate at the address shown on his declaration, nomination paper, affidavit, acceptance or

other evidence of intention to be a candidate filed with that officer, by special delivery registered mail with request for return receipt.

Elections commission

55. In case of a disaster in which a portion or all of the voting records of any county are destroyed, the Governor may appoint an election commission to outline and recommend procedures to be followed in the conduct of regular or special elections. The commission shall consist of the Governor, the Secretary of State, the Attorney General, and the county clerk of each county in which destruction occurs.

Reapportionment information, etc

56. The county clerk in each county shall compile and make available to the Legislature or any appropriate committee of the Legislature such information and statistics as may be necessary for use in connection with the reapportionment of legislative districts, including, but not limited to, lists showing the election returns for each precinct in the county at statewide elections held in the years 1958 and 1960.

DIVISION 1 VOTERS

CHAPTER 1. QUALIFICATIONS

Persons who may vote

100. Every person who qualifies under the provisions of Section 1 of Article II of the Constitution of this State and who complies with the provisions of this code governing the registration of electors is entitled to vote at any election held within the territory within which he resides and the election is held.

CHAPTER 2. REGISTRATION OF ELECTORS

Article 1. General Provisions

Affidavits of registration

200. No person shall be registered as a voter except by affidavit of registration. The affidavit shall be made before the county clerk and shall set forth all of the facts required to be shown by this chapter.

Promotion of registration

201. It is the intent of the Legislature that the election board of each county, in connection with the registration of voters and in order to promote and encourage voter registrations, shall establish a sufficient number of registration places throughout the county, and outside the county courthouse, for the convenience of persons desiring to register, to the end that registration may be maintained at a high level.

It is also the intent of the Legislature that county clerks, in order to promote and encourage voter registrations, shall enlist the support and co-operation of interested citizens and organizations, and shall deputize as registrars qualified citizens in such a way as to cover most effectively every section of the county. The persons so deputized shall be permitted to register voters anywhere within the county, and the county clerk shall not deny deputy registrars the right to register voters anywhere in the county.

(Amended by Stats. 1961, Ch. 392.)

[ORIGINAL SECTION]

201. It is the intent of the Legislature that the election board of each county, in connection with the registration of voters and in order to promote and encourage voter registrations, shall establish a sufficient number of registration places throughout the county, and outside the county courthouse, for the convenience of persons desiring to register, to the end that registration may be maintained at a high level

Taking affidavit

202. The county clerk of the county in which the elector resides or claims residence may take the affidavit of registration in any adjoining county.

Registration in progress

203. Registration of electors shall be in progress at all times except during the 53 days immediately preceding any election, when registration shall cease for that election as to electors residing in the territory within which the election is to be held.

Transfer of registration

Transfers of registration for an election may be made from one precinct to another precinct in the same county at any time when registration is in progress in the precinct to which the elector seeks to transfer.

Places of registration

204. The election board of each county may provide by resolution for the registration of electors in their respective precincts by the county clerk. The election board may also provide by resolution for the registration of electors at specified times and places, other than the office of the county clerk, which are most convenient to large numbers of electors, without reference to respective or particular precincts.

Persons registering voters

204.5. Any person appointed or deputized by the county clerk to register voters may secure registrations at the places of residence of the persons to be registered.

(Added by Stats 1951, Ch 1051.)

Registration in a city and county

205. Any registration which may be made at the main office for registration in any city and county may be made and taken in any place in the city and county in the manner provided by rules and regulations made by the election board.

Residence in more than one precinct

206. A person who resides in a house or apartment lying in more than one precinct shall be registered as residing in that one of those precincts designated by him at the time he registers. In the absence of such designation the county clerk shall register him as residing in that one of those precincts that he considers appropriate.

Proof of citizenship Foreign born

207. A foreign born person shall not be registered unless he proves, in the manner set forth in this article, that he is a citizen.

Same: Naturalized citizen

208. A person may prove he is a naturalized citizen by the production of his certificate of naturalization or by the production of a certificate of registration in the county of his last residence in the State, showing the month, day and year, and place of naturalization.

Same
By showing citizenship of father

209. A person may prove he is a citizen by virtue of his father being a citizen at the time of his birth by his sworn statement of this fact and the fact that his father has been a resident of the United States This statement need not be noted in full upon the affidavit of registration, but the words "I acquired citizenship by the citizenship of my father (naming him)" is sufficient.

Same
Parent naturalization

210. A person may prove he is a citizen by virtue of the naturalization of his parent by his affidavit:

(a) Showing that fact.

(b) Naming the parent.

(c) Showing that the naturalization took place during his minority.

(d) Showing that he began to reside permanently in the United States during his minority.

This statement need not be noted in full upon the affidavit, but the words "I acquired citizenship by my father's (or mother's) naturalization," naming him, is sufficient.

Same
Woman by marriage to citizen

211. A woman may prove she is a citizen by virtue of marriage to a citizen by stating the month, day and year, and place of her marriage and the name of her husband. The county clerk shall enter these facts upon the affidavit of registration.

Entry on affidavit

212. If an elector is a citizen by virtue of the naturalization of her husband, the county clerk shall enter upon the affidavit of registration the month, day and year, and place of her marriage and the name of her husband.

Affidavit of registration by absent elector

213. Any elector absent from the county in which he claims residence may make an affidavit of registration, which shall be in duplicate, before any judge or clerk of any court of record or notary public, or, if in a foreign country, before any minister, consul or vice consul of the United States, or, if a member of the armed forces, before any commissioned officer of the armed forces of the United States. The affidavit and duplicate shall be returned to the county clerk of the county in which he claims to be an elector, by registered or certified mail wherever possible. The county clerk shall furnish the necessary blank forms of affidavit of registration, in duplicate, to each elector applying therefor in writing and showing that he will be temporarily absent from his home county. Upon receipt by the county clerk, the affidavit shall be arranged and bound and the duplicate shall be filed as required by this chapter.

Name changed

214. If an elector changes his name other than by marriage within one year of registration, he shall state that fact in his affidavit of registration, together with the former name, date of change, and if by decree of court, the court.

Same
Reregistration
Additional statement

215. Whenever an elector, between the time of his last registration and the time for the closing of registration for any given election in the same county, has lawfully changed his surname, he may reregister under his new or changed name. The elector shall make an additional statement at the time of his reregistration, giving:

(a) The name under which he was last registered in that county.

(b) The residence stated in the last affidavit of registration.

(c) How his name was changed.

(d) If the change was by decree of court, the court.

Statement to be on margin

This additional statement shall be printed or written upon the margin of the affidavit of reregistration before the affidavit is signed, and shall be deemed a part of it. Upon registration, the last previous registration of the elector shall be canceled.

Reregistration or transfer of registration

216. If an elector reregisters or transfers his registration from one precinct to another, the former address or precinct shall be noted in the margin of the affidavit, and the former registration shall thereupon be canceled.

Judgment directing registration

217. No person shall be registered except as provided in this chapter unless upon the production and filing of a certified copy of a judgment of the superior court directing registration to be made

Affidavit of cancellation

218. No person shall register in one county when his registration in another remains uncanceled unless he complies with this section. Any person who is registered in one county may, if otherwise legally qualified, register in another county in which he then resides, at any time before the closing of registration for any election, by executing an affidavit of cancellation and delivering it to the officer taking his new registration. The county clerk shall at once forward the affidavit of cancellation to the county clerk of the county in which the old registration is still uncanceled. Upon receipt of the affidavit of cancellation, the former registration shall be canceled immediately.

No fees

219 No fees may be charged for registration or certificates of registration.

Fraudulent registration Penalty

220. Every person who willfully causes, procures, or allows himself or any other person to be registered as a voter, knowing that he or that other person is not entitled to registration, is punishable by imprisonment in the state prison for not less than one nor more than three years.

Stats. 1931, p. lxxxiii

221. In accordance with Section 11 of the initiative act approved by a majority of the voters at the general election held on November 4, 1930 (Statutes of 1931, p. lxxxiii) and entitled "An act to amend Sections 1083a, 1094, 1095a, 1097, 1103, 1105, 1106, 1115, 1120, and to repeal Sections 1228 and 1229 of the Political Code, relating to registration of electors and conduct of elections," the following sections of this code

Amendable sections

may be amended by the Legislature: Sections 19, 45, 46, 200 to 213 inclusive, 215, 216, 217, 280 to 285 inclusive, 314 to 321 inclusive, 381 to 389 inclusive, 420, 450, 452, 453, 454, and

No periodic reregistration

22000, except that no amendment by the Legislature shall provide for a general biennial or other periodic reregistration of voters.

223. No county clerk may refuse to deputize any person to register voters because of race, creed, color, or national origin or ancestry. Discrimination prohibited

(Added by Stats. 1961, Ch. 1898.)

Article 2. War Voters

250. Whenever any war voter, who is not a registered elector or who has changed his residence since last registering, applies in writing or in person to the clerk for an absent voter's ballot, and the application shows that he is a war voter and that his place of residence is in the county, the clerk shall mail to the applicant with the absent voter's ballot, or deliver to him, blank forms of registration affidavit, as prescribed in Article 4 of this chapter, to be executed in duplicate by the applicant. War voters Registration

251. If the applicant desires to vote at the election he shall, before marking the absent voter's ballot, execute the affidavit of registration before the clerk, any notary public, commissioned officer, warrant officer, or noncommissioned officer of a grade not lower than sergeant or equivalent rating of the armed forces of the United States or any auxiliary branch thereof, or before any minister, consul or vice consul of the United States, and return the affidavit of registration, in the return envelope but not in the identification envelope, together with the absent voter's ballot enclosed in the identification envelope, to the clerk from whom they were received. This shall be transmitted to the clerk in sufficient time to permit the ballot to be received by the clerk not less than three days before election day. Affidavit of registration

(Amended by Stats. 1961, Ch. 794.)

[ORIGINAL SECTION]

251. If the applicant desires to vote at the election he shall, on or before the day of the election and before marking the absent voter's ballot, execute the affidavit of registration before the clerk, any notary public, commissioned officer, warrant officer, or noncommissioned officer of a grade not lower than sergeant or equivalent rating of the armed forces of the United States or any auxiliary branch thereof, or before any minister, consul or vice consul of the United States, and return the affidavit of registration, in the return envelope but not in the identification envelope, together with the absent voter's ballot enclosed in the identification envelope, to the clerk from whom they were received.

252. The clerk, upon receipt of the affidavit of registration and absent voter's ballot within the time required by law for the return of absent voters' ballots, shall examine the affidavit of registration and if it appears therefrom that the affidavit of registration is properly executed and that the facts stated therein are such as would have entitled the applicant to register and vote at the election, if the affidavit had been executed in this State and within the time required by law, the affiant shall be deemed a duly registered elector as of the date of the Affidavit deemed duly registered

affidavit to the same extent and with the same effect as though he had registered before the clerk in proper time prior to the election.

Rejection of affidavit

253. Upon determining that the affidavit of registration is sufficient, the clerk shall handle the absent voter's ballot in the same manner as other absent voters' ballots are handled. If he determines that the affidavit of registration is insufficient he shall write thereon the word "rejected" with the date of rejection and the reason therefor and shall likewise write upon the identification envelope the word "rejected," the date and the words "not registered," unless it appears from the affidavit of registration that the affiant is entitled to register and vote at the election in some other city or county, in which case the clerk shall immediately mail the affidavit of registration and absent voter's ballot to the clerk of that other city or county who shall handle them as though application therefor had been originally made to him and he had received the affidavit and ballot from the affiant.

Filing of affidavit

254. When the affidavit is received by a clerk, other than a county clerk, the clerk receiving it shall, after the election, transmit it to the county clerk who, if the affidavit is not subject to rejection, shall file the original and duplicate. If an affidavit of registration is rejected, it shall be returned to the applicant with the reason for rejection endorsed on it, together with a new blank form of affidavit.

Article 3. Duties of County Clerk and Deputies

Affidavit of registration blanks

280. The county clerk shall provide original and duplicate blank forms for the affidavits of registration, which shall be bound together in books or pads. Each original shall be attached by perforated line to a stub which contains a line for the name and spaces for the residence and precinct of the person registered.

Numbering

Each original, duplicate, and stub shall bear the same number. The numbering shall begin with one and continue in a sequence until all of the blanks provided are numbered. The numbering shall begin anew with each 1,000,000 affidavits of registration. Each set of numbers shall be designated alphabetically as a series, beginning with series A, following the first 1,000,000.

Responsibility for affidavits issued

281. Each deputy county clerk or registration clerk shall receipt to the county clerk for all books or pads issued to him, specifying the numbers of the affidavits received by him. He shall be charged with them until he returns and files them.

Entry on stubs

282. When any elector is registered, his name, residence, and precinct shall be entered on the stub attached to the original affidavit.

Spoiled affidavit

If for any cause the affidavit is spoiled in the course of execution or a mistake is made, the affidavit shall not be removed from the pad or book, but the name of the elector for whom it was intended, with his residence and precinct, shall be entered on the stub as in other cases, and the stubs and affidavits each marked with the word "spoiled."

Return of affidavits

283. When the registration for any election is closed, all deputies or registration clerks shall immediately return all affidavits of registration and all books or pads in their possession containing stubs and spoiled or unused affidavit blanks.

Criminal penalties

284. Any person having charge of affidavits of registration is guilty of a misdemeanor who:

(a) Neglects or refuses to make all the entries provided for in this article.

(b) Neglects or refuses to take the oath of the elector applying to him for registration.

(c) Fails or neglects to comply with any provision of this article.

Each and every omission constitutes a separate misdemeanor.

Prosecution by district attorney

285 Within five days after the close of registration, the county clerk shall report to the district attorney of the county, under oath, the names of his deputies or registration clerks, who have not complied with the provisions of this article. The district attorney shall forthwith begin a criminal prosecution against those deputies or registration clerks who have not complied with the provisions of this article.

Meetings of county clerks, etc

286. On written call of the Secretary of State, the county clerks, city clerks, and registrars of voters of this State may meet with the approval of their legislative bodies, at the time and place within this State designated in the call, to discuss matters affecting the administration of the election laws and to promote uniformity of procedure in such matters. Meetings shall not exceed three in any calendar year Any deputy of a county clerk, city clerk, or registrar of voters, designated for the purpose by his principal, may attend such meetings, alone or with his principal The actual and necessary expenses of the county clerk, city clerk, or registrar of voters, and of a deputy, incurred in traveling to and from meetings and in attending the same, for each such officer for any one meeting, shall be a charge of the county or city of the clerk or registrar, and payable as other county or city charges.

Reproduced affidavits

287. In lieu of duplicate blank forms for affidavits of registration, the county clerk may provide original blank forms only, bound and prepared as required by Section 280, if the county clerk promptly prepares, upon the receipt in his office of each original affidavit of registration, a reproduction thereof in compliance with the following conditions:

(a) The affidavit is photographed, microphotographed or reproduced on film of a type approved for permanent photographic records by the National Bureau of Standards;

(b) The device used to reproduce such affidavit on film is one which accurately reproduces the original thereof in all details;

(c) The photographs, microphotographs, or other reproductions on film are placed in conveniently accessible files and provision is made for preserving, examining and using the same.

Wherever in this code the term duplicate affidavit is used it shall be deemed to include the reproduced affidavit authorized by this section.

(Added by Stats. 1961, Ch. 386.)

Article 4. Forms

Contents of affidavit

310. The affidavit of registration shall show:

(a) The facts necessary to establish the affiant as an elector.

(b) Affiant's name at length, including his given name, and a middle name or initial, or if the initial of his given name is customarily used, then the initial and middle name. The given name of a woman shall be preceded in all cases by the designation of Miss or Mrs.

(c) Affiant's place of residence and post-office address with sufficient particularity to identify it and to determine affiant's voting precinct.

(d) Affiant's occupation.

(e) The country or state of affiant's birth.

Citizenship

(f) If foreign born, how citizenship was acquired, whether by:

(1) Citizenship of father.

(2) Treaty or act of Congress.

(3) Order of a court of naturalization.

(4) Marriage to a citizen.

(5) Naturalization of a parent or husband.

The date or year when and the place where the affiant became a citizen shall be stated except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by act of Congress. When citizenship depends upon the citizenship or naturalization of a parent or husband, the name of the parent or husband shall be stated.

(g) Whether the elector is able to read the Constitution in the English language and to write his name, and whether the elector has any physical disability by reason of which he cannot mark the ballot, in which case the nature of such disability shall be stated.

(h) That the affiant is not disqualified to vote by reason of a felony conviction.

Signature

The affiant shall sign the affidavit with his name at length, including given name, middle name or initial, or initial and middle name, and if he is unable to write he shall sign with a mark or cross, and the person before whom the affidavit is made shall insert the date of the affidavit, which shall be the date of the jurat.

Political affiliation

311. At the time of registering and of transferring registration, each elector may declare the name of the political party with which he intends to affiliate at the ensuing primary election. The name of that political party shall be stated in the affidavit of registration and the index.

Voting party ballot at primaries

If the elector declines to state his political affiliation, that fact shall likewise be stated. No person shall be entitled to vote

the ballot of any political party at any primary election unless he has stated the name of the party with which he intends to affiliate at the time of registration. He shall not be permitted to vote the ballot of any party or for delegates to the convention of any party other than the party designated in his registration.

Change of political affiliation

312. Whenever any voter has declined to designate or has changed his political affiliation prior to the close of registration for an election, he may either so designate or have a change recorded prior to the close of registration by application in person to the county clerk, and by the making of an affidavit, or by executing a new affidavit of registration.

Affidavit for change of political affiliation

313. The affidavit required for change of political affiliation, other than a new affidavit of registration, or for designation of affiliation where affiant has previously declined to designate, shall be substantially in the following form:

State of California, }
County of _____ } ss.

_____, being duly sworn, deposes and says that he registered on the register of the County of_____ as a _____ (insert former party affiliation, or that he had declined to designate his party affiliation); that since the date of his registration he has decided to affiliate with a political party or has changed his political views and in good faith declares his affiliation with _____ party.
Subscribed and sworn to before me, this _____ day of _____, 19__.

No charge

The county clerk shall take this affidavit without charge and shall file it. This political affiliation or change of political affiliation shall be entered on the elector's affidavit of registration.

Inclusion of all facts

314. In every case the affidavit of registration shall show all the facts required to be stated.

Additions to affidavit

315. The county clerk may cause to be written or printed upon the top margin of the affidavit, in addition to any matter provided for in this code, any words necessary or convenient to designate the precinct, district or political subdivision for which the affidavit is taken, or to indicate any removal or transfer of registration. Any other reasonable memoranda may be added which is necessary or convenient to enable the county clerk to perform his duties in assorting or classifying or handling affidavits with correctness and dispatch.

Manner of designating residence

316. In connection with the place of residence the affidavit may have printed either the word "precinct," or the word "street," or the word "avenue," or any or all of those words as the county clerk deems most convenient in practical use for the territory in which the affidavits are to be used. In designating the residence of the elector or his post office address, it is not necessary in either case to repeat the county or state if the name of the county or state previously appears.

(Amended by Stats. 1961, Ch. 835.)

[ORIGINAL SECTION]

316. In connection with the place or residence the affidavit may have printed either the word "precinct," or the word "street," or the word "avenue," or any or all of those words as the county clerk deems most convenient in practical use for the territory in which the affidavits are to be used. In designating the residence of the elector or his post office address, it is not necessary in either case to repeat the county or state if the name of the county or state previously appears.

Change of house number or mailing address

317. Whenever the house number or the mailing address of a voter has been changed and the voter's residence is the same, the county clerk, when notified in writing of the change either by the voter or by the public agency authorizing the change, shall make the change on the voter's affidavit of registration and a new affidavit shall not be required.

Statements as to citizenship

318. In connection with the statement regarding the citizenship of the affiant, the affidavit may have printed in brackets statements of the various methods of acquiring citizenship, and it is sufficient to underline, or otherwise mark with ink or indelible pencil, the statement applicable to the particular affiant.

Words not applicable

The words printed in the body of the affidavit of registration, which by reason of statements of the elector are not applicable to his registration, shall not be deemed a portion of his affidavit.

Lines

319. The lines to indicate the separation between the top margin of the affidavit of registration and the affidavit proper may be double or single lines in the discretion of the county clerk of the county for which the affidavit is to be used.

Printing in horizontal lines

The affidavit shall be printed in horizontal lines. Whenever any blank space is left in any line for the entry of any matter the lines shall not be less than one-third of an inch apart vertically. Commencing with the first statement of the affidavit proper, each statement shall be numbered immediately at its left in a numerical sequence, the first statement commencing with number one and so on to the end. The jurat and space for the signature of the elector need not be numbered. The horizontal width of the affidavit, apart from any margin, shall be not less than seven inches, and the county clerk shall determine the width of margin upon the sides and at top and bottom.

Numbered statements

Jurat width

Type

320. The words "affidavit of registration" shall be printed in not less than 24-point blackface type. Ink or indelible pencil shall be used in marking the portions of the affidavit which are not printed. The matter in the body of the affidavit, where the size of type is not otherwise specified, shall be not less than 10-point plain-faced type, except that words inserted in parentheses, which are for the information or instruction of the deputies or registration clerks, may be in smaller type at the discretion of the county clerk.

Form of affidavit of registration

321. Subject to the provisions of this chapter, the body of the affidavit of registration shall be substantially in the following form:

For transfer or change of name	I am registered under the name of _____ in _____ Assembly District, _____ precinct in said county and request that said registration be canceled.

AFFIDAVIT OF REGISTRATION

State of California, }
County of (_____) } ss.

The undersigned affiant, being duly sworn, says: I will be at least 21 years of age at the time of the next succeeding election, a citizen of the United States 90 days prior thereto, and a resident of the State one year, of the county 90 days, and of the precinct 54 days next preceding such election, and will be an elector of this county at the next succeeding election.

1. I am not now registered as a voter in this State. (If now registered in this county under this or another name, mark out word "not" and fill out transfer clause at top. If now registered in another county, mark out word "not" and execute a separate affidavit of cancellation before registering.)

2. My full name is _____ (including Christian or given name, and middle name or initial and in case of women, the prefix Miss or Mrs.).

3. My residence is _____ between _____ and _____ Streets, _____ floor, Room _____.

4. My occupation is _____.

5. My height is _____ feet _____ inches.

6. I was born in _____. (State or country)

7. I acquired citizenship by (underline method of acquiring citizenship):

a. Decree of court.
b. {Father's naturalization. / Mother's naturalization.
c. Citizenship of father.
d. Marriage to a citizen.
e. Naturalization of my husband.
f. Act of Congress.
g. Treaty.

When {month / day / year} _____ Where {city / state} _____

My {father's / husband's / mother's} name is (was) _____

(To be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

8. I can _____ read the Constitution in the English language; I can _____ write my name; I am entitled to vote by reason of having been on October 10, 1911 (a) An elector. (b) More than 60 years of age.

I can _____ mark my ballot by reason of _____ (State physical disability, if any.)

9. I intend to affiliate at the ensuing primary election with the _____ party. (If affiliation is not given, write or stamp "Declines to state.")

10. I am not disqualified to vote by reason of a felony conviction.

_____
(Affiant sign here.)

Residence _____

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

_____
County Clerk.

By _____
Deputy County Clerk.

Assembly District _____
Post office address is _____ Precinct _____
Rural Route No. _____ Box No. _____

322. Each original and duplicate affidavit of registration shall include a stub 2½ inches in width, separated from the body of the affidavit by a perforated line. Upon the stub shall be printed the number of the affidavit and blanks for the following:

(a) The name, residence, occupation, political affiliation, and signature of the voter.

(b) The signature of the registration clerk or deputy registrar taking the registration.

(c) The date.

There shall also be printed in the right-hand margin of the stub of the original affidavit the words "Office Stub," and in the right-hand margin of the stub of the duplicate affidavit the words "Voter's Stub." These words shall be printed in 24-point blackface type.

At the time of registering the voter, the registration clerk or deputy registrar shall fill in the blanks in the stub, and require the voter to sign the stub in the place provided He shall then detach the stub from the duplicate affidavit and hand the stub to the voter.

(Added by Stats. 1961, Ch. 679.)

Article 5. Actions to Compel Registration

Court action to compel registration

350. If the county clerk refuses to register any qualified elector in the county, the elector may proceed by action in the superior court to compel his registration. In an action under this section, as many persons may join as plaintiffs as have causes of action.

Costs

351. Costs shall not be recovered against the county clerk in any action under this chapter, unless it is alleged in the complaint, and established on the trial, that the county clerk knowingly and willfully violated his duty.

Article 6. Cancellation of Registration

Certified copies of register entries

380. Upon the personal or written application of any person, the county clerk shall give him a certified copy of the entries upon the register relating to the applicant.

Prima facie evidence

A certified copy of an uncanceled affidavit of registration is prima facie evidence that the person named in the entry is a voter of the county.

Cancellation

381. Cancellation is made by writing or stamping on the affidavit of registration the word "canceled," the reason the affidavit was canceled, and the date of cancellation.

Whenever a voter transfers his registration from one precinct to another precinct in the same county, or reregisters in another precinct in the same county as shown by the new affidavit of registration, the county clerk shall immediately cancel both the original and the duplicate affidavit of registration from the precinct in which the voter was first registered, and shall remove the original from the precinct book and the duplicate from the files.

Whenever a voter removes from one county to another county and registers in the latter county, the county clerk of the county in which he was first registered, upon being informed of his removal either by the voter personally or by receipt of an affidavit of cancellation, shall likewise cancel his registration and remove the original and duplicate affidavit of registration in that county.

All canceled affidavits of registration shall be preserved by the county clerk as required in Section 421 of this code.

The county clerk in distributing to each precinct the three indexes of registration, as required by this chapter, shall cross out of those indexes the names of all voters whose affidavits of registration from the precinct have been canceled.

Registration permanent unless canceled

382. The registration of a voter is permanent for all purposes during his life, unless and until the affidavit of registration is canceled by the county clerk for any of the causes specified in this article.

Grounds for cancellation

383. The county clerk shall cancel the registration in the following cases:

(a) At the request of the person registered.

(b) When the insanity of the person registered is legally established.

(c) Upon the production of a certified copy of a subsisting judgment of the conviction of the person registered of any infamous crime or of the embezzlement or misappropriation of any public money.

(d) Upon the production of a certified copy of a judgment directing the cancellation to be made.

(e) Upon the death of the person registered.

(f) If the person registered has not voted at the preceding general election unless the clerk, prior to the time he has canceled the registration, has had written notice from the voter that the voter still resides and has not removed from the resi-

dence address stated in the affidavit of registration, or the clerk has had written notice from the voter, or a friend of the voter, that the voter is a war voter, in which case he shall not cancel the registration, but it shall remain permanent unless canceled for any other cause enumerated in this section. If the county clerk has already canceled the affidavit of registration, then upon receipt of the proper information within 30 days after mailing the notice provided for in Section 387, or 60 days in the case of a war voter, he shall restore the affidavit of registration to the files.

384. (Repealed by Stats. 1961, Ch. 410.)

[ORIGINAL SECTION]

384. On and after January 1, 1962, the county clerk shall cancel the registration of a person who did not vote at the preceding general election only if the person also did not vote at the preceding direct primary election The procedure prescribed in Section 386 shall be followed in respect to direct primary elections, and the notice required by Section 387 shall state that the voter's registration has been canceled because he did not vote at either the last direct primary or general election

Notification re deceased adults

385. The local registrar of births and deaths shall notify the county clerk not later than the 15th day of each month of all deceased persons 21 years of age and over, whose deaths were registered with him during the preceding month. This notification shall include at least the name, sex, age, birthplace, place of residence, date and place of death of each decedent.

Cancellation of affidavits of nonvoting registrants

386. On completion of the canvass of the returns of the general election, but not later than the first day of the following January, the county clerk shall:

(a) Examine the absent voters list and the roster of voters that was kept by the election officers in each precinct in the county at the general election.

(b) Cancel the original and duplicate affidavits of registration and remove the original affidavit of registration of each voter who did not vote at that election, unless he receives notice as provided in subdivision (f) of Section 383.

Notice of cancellation of registration

387. When the county clerk cancels the registration of any person for failure to vote, he shall mail a notice, by means of a double post card prepaid by the clerk, to that person at the address given on the registration or upon the last application for transfer of registration, stating on one of the post cards the following:

Form

"Your registration has been canceled this day because you did not vote at the last general election. Before you shall again be entitled to vote you will be required to register as provided by law. However, if you still reside and have not removed from the residence address stated in your affidavit of registration and you notify the county clerk of that fact either in person, in writing, or on the post card attached, over your signature, within 30 days after date of mailing this notice, your affidavit of registration shall be restored to the file and shall remain permanent unless canceled for any other cause.

"If you are a member of the armed forces of the United States or any auxiliary branch thereof or employed by the United States and serving outside the territorial limits of the United States, or employed by the American Red Cross and serving outside the territorial limits of the United States, or employed as an officer or member of the crew of a merchant vessel documented under the laws of the United States and serving outside the territorial limits of the United States, or are a member of a religious group or welfare agency assisting members of the armed forces, and are officially attached to and serving with the armed forces, or are a spouse or dependent of a person enumerated herein, and you or a friend has notified the county clerk of that fact in writing within 60 days after date of mailing of this notice, your affidavit of registration shall be restored to the file and shall remain permanent unless canceled for any other cause."

Incompetents

388. Every judge before whom proceedings are had which result in any person being declared incapable of managing or taking care of either himself or property or both, and for whom a guardian of his person or estate or both is accordingly appointed, or which result in his being committed to a state hospital as a mentally ill person, shall file with the county clerk a certificate of that fact, and thereupon the county clerk shall cancel the affidavit of registration of that person.

Infamous crimes

389. The county clerk shall, in the first week of September in each year, examine the records of the courts having jurisdiction in case of infamous crimes and the embezzlement or misappropriation of public money, and shall cancel the affidavits of registration of all voters who have been finally convicted of an infamous crime or of the embezzlement or misappropriation of public money.

Misappropriation of public moneys

As used in this section, "county clerk" does not include "registrar of voters."

Same

390. The county clerk, on the basis of the records of courts in the county having jurisdiction of such offenses, shall furnish to the registrar of voters in a county where there is a registrar of voters, before the first day of September of each year, a statement showing the names of all persons convicted of infamous crimes or of the embezzlement or misappropriation of public money during the year prior to that first day of September, whose convictions have become final. The registrar of voters shall, during the first week of September in each year, cancel the affidavits of registration of such persons. The county clerk shall certify the statement under the seal of his office.

As used in this section "county clerk" does not include "registrar of voters."

Court action to compel cancellation

391. Any person may proceed by action in the superior court to compel the county clerk to cancel any registration made illegally or which should be canceled by reason of facts that have occurred subsequent to the registration. If the voter whose registration is sought to be canceled is not a party to

the action, the court may order him to be made a party defendant.

The county clerk and as many persons against whom there are causes of action may be joined as defendants.

Article 7. Preservation of Affidavits of Registration

Preservation of affidavits

420. The county clerk shall preserve all uncanceled affidavits of registration.

The affidavits of registration shall constitute the register required to be kept by this chapter.

Same

421. The county clerk shall preserve all canceled original affidavits of registration for a period of 10 years, after which they may be destroyed by that officer. Duplicates to the canceled original affidavits of registration, the stubs of the original affidavits, and spoiled original affidavits may be destroyed at the discretion of the county clerk at any time after the expiration of 90 days following the first statewide election succeeding the date of registration of the voter.

In lieu of preserving the canceled original affidavit of registration, the county clerk may, by filming or other suitable method, record the canceled affidavit and destroy the affidavit following the second general election after the date of cancellation

(Amended by Stats 1961, Ch. 225.)

[ORIGINAL SECTION]

421. The county clerk shall preserve all canceled original affidavits of registration for a period of 10 years, after which they may be destroyed by that officer. Duplicates to the canceled original affidavits of registration may be destroyed at the discretion of the county clerk

In lieu of preserving the canceled original affidavit of registration, the county clerk may, by filming or other suitable method, record the canceled affidavit and destroy the affidavit following the second general election after the date of cancellation

Precinct books

422. Prior to any election the county clerk shall arrange the original affidavits of registration for each precinct in which the election is to be held, alphabetically by surnames in each precinct, and bind them into books with an alphabetical index. Each book shall be marked on the outside with the name or number of a precinct, and shall contain all, and only, the original affidavits of registration of the voters residing within the precinct.

(Amended by Stats. 1961, Ch. 338.)

[ORIGINAL SECTION]

422. Within 15 days after the last day of registration for any election, the county clerk shall arrange the original affidavits of registration for each precinct in which the election is to be held, alphabetically by surnames in each precinct, and bind them into books with an alphabetical index. Each book shall be marked on the outside with the name or number of a precinct, and shall contain all, and only, the original affidavits of registration of the voters residing within the precinct.

Duplicate affidavits filed alphabetically

423. Duplicate affidavits of registration for the whole of each county shall, as fast as the registration progresses, be filed alphabetically without regard to precinct. The alphabetical arrangement shall be exact. In the case of voters having the same surname, the classification shall extend to the given and, where necessary, the middle name or initial.

Article 8. Indexes of Registration

Complete index by precinct

450. At least once, and oftener if he deems is necessary, within each two-year period commencing on the first day of January in each odd-numbered year, the county clerk shall have printed a complete index, by precinct, to the affidavits of registration current at the date of printing. The index shall contain the name, address, and political affiliation of each voter, and also a ruled space to the left of each name, within which to write, in figures, the line number designating the position of the name of the voter on the roster of voters. The name shall include the given name and the middle name or initials, if any. If the name is that of a woman, the given name shall be preceded by the designation "Miss" or "Mrs." The index shall be printed in a size no smaller than eight-point roman type on eight-point body and shall be arranged in alphabetical order in accordance with the surnames of the voters. A space of not less than one-quarter inch or one line of printing shall be left between the names of voters beginning with one letter of the alphabet and those starting with the next letter of the alphabet. Supplements of the same content and style may be printed as need for them appears.

Names

(Amended by Stats 1961, Ch. 224.)

[ORIGINAL SECTION]

450. At least once, and oftener if he deems it necessary, within each two-year period commencing on the first day of January in each odd-numbered year, the county clerk shall have printed a complete index, by precinct, to the affidavits of registration current at the date of printing. The index shall contain the name, address, and political affiliation of each voter, and also a ruled space to the left of each name, within which to write, in figures, the line number designating the position of the name of the voter on the roster of voters The name shall include the given name and the middle name or initials, if any. If the name is that of a woman, the given name shall be preceded by the designation "Miss" or "Mrs." The index shall be printed in eight-point roman type on eight-point body and shall be arranged in alphabetical order in accordance with the surnames of the voters. A space of not less than one-quarter inch or one line of printing shall be left between the names of voters beginning with one letter of the alphabet and those starting with the next letter of the alphabet. Supplements of the same content and style may be printed as need for them appears.

Continuing index

451. In addition to printing a complete index within and for each two-year period, as provided in Section 450, the county clerk may print and maintain one complete and continuing index, by precinct, to the affidavits of registration and keep the index current by supplements and deletions as provided in Sections 450 and 453, and by reprinting portions

of the index by precinct, as the need appears, the reprinted portions to contain the same information concerning each voter and to be in the same style, spacing, and type of print as provided in Section 450.

Number of copies For county

452. The number of copies of the precinct index printed shall not be less than 40 and as many more as in the judgment of the county clerk may be necessary for the business of the office.

For municipalities, etc

453. The county clerk shall supply copies of the index and of supplements to the index, necessary to bring it up to date, for all elections to be held within the county. The county clerk shall also supply as many copies of the index and supplements, not to exceed four in number, as may be requested by the clerk of a city, school district or other body. The name of each voter whose affidavit of registration has been canceled shall be lined out of the index and supplement. The county clerk may charge such an amount as will reimburse the county for the expense incurred in preparing and furnishing lined out indexes of registrations and supplements other than for those provided for by Sections 450 and 452.

For legislator, congressman or candidate

454. Upon demand of any Member of the Legislature or of Congress or any candidate who is to be voted for in the county, or in a city therein, or in a political subdivision of either, or upon written demand of his campaign committee, or of any committee for or against any proposed ballot measure, the county clerk shall furnish to such Member of the Legislature or of Congress or to either the candidate or his campaign committee or to the ballot measure committee no more than two copies of the printed indexes of the registration for the primary and general elections in which such Member of the Legislature or of Congress may participate as a candidate, or for the election in which the candidate will participate, or the ballot measure will be voted upon, at a charge of fifty cents ($0.50) per thousand names. All moneys collected shall be deposited in the county treasury to the credit of the general fund.

For central committees

455. Upon written demand of the chairman or vice chairman of a party state central committee or of the chairman of a party county central committee, the county clerk shall furnish to the committee, without charge therefor, no more than two copies of the printed indexes of registration for the primary and general elections.

General index of books of affidavits

456. The county clerk shall have bound together in one or more volumes a general index of the books of affidavits of registration, arranged alphabetically by precincts, and shall keep at least one copy of the general index in his office for public reference. He shall also transmit one copy of the general index to the State Librarian at Sacramento.

Delivery to precinct boards

457. Before the day of any election held throughout the county, the county clerk shall deliver to the precinct board in each precinct the book of affidavits of registration for that precinct, together with three copies of the index with canceled

names lined out and with necessary supplements to bring the index up to date. The book of affidavits shall constitute the register to be used at the election.

Current list of voters

458. The county clerk, immediately following the cancellation of affidavits of registration pursuant to Section 386, shall compile a current list showing the number of voters, by party affiliations, in each assembly, senatorial, and congressional district located in whole or in part within the county and in each supervisorial district and city located within the county. The list shall be made available, upon request, to any elector residing within the county.

Secretary of State to compile statewide list

A copy of the list shall also be sent, within 10 days after its compilation, to the Secretary of State. The Secretary of State, on the basis of the lists transmitted to him by the county clerks, shall compile a statewide list showing the number of voters, by party affiliations, in the State and in each city, assembly district, senatorial district, congressional district, and supervisorial district in the State A copy of this list shall be made available, upon request, to any elector of this State.

(Amended by Stats 1961, Ch. 835)

[ORIGINAL SECTION]

458. The county clerk immediately following the cancellation of affidavits of registration pursuant to Section 386, shall compile a current list showing the number of voters, by party affiliations, in each assembly, senatorial, and congressional district located in whole or in part within the county. The list shall be made available, upon request, to any elector residing within the county.

NOTE: This section was also amended by Stats 1961, Ch. 133, as follows:

458. The county clerk immediately following the cancellation of affidavits of registration pursuant to Section 386, shall compile a current list showing the number of voters, by party affiliations, in each assembly, senatorial, and congressional district located in whole or in part within the county and in each supervisorial district and city located within the county The list shall be made available, upon request, to any elector residing within the county

A copy of the list shall also be sent, within 10 days after its compilation, to the Secretary of State. The Secretary of State, on the basis of the lists transmitted to him by the county clerks, shall compile a statewide list showing the number of voters, by party affiliations, in the State and in each city, assembly district, senatorial district, congressional district, and supervisorial district in the State A copy of this list shall be made available, upon request, to any elector of this State.

CHAPTER 3. PRIVILEGES OF VOTERS

Arrest

600. Except for an indictable offense, every voter is privileged from arrest while at, or while going to and returning from, his polling place on any election day.

Militia duty

601. Except in time of war or public danger, no voter is obliged to perform militia duty on any election day.

CHAPTER 4. NEW RESIDENTS

"New resident"

750. As used in this chapter "new resident" means a person qualified to vote for presidential electors under this chapter.

Required period of residence

751. A person who has been a resident of this State for at least 54 days but less than one year prior to the date of the general election at which presidential electors are to be selected shall be entitled to vote for presidential electors at that election, but for no other offices, if he meets both of the following qualifications:

Qualifications

(a) He was either a qualified elector in another state immediately prior to his removal to this State or would have been eligible to vote in that other state had he remained there until such election.

(b) He would be a qualified elector under Article II, Section 1 of the Constitution except that he has not resided in this State for one year.

Registration

752. A new resident shall register to vote in the manner provided in Section 754. The county clerk shall clearly note on the affidavit of registration of a new resident the fact that he is a new resident and qualified to vote only to the extent provided in this chapter. The affidavits of registration of new residents shall be separately bound and shall not be furnished to precinct boards under Section 457 nor used in connection with the preparation of the index of voters prepared under Sections 450 and 451.

Blank affidavits of registration

753. The county clerk shall have blank affidavits of registration prepared for new residents containing the information required in Section 321, excepting the provisions relating to state and county residence. The affidavit shall be printed with the caption "New Resident" immediately below the heading "Affidavit of Registration." No duplicate copy of the registration shall be required.

Time for registration

754. Registration for new residents shall be in progress beginning on the 90th and ending on the 54th day prior to the presidential election.

A new resident may register in the office of the county clerk or, if unable to appear in the office of the county clerk, he may, if he is within the county, apply in writing and obtain from the county clerk a blank affidavit of registration. He shall then appear before a notary public and make an affidavit of registration.

Certification form

755. The county clerk shall cause to be printed and shall keep available in his office during a year in which presidential electors are to be selected a supply of blank certification forms for the use of new residents in verifying their qualifications under this chapter. Any new resident desiring to vote in this State may obtain from the county clerk of the county in which he resides such a form to transmit to the county clerk or equivalent official of his former residence. The certification form shall read substantially as follows:

CERTIFICATION OF QUALIFICATIONS OF NEW RESIDENT

I, _____, (county clerk or equivalent official) of _____, State of _____, do hereby certify that _____ (name of new resident) was a qualified elector at the time of his (or her) removal from this State (or) would have been qualified to vote in the next presidential election had he (or she) maintained residency in this State. _____ (name of new resident) has not as of the date of this certification applied for an absent voter's ballot from this State.

Certified to by: _____
(Signature and Title of Office)

(SEAL)

Application for ballot

756. Application for a ballot shall be made by a new resident, in person, in the office of the county clerk of the county in which he resides not earlier than five days nor later than one day prior to the election. At the time of making application, the applicant shall submit to the county clerk, upon a form provided by the county clerk, a certified statement from the county clerk or equivalent official of his former residence to the effect that the applicant was a qualified voter in the other state immediately prior to his removal to this State or that he would have been qualified to vote in the presidential election had he remained in that state, and that he has not applied for an absent voter's ballot from that state.

Marking of ballot

757. If satisfied that the certification required in Section 755 is in good order, the county clerk shall give the applicant a ballot containing only the names of the presidential and vice presidential candidates. The applicant shall mark the ballot in the presence of the clerk alone in such manner that the clerk cannot see the marking. The applicant shall then fold the ballot in the clerk's presence so as to conceal the marking, deposit and seal it in the envelope furnished by the clerk, and, in the presence of the clerk, execute the affidavit prescribed in Section 759.

Size

758 The Secretary of State shall prescribe the size and dimensions of ballots to be used by new residents, and shall notify the respective county clerks of his determination at least 70 days before the election. The ballot shall be in substantially the following form:

Form of ballot

NEW RESIDENT BALLOT

To vote for the group of electors preferring presidential and vice presidential candidates whose names appear on the ballot, stamp a cross (+) in the square following the name of the party preferred.

PRESIDENTIAL ELECTORS
Vote for One Group

Adlai E Stevenson, for President Estes Kefauver, for Vice President	Democratic	
Dwight D. Eisenhower, for President Richard M. Nixon, for Vice President	Republican	
Enoch A. Holtwick, for President Edwin M. Cooper, for Vice President	Prohibition	
_____ _____, for President _____, for Vice President		

Envelopes

759. The envelope into which a new resident is to place his ballot shall bear upon its face the name and official title of the county clerk and upon the other side a printed affidavit in substantially the following form:

State of California }
County of _____ _____ } ss.

I, _____, do solemnly swear that I am a citizen of the United States, that on the day of the next election for presidential electors I shall be at least 21 years of age, a resident of this State for at least 54 days but less than one year immediately prior to that election, and am a resident of the _____ Precinct, in the City or Town of _____, County of _____, State of California; that immediately prior to my removal to this State I resided in the State of _____, County of _____, (city) (town) (village) of _____, where I was a qualified elector at the time of my removal (or) where I would have been qualified to vote in the next presidential election had I maintained my residency there. I have not applied, nor do I intend to apply, for an absent voter's ballot from the state from which I have removed.

_____
(Date of signing)

_____
(Signature)

_____
(Residence address)

Witnessed by:

_____
County Clerk of _____ County

760. The county clerk shall deposit the envelope containing the ballot of the new resident in a safe place in his office, to be kept by him until the time prescribed for processing and counting absent voter ballots. Deposit of ballot

(Amended by Stats. 1961, Ch. 794.)

[ORIGINAL SECTION]

760. The county clerk shall deposit the envelope containing the ballot of the new resident in a safe place in his office, to be kept by him until the time prescribed for the counting of absent voter ballots.

761. The county clerk shall keep open to public inspection a list showing the names, addresses, and application dates of all persons who have voted as new residents. The list shall be preserved for a period of four years from the date of the election. List of new resident voters

762. The ballots of new residents shall be canvassed at the same time and under the same procedure as absent voter ballots, insofar as that procedure is not inconsistent with the provisions of this chapter. Canvass of ballots

763. Any person willfully swearing falsely to the affidavit required in Section 759 is guilty of a misdemeanor. Misdemeanor

764. After the completion of the official canvass and not later than the first day of the following January, the county clerk shall cancel all registrations of new residents. The county clerk shall mail a notice to each person at the address given on the registration stating that "your registration as a voter for presidential electors has been canceled this day and before you shall again be entitled to vote, you will be required to register as provided by law, when you have met the requirements of voters entitled to vote at elections other than presidential elections." Cancellation

765. The county clerk shall preserve the canceled affidavits of registration as required in Section 421. Same

DIVISION 2. PRECINCTS AND ELECTION OFFICERS

CHAPTER 1. PRECINCTS

Article 1. Counties in General

1500. This article applies to all counties except the following: Application of article

(a) Counties which at the general election held in 1914 had a registration of at least 200,000 voters.

(b) Counties which have a registrar of voters but no board of election commissioners other than the board of supervisors acting as such ex officio.

1501. The surveyor, within 90 days after receipt of a written request from the county clerk, or the county clerk, shall divide the county into election precincts and prepare detail maps or exterior descriptions thereof, or both, and as many copies as the county clerk may determine. Precinct maps

Filing

1502. The maps and descriptions shall be filed with the board of supervisors.

Adoption of order

1503. Within 10 days after receipt of the maps and descriptions, the board of supervisors shall adopt an order creating election precincts as prepared by the surveyor or the county clerk.

Change of boundaries

1504. The surveyor shall within 15 days after receipt of a written request therefor from the county clerk:

(a) Change or alter any precinct boundaries.

(b) Prepare new detail maps or exterior descriptions thereof, or both, as directed by the county clerk.

(c) File the maps and descriptions with the board of supervisors.

Order changing boundaries

1505. At the first meeting of the board of supervisors after receipt of the maps and descriptions of changed or altered precinct boundaries, it shall, by order, change the boundaries of the precincts in accordance with the detailed descriptions furnished by the surveyor and county clerk.

Article 2. Special Counties

Application of article

1530. This article applies to:

(a) Counties which at the general election held in 1914 had a registration of at least 200,000 voters.

(b) Counties which have a registrar of voters but no board of election commissioners other than the board of supervisors acting as such ex officio.

Establishing of precincts

1531. The election board or, at its request, the county clerk:

(a) As soon before a general election as is convenient shall divide the county into election precincts.

(b) May from time to time change the boundaries of precincts, create new precincts, or consolidate established precincts.

County surveyor to prepare maps, etc.

1532. Whenever the boundaries of any precinct are altered in accordance with this chapter in any county to which this article applies, the county surveyor shall, upon request of the board of supervisors, prepare detail precinct maps or exterior descriptions, or both, of all such precincts.

Article 3. Provisions Applicable to All Counties

Application of article

1560. This article applies to all counties.

Number of voters in precinct

1561. Whenever any county is divided into election precincts or whenever the boundaries of established precincts are changed or new precincts created, the precinct boundaries shall be fixed in such manner that the number of voters polled in each precinct does not exceed 200, as nearly as can be estimated.

Voter erroneously placed in precinct

1562. If a voter is erroneously placed in a precinct other than the one in which he resides, he may apply to the county clerk for a certificate showing the record of registration. The county clerk shall issue to him this certificate on or before

the day of the election. On presentation of the certificate to the precinct board of the precinct in which the voter resides, the board shall incorporate the certificate in the book of affidavits of registration and permit the voter to vote.

Division of voters into groups

1563. When more than 250 voters are registered in a precinct, the voters of the precinct may be divided into two or more groups and one precinct board appointed to serve each group. The board or officer charged with the duty of conducting the election shall divide the voters into two or more groups as nearly equal in number as possible. When the voters of a precinct are so divided there may be one or more polling places, but there shall be a ballot box for and a set of returns from each group.

The board or officer charged with the duty of conducting the election, in determining whether or not there are 250 voters in the precinct for the purpose of this section, shall not base its determination on an estimate of how many voters in the precinct will vote. The determination shall be made solely on registrations within the precinct.

Division of precinct

1564. If, through unforeseen circumstances, it has not been determined until less than 30 days before the election that there are more than 250 voters to a precinct, the board or officer charged with conducting the election may divide the precinct as provided in Section 1563 of this code, in which event no further publications are required as to the additional board members appointed nor polling places designated as required by this code.

Consolidation of precincts

1565. Whenever ballots are to be counted at a central place, either manually or by automatic mechanical or electrical devices, or whenever mechanical voting devices are used to mark ballots at the polling places, election precincts may be consolidated, but no consolidated precinct shall be formed containing more than 600 voters.

(Amended by Stats. 1961, Ch. 457)

[ORIGINAL SECTION]

1565. Whenever ballots are to be counted at a central place, either manually or by automatic mechanical or electrical devices, election precincts may be consolidated.

Order establishing precincts

1566. In any order establishing precincts, their boundaries shall be defined by reference to exterior descriptions or delineation thereof on a map or maps.

Rearrangement of affidavits of registration

1567. Whenever the boundaries of any precinct are altered in accordance with this chapter, the county clerk shall rearrange the affidavits of registration and place them in the precinct books to which they belong, and shall make the necessary changes in the precinct numbers or names on the affidavits of registration.

Precincts not to cross boundaries

1568. No precinct shall be established so as to embrace more than one supervisorial district, nor so that its boundary crosses the boundary of any supervisorial district, congressional district, assembly district, judicial district, incorporated city, or any ward.

Consolidation

If at any election any precinct contains an insufficient number of qualified persons to make up a precinct board, the precinct may be consolidated with an adjoining precinct.

Alteration of senatorial or assembly district

1569. Neither boards of supervisors, municipal officers, nor any other officer may alter the boundaries of any judicial district, ward, precinct, or other local subdivision of any county or city so as to change the boundaries of any senatorial or assembly district as constituted and defined by law.

Same boundaries for direct primary and general elections

1570. The boundaries of precincts for the general election shall be the same as those established for the direct primary election, except to the extent necessary to add or subtract precincts as the result of population change or to divide precincts containing more than 250 voters or to change precinct boundaries due to supervisorial, judicial, or council district boundary changes, incorporation of new cities, annexations to cities or exclusions by cities.

CHAPTER 2. PRECINCT BOARDS

Election officers constitute boards

1600. The election officers appointed for each precinct constitute the precinct board for that precinct. The term "election officer," as used in this chapter, means a member of a precinct board.

Composition of board

1601. Except as otherwise provided in this chapter the precinct board consists of one inspector, two judges and three clerks

Same

1602. The board of supervisors may, not less than 30 days prior to any election find that a different number of election officers than is prescribed in Section 1601 will be sufficient for the election and in such case may provide that the precinct board shall consist of either one inspector, one judge, and two clerks; one inspector, one judge, and three clerks; or one inspector, one assistant inspector, and two judges.

If the board of supervisors provides that the precinct board shall consist of one inspector, one assistant inspector, and two judges, the precinct board shall be implemented by four clerks, who shall commence serving upon the close of the polls and shall, together with the inspector, assistant inspector, and two judges, canvass the votes. The clerks shall be appointed, qualified and sworn as are other members of the precinct board.

Same: Voting machines not used

1603. In precincts in which voting machines are not used the precinct board consists of one inspector, one judge, and two clerks:

(a) In any precinct at a statewide election in which the total registration does not exceed 100 voters.

(b) At any special election for selection of a board of freeholders.

(c) At any special election at which measures, not exceeding four in number, including proposals for issuance of bonds, for annexation of territory and adoption or amendment of a charter are presented to the voters.

(d) At any special election where other provision is not made by law.

(e) At any election where the ballots are to be counted at a central place, instead of at the precincts.

(f) At every local or consolidated election not held exclusively within one or more cities.

(g) At any municipal election held under the provision of a freeholders' charter, where the charter does not otherwise provide and where a majority of the election board so determine.

(h) At every municipal election held in a general law city.

Same: Voting machines used

1604. The precinct board where voting machines are used shall consist of one inspector and two judges who shall be appointed pursuant to the law governing general elections where voting machines are not used, except as otherwise provided in this chapter. The judges shall act as clerks.

Additional inspectors More than one machine

1605. Where more than one voting machine is used in any precinct there shall be appointed an additional inspector or judge for each additional machine. At the discretion of the election board, additional judges may be appointed, not to exceed one additional judge for each additional machine.

Part of ballot on paper

1606. Where part of the ballot is voted upon paper and part upon voting machines, there shall be appointed an additional inspector.

Qualification of officers

1607. Each member of a precinct board shall be a voter of the precinct for which he is appointed or a voter of a precinct situated in the same general area of the city or judicial district as the precinct for which he is appointed and in which he acts, and shall serve only in the precinct for which he is appointed.

Same

1608. In a consolidated election precinct, the election officers appointed therefor and who act therein shall be voters of one of the precincts of which the consolidated precinct is composed or voters of precincts situated in the same general area of the city or judicial district as the consolidated precinct for which they are appointed and in which they act.

"Substitute canvassing and county board"

1609. In any case where a precinct board may be appointed, it shall be competent for the appointing authority to appoint an additional board, which may be known as a substitutive canvassing and counting board, to take over, immediately after the closing of the polls, the powers, rights and duties of the precinct board and thereafter to perform all those functions relating to canvassing, counting and declaring which, under Division 10 (commencing at Section 17001), devolve upon precinct boards. Where a substitutive canvassing and counting board has been appointed, the powers, rights and duties of the precinct board officiating prior to the closing of the polls shall cease upon the closing of the polls. The substitutive canvassing and counting board shall be appointed at the time when, and in the manner that, the precinct board is appointed, and the members thereof shall have the qualifications of members of a precinct board, except that no member of a precinct board

shall be a member of the substitutive board of the same precinct. The provisions of this code relating to precinct boards are applicable to substitutive canvassing and counting boards.

Same Member's residence

1610. No person selected to count ballots on a substitutive canvassing and counting board need reside in any particular precinct or area.

Read and write English

1611. No person who cannot read and write the English language is eligible to act as a member of any precinct board.

Preferences in appointment

1612. In appointing election officers preference shall so far as possible be given to any voter otherwise qualified:

(a) Who has passed a civil service examination involving a test for a clerical position, or

(b) Who has previously rendered satisfactory service as an election officer.

Persons not eligible

1613. No person is eligible to act as an election officer who has, within 90 days preceding that election, been employed in any permanent capacity by the State, county, city, or city and county of his residence, except:

(a) As an election officer, or

(b) As a clerk engaged in the registering of electors.

Exception

This section does not render a person employed on a temporary, recurrent, or seasonal basis by the State or the county or city or city and county of his residence ineligible to act as an election officer.

Lack of qualified applicants

Where there are not sufficient qualified applicants for positions of election officers, the board of supervisors may appoint persons employed in a permanent capacity by the State, county, city, or city and county of their residence to serve as election officers. No more than two persons so employed shall be appointed to serve in any one precinct.

(*Amended by Stats. 1961, Ch. 677.*)

[ORIGINAL SECTION]

1613. No person is eligible to act as an election officer who has, within 90 days preceding that election, been employed in any permanent capacity by the State, county, or city of his residence, except

(a) As an election officer, or

(b) As a clerk engaged in the registering of electors

This section does not render a person employed on a temporary, recurrent, or seasonal basis by the State or the county or city of his residence ineligible to act as an election officer.

Declaration

1614. No person is eligible to act as an election officer until he has signed the declaration required in this chapter.

Application for positions

1615. Any voter may file an application for the position of an election officer on blanks prepared by the county clerk.

Same Form

1616. The application for the position of election officer shall be substantially in the following form:

APPLICATION TO SERVE AS ELECTION OFFICER

My name in full is_____
My actual residence is_____
My age is _____; my occupation is _____
I am employed at _____(give place of employment).

I am not, and have not been within the last 90 days, employed in any permanent capacity, other than that of election officer or as a clerk engaged in the registration of voters, by the State, county, or city in which I now reside.

I have _____ acted as an election officer at an election _____. (If applicant has previously acted as an election officer state the time and place when so acting and the nature of the office held, otherwise insert the word "not" after the word "have.")

I have _____ passed a civil service examination _____ _____. (If applicant has previously passed such examination state the time and place thereof and the position for which it was held, otherwise insert the word "not" after the word "have.")

My experience in clerical work has been as follows: (State briefly.)

For further information, I would refer to the following: _____. (Names and addresses of two or three well-known citizens of the community, who are acquainted with the qualifications of applicant; to be filled out if applicant is not, through previous service or otherwise, already known to the appointing board.)

I am now registered as a voter in this county (or city and county).

I can read and write the English language and all of the matter written in the foregoing answers is in my own handwriting.

_____
Signature of applicant

Precinct wholly owned by United States

1617. Whenever a precinct is entirely owned or controlled by the United States, and no permission is granted by the federal authorities for the establishment of precinct boards and polling places, precinct boards need not be appointed nor polling places designated, but in lieu thereof the clerk shall, not less than 29 days prior to election day, furnish an application blank for an absent voter ballot to each voter qualified to vote at the election, together with a statement that there will be no polling place within such precinct, and if the voter desires to vote at the election he shall apply for an absent voter ballot not less than seven days before the election.

The order of the election board, or publications required by this code, shall state that in such precincts where no precinct boards are appointed nor polling places designated the qualified voters of such precincts shall vote by absent voter ballots.

(Amended by Stats. 1961, Ch. 794.)

[ORIGINAL SECTION]

1617. Whenever a precinct is entirely owned or controlled by the United States, and no permission is granted by the federal authorities for the establishment of precinct boards and polling places, precinct boards need not be appointed nor polling places designated, but in lieu thereof the clerk shall, not less than 20 days prior to election day, furnish an application blank for an absent voter ballot to each voter qualified to vote at the election, together with a statement that there will be no polling place within such precinct, and if the voter desires to vote at the election he shall apply for an absent voter ballot not less than five days before the election.

The order of the election board, or publications required by this code, shall state that in such precincts where no precinct boards are appointed nor polling places designated the qualified voters of such precincts shall vote by absent voter ballots.

Appointment

1618. The election board, not less than 30 days prior to an election, shall issue its order appointing the members of the several precinct boards and designating the polling places.

Instruction

1619. Following the appointment of members of precinct boards pursuant to Section 1618, the clerk shall instruct inspectors so appointed concerning their duties in connection with the conduct of the election, which instruction shall include (1) a summary of the rights of voters, (2) the lawful grounds for challenge, (3) the proper tabulating procedures, (4) specific directions that the polls shall be kept open to the public during voting hours and throughout the period required for the tabulation of the vote, and (5) such other subjects as shall assist the inspectors in carrying out their duties.

No person shall serve as an inspector of a precinct board at the election unless he has received instruction in accordance with this section, except that in the case of the emergency disability of a regular inspector, a substitute inspector shall be given such instruction as may be found necessary by the clerk.

Appointment by registrar of voters in city and county

1620. In any city and county having a registrar of voters, all preliminary or other lists of voters qualified to act as election officers and all appointments of election officers shall be made by the registrar of voters.

Notice of appointment

1621. Upon filing in his office a list of the names and addresses of those who have been appointed election officers, the county clerk, on behalf of the election board and in the name of the election board, immediately shall mail or deliver to each voter appointed a notice that he has been appointed, stating the position to which he has been assigned, the penalty for failure to serve, and any other matter, that the county clerk determines.

Publication

1622. The county clerk, acting for the election board, shall also publish the list of the names of the election officers appointed and the polling places designated for each election precinct. Publication shall be pursuant to Section 6066 of the Government Code in the county where the election is to be held and in any newspaper of general circulation designated by the election board.

Delivery to county central committee

1623. At the time of the first publication of the list of the names of the election officers appointed, the county clerk shall

mail or deliver to the county central committee of each political party with which there is a statewide affiliation of 1,000,000 or more registered voters, a copy of the list of election officers, and he may notify the same committee of any substitute appointments that are made until the time the notice of final order of appointment, as provided in Section 1630, is sent to the precinct inspector.

Publication in cities and counties

1624. In a city and county the publication of the list of election officers referred to in Section 1622 may, in the discretion of the registrar of voters, be made only once.

Local publication

1625. In each county where the board of supervisors determines that the public interest, convenience and necessity require the local publication of the list of the names of election officers appointed and polling places designated for each election precinct in order to afford adequate notice of this subject to the electorate, publication of this list shall be made as provided in this section and Section 1626.

After such determination, the board of supervisors shall divide and distribute the list of election officers and polling places and cause the same to be published in newspapers of general circulation published in different places in the county as hereinafter provided for two issues, the last publication to be at least one week before the day of election.

Divisions of the list of names of the election officers and polling places may be published in that daily newspaper of general circulation published or circulated in one or more cities in the county, with the exception of the county seat, which it is determined will give to the electorate in each city adequate notice of the election. If there is no daily newspaper, publication may be made in a semiweekly newspaper, a triweekly newspaper, or a weekly newspaper of general circulation which it is determined will give the electorate in the city adequate notice of the election.

The list of names of the election officers appointed and polling places designated for various portions of the unincorporated area of the county and of the county seat may be published in those daily, semiweekly, triweekly, or weekly newspapers of general circulation published or circulated within the various portions of the unincorporated area and the county seat, deemed by the board of supervisors to be those newspapers which will give adequate notice of the election to the voters of the respective portions of the unincorporated area and the county seat.

Publication contracts

1626. The board of supervisors shall let the contracts for publication, pursuant to Section 1625, of the list of the names of election officers appointed and polling places designated for each election precinct, and shall determine the rate to be paid for the publication of the list or any portion of the list.

The publication rate shall be based on a common denominator of measurement for all newspapers and may be graduated according to circulation.

Contracts for the publications shall include the publication of the proper portion of the list of election officers and polling places and all other items relating to that portion required by law to be published.

Election officers: Party designation

1627. In any case where the provisions of this chapter require the publication of a list of the names of election officers, or a portion of the list, the officers charged with the duty of publication shall ascertain the name of the political party, if any, with which each such election officer is affiliated, as shown in the affidavit of registration of such officer. When the list is published there shall be printed the name of his party to the right of the name, or immediately below the name, of each such election officer. The names of political parties may be abbreviated as provided in Section 10300. If an election officer is not affiliated with a political party, the words "No party" shall be printed to the right of or beneath his name.

Notice to appointed inspectors

1628. The clerk shall immediately mail or deliver to each person appointed as inspector a notice showing the precinct polling place and the voters appointed to serve with him as election officers in that precinct. The notice shall be substantially in the following form: Office of the County Clerk (or Registrar of Voters), City Clerk or Secretary. County of _____.

NOTICE TO INSPECTOR

To _____, Inspector for _____ precinct

The polling place for the _____ precinct at the election to be held on _____ will be _____ and the precinct board for that precinct will be composed of you and the following named persons:

Position	Name	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____

You, as inspector, before the polls are opened shall see that each of the other persons serving on the board has signed the declaration required of him by law and which will be found set forth in the tally sheet and that no person is permitted to act as a precinct officer unless he has signed such declaration and is otherwise qualified to act as a precinct officer.

_____

County Clerk, City Clerk, Secretary (or other official).

Substitution of new appointees

1629. In constituting precinct boards, the clerk may excuse persons appointed whom he is satisfied ought to be excused. He may substitute new appointees when any person appointed is excused or found disqualified or incompetent until he sends a final or amended list of election officers to the inspector for the precinct.

Final precinct list of election officers

1630. The amended list of officers appointed in any precinct shall be the final order of appointment for that precinct. These appointments shall be in the form prescribed in this chapter, and in addition shall have at the head thereof the words in capitals "FINAL PRECINCT LIST OF ELECTION OFFICERS."

Appointment by county clerk

1631. If the election officers for any precinct have not been appointed or cannot serve, or the polling place in the precinct has not been designated, by the 20th day prior to an election, the county clerk shall, by written order, immediately appoint the election officers for that precinct, or designate the polling place for the precinct, as the case may require, and shall notify the officers of their appointment.

Polling place

If at such time the county clerk cannot make suitable arrangements for a polling place in any precinct in which none has been designated, he may, with the authorization of the board of supervisors, designate a polling place for the precinct in any contiguous precinct. Any election officer serving in that polling place shall be regarded as serving in his proper precinct within the meaning of Section 1607.

Posting of order

1632. The county clerk shall cause copies of his order to be posted in three public places in the precinct and shall send one copy to the inspector appointed for that precinct who shall cause it to be posted at or near the polling place. If the county clerk fails to perform the duties imposed upon him by Section 1631, the inspector, if one has been appointed, shall perform those duties.

Vacancy on opening of polls

1633. If any member of a precinct board does not appear at the opening of the polls on the morning of an election, those voters present, including members of the board, shall appoint a voter to fill the vacancy. If none of the members appointed appears at that time, the voters of the precinct present at that time may appoint a board.

Criminal penalty

1634. Any voter who has filed an application for the position of, and been appointed as, an election officer, and who, without lawful excuse, fails to act as such, is guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars ($100) or by imprisonment in the county jail not to exceed 30 days or by both.

Changing polling place on date of election

1635. If, for any valid reason, the polling place designated for any precinct cannot be used, the precinct board acting for that precinct, on the day of the election, shall designate another polling place as near the place first designated as possible, post notice of the change on or near the place first designated, and conduct the election at the place last designated.

Notice of change of polling place

1636. If, for any valid reason, the polling place designated for any precinct cannot be used and that fact is discovered in sufficient time before the election so that mailed cards will be received before the election, the election board conducting the election or the clerk or secretary of that board may designate another polling place, and in that event the clerk or secretary shall mail, postage prepaid, to each voter in the precinct a card

containing notice of the change. If polling place cards are required to be mailed but have not yet been mailed it shall be sufficient if the polling place card states the new polling place. The method specified in this section is an alternative method to that set forth in Section 1635 and, if cards are mailed as provided in this section, Section 1635 shall not apply.

Appointments by inspector

1637. The inspector shall appoint a judge or clerk to replace any judge or clerk who ceases to act or becomes incapacitated during the progress of an election.

Declaration of inspectors

1638. Each inspector shall sign a declaration of intention to faithfully discharge the duties of inspector and shall return it to the county clerk for filing at least 15 days before the day of election. If the inspector fails or refuses to sign and file the declaration, the county clerk shall appoint a substitute who shall make and file the declaration.

The declaration of an inspector and each of the declarations of other members of the precinct board provided for in Section 1641 shall be signed in the presence of a witness and shall be as binding on the signer as would be an oath of office.

Form of declaration

1639. The declaration of an inspector shall be in substantially the following form:

State of California }
County of_____ } ss.

I do hereby solemnly declare that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of inspector on the precinct board for precinct _____ for the election to be held on _____, 19__, according to the best of my ability.

_____

Signed in the presence of_____
on_____, 19___.

Declaration in city and county

1640. In a city and county where there is a registrar of voters, he shall require inspectors of precinct boards to file the declaration required of inspectors at the office of the registrar of voters at least 10 days before the day of election. If the inspector fails or refuses to file the declaration, the registrar shall appoint a substitute who shall qualify by filing the declaration.

Declaration of election officers

1641. On the day of election and before entering upon the performance of his duties, each of the election officers, other than the inspector, shall sign a declaration of intention to faithfully discharge the duties of an election officer. The declaration shall be signed before the inspector or, in case he is not present, before any other member of the precinct board. The declaration shall be substantially the same as that required of the inspector and the form for each of the declarations shall be provided in one of the tally sheets for the precinct.

Declaration of inspector

1642. In lieu of signing and returning the declaration of the inspector, as provided in Section 1638 of this code, the clerk may require the inspector to sign the declaration on the day of election and before entering upon the performance of his duties.

Who may administer oath

1643. Any member of a precinct board may administer and certify oaths required to be administered during the progress of an election. This authorization shall include the power to give any type of oath required of a public employee.

No fee

1644. There shall be no fee or charge for administering an oath to an election officer.

Compensation

1645. Each member of a precinct board shall receive as compensation for his services a sum fixed by the board of supervisors of the county, which sum shall be paid out of the treasury of the county in which he acts. The inspector may receive up to three dollars ($3) more compensation than the other members of the precinct board. The inspector shall receive not more than twenty-one dollars ($21) and the other members shall receive not more than eighteen dollars ($18). In those precincts in which the precinct board consists of not less than four clerks in addition to the other four members of the board, the compensation received by the clerks shall not be more than eight dollars ($8).

Assignment of salary

1646. An election officer shall not assign or in any manner transfer the compensation which he will receive or be entitled to receive for service as an election officer until after the returns from the precinct where he served have been sealed and delivered as provided by this code.

Advancement of money

1647. It is unlawful for any person or corporation to receive any assignment or transfer of the compensation of an election officer for his services as such, or pay or advance any money to or for the use of an election officer, until the election returns from his precinct have been sealed and delivered as provided in this code.

Criminal penalty

1648. Any person who violates any provision of Section 1646 or Section 1647 is guilty of a misdemeanor.

Distribution of duties

1649. The members of each precinct board shall distribute the duties devolving upon the precinct board, which are in addition to their individual duties, in such manner as they deem most advantageous.

Effect of election officer's absence from employment

1650 Any election officer may, on the day of an election at which he is serving, absent himself from any service or employment in which he is then engaged or employed. He shall not, because of so absenting himself, be suspended or discharged from his service or employment. No employee of any public or municipal corporation, or public district, shall be paid any compensation by the public or municipal corporation, or public district, for any absence during which he receives compensation for acting as an election officer.

Identification

1651. The county clerk shall furnish to each member of a precinct board a badge or other insignia identifying him as a member of the board. The precinct board member shall print

his name and precinct number thereon and shall wear the badge or insignia at all times in the performance of his duties, so that he may readily be identified as a member of the precinct board by all persons entering the polling place.

(Added by Stats. 1961, Ch. 800.)

CHAPTER 3. ELECTION BOARDS

Disobedience of summons

1800. Every person summoned to appear and testify before any election board, who willfully disobeys the summons, is guilty of a misdemeanor.

DIVISION 3. ELECTION DAYS

CHAPTER 1. ELECTION DATES

General election

2500. There shall be held throughout the State, on the first Tuesday after the first Monday of November in every even-numbered year, an election, to be known as the general election.

Direct primary

2501. For the nomination of all candidates to be voted for at the general election, a direct primary shall be held at the legally designated polling places in each precinct on the first Tuesday after the first Monday in the immediately preceding June.

Primary election

2502 Any primary election other than the direct primary or presidential primary shall be held on Tuesday, three weeks next preceding the election for which the primary election is held.

Presidential primary

2503. The presidential primary shall be held on the first Tuesday after the first Monday in June of each year in which delegations to national party conventions are to be chosen.

State, county, municipal and district elections

2504. All state, county, municipal, and district elections shall be held on the Tuesday nearest to the date on which they would be held in the absence of this section. The procedural requirements prescribed for any such election shall be construed as if the provisions of this section were specifically set forth in the provisions relating to that election.

This section shall not apply to any election called by the Governor or to elections held in chartered cities the charters of which contain provisions inconsistent with the provisions of this section.

CHAPTER 2. PROCLAMATIONS AND NOTICES OF ELECTIONS

Election day as holiday

2600. The governing body of any county or city in which a local election is held may declare the election day to be a holiday in that county or city.

Governor's proclamation

2601. At least 30 days before the general election, and at least 70 days before a special statewide election or a special election to fill a vacancy in the office of Representative in Congress, State Senator or Member of Assembly, the Governor shall issue an election proclamation, under his hand and the

Great Seal of the State, and transmit copies to the boards of supervisors of the counties in which the elections are to be held

Contents

2602 The proclamation shall contain:

(a) A statement of the time of election and of the offices, if any, to be filled.

(b) An offer of rewards, in the following form: "And I do hereby offer a reward of one hundred dollars ($100) for the arrest and conviction of any person who violates any of the provisions of Division 15 of the Elections Code, the rewards to be paid until the total amount hereafter expended for the purpose reaches the sum of ten thousand dollars ($10,000)."

(Amended by Stats 1961, Ch. 835.)

[ORIGINAL SECTION]

2602. The proclamation shall contain:

(a) A statement of the time of election and of the offices, if any, to be filled.

(b) An offer of rewards, in the following form: "And I do hereby offer a reward of one hundred dollars ($100) for the arrest and conviction of any person who violates any of the provisions of Division 14 of the Elections Code; the rewards to be paid until the total amount hereafter expended for the purpose reaches the sum of ten thousand dollars ($10,000)."

Publication of notice

2603. Upon receipt of the Governor's Proclamation, the board of supervisors shall cause a copy to be published in the county pursuant to Section 6061 of the Government Code at least 10 days before the election In case of special elections to fill a vacancy in the office of Representative in Congress, State Senator or Member of Assembly, upon receipt of the proclamation, the board of supervisors shall cause a copy to be published, as provided above, except that publication need not be made for a longer period than five days before the election.

Local special election

2604. Whenever a special election is ordered by the board of supervisors, it shall issue an election proclamation containing a statement of the time of the election and of the offices to be filled, and shall publish and post it in the same manner as election proclamations issued by the Governor.

DIVISION 4. MEASURES SUBMITTED TO VOTERS

CHAPTER 1. STATE ELECTIONS

Article 1. Initiative and Referendum Petitions

Application

3500. This article applies only to initiative and referendum measures affecting the Constitution or laws of the State.

Summary by Attorney General

3501. The proponents of any proposed initiative measure, prior to circulating any petition for signatures, shall submit a draft of the petition to the Attorney General with a request that he prepare a summary of the chief purposes and points of the proposed measure. The Attorney General shall prepare the summary in the manner provided for the preparation of ballot titles in Article 2 (commencing at Section 3530) of this chap-

ter, the provisions of which in regard to the preparation, filing, and settlement of titles and summaries are hereby made applicable to the summary. The title and summary shall not exceed 100 words in all.

Fee

The proponents of any initiative measure shall, at the time of submitting the draft of the measure to the Attorney General, pay a fee of two hundred dollars ($200), the fee to be placed in a trust fund in the office of the State Treasurer to be refunded to the proponents if, within two years from the date the summary is furnished to the proponents, the measure qualifies for the ballot. If the measure does not qualify within that period, the fee shall be immediately paid into the General Fund of the State.

Printing on petition: Initiative

3502. The proponents of any proposed initiative measure shall, prior to its circulation, place upon each section of the petition, above the text of the measure and across the top of each page of the petition on which signatures are to appear, in roman blackface type not smaller than 12-point, the summary prepared by the Attorney General.

Each section of the petition shall have a half-inch column to the left of the place for signatures for use of the county clerks.

Referendum

3503. Across the top of each page of a referendum petition, there shall be printed in 12-point blackface type the following:

"Referendum Against an Act Passed by the Legislature."

Short title on referendum petition

3504. Across the top of each page after the first page of every referendum petition or section of a referendum petition, which is prepared and circulated, there shall be printed in 18-point gothic type a short title, in not to exceed 20 words, showing the nature of the petition and the subject to which it relates.

Each section of the petition shall have a half-inch column to the left of the place for signatures for use of the county clerks.

Filing petition

3505. Officers required by law to receive or file in their offices any initiative or referendum petition shall not receive or file any initiative or referendum petition which does not conform with the provisions of this article.

Preservation of petitions

3506. An officer receiving or filing in his office any initiative or referendum petition shall preserve the petition for four years He may destroy the petition after four years unless it is in evidence in some action or proceeding then pending.

Summary date

3507. The date a summary of a proposed initiative measure is delivered or mailed by the Attorney General to the proponents is designated the "official summary date" for the proposed initiative measure. The Attorney General shall immediately notify the Secretary of State of that date and send the Secretary of State a copy of the summary. The Secretary

of State immediately shall notify the county clerk of each county of the official summary date and mail a copy of the summary to each county clerk.

Circulation of petition

No petitions for a proposed initiative measure shall be circulated for signatures prior to the official summary date. First petitions with signatures on a proposed initiative measure shall be filed with the county clerk not later than 90 days from the official summary date, and no county clerk shall accept first petitions on the proposed initiative measure after that period. Supplemental petitions may be filed in accordance with Section 1 of Article IV of the Constitution in any county in which first petitions were filed.

Article 2. Ballot Titles

Attorney General to prepare

3530. The Attorney General shall provide and return to the Secretary of State a ballot title for each measure submitted to the voters of the whole State.

Request for preparation of title

3531. Any person who is interested in any proposed measure may at any time, prior to 150 days before the election at which the measure is to be voted upon, file a copy of it with the Secretary of State, together with a request that a ballot title be prepared for it. This request shall be accompanied by the address of the person or association of persons proposing the measure. The Secretary of State shall immediately transmit a copy of the measure to the Attorney General. Within 10 days after it is filed with him, the Attorney General shall provide and return to the Secretary of State a ballot title for the measure. The ballot title may differ from the legislative or other title of the measure and shall express in not exceeding 100 words the purpose of the measure. In providing the ballot title, the Attorney General shall give a true and impartial statement of the purpose of the measure in such language that the ballot title shall not be an argument or likely to create prejudice either for or against the measure.

Copy of measure to Attorney General

Ballot title to express purpose

True and impartial statement

Notice of preparation of title

3532. Immediately upon receipt of the ballot title prepared by the Attorney General, the Secretary of State shall mail to all persons who may have requested the preparation of that ballot title, a notice addressed to them at the address accompanying the request, stating that the Attorney General has made and returned the ballot title. The notice shall also contain a copy of the ballot title prepared by the Attorney General.

Use on ballot

3533. Each measure shall be designated on the ballot by the ballot title certified to the Secretary of State by the Attorney General.

Article 3. Arguments Concerning Measures Submitted to Voters

Arguments in favor of legislative measure

3555. Whenever the Legislature submits any measure to the voters of the State, the author of the measure and one

member of the same house who voted with the majority on the submission of the measure, shall be appointed by the presiding officer of that house, before the adjournment of the Legislature, to draft an argument for the adoption of the measure. This argument shall not exceed 500 words in length.

Length

Separate arguments

If the author of the measure desires separate arguments to be written in its favor by each person appointed, separate arguments may be written, but the combined length of the two arguments shall not exceed 500 words.

Argument opposing legislative measure

3556. If a measure submitted to the voters by the Legislature was not adopted unanimously by the house in which it was introduced, one member of that house who voted against it shall be appointed by the presiding officer of that house, at the same time as appointments to draft an argument in its favor are made, to write an argument against the measure. The argument shall not exceed 500 words.

Submission of arguments

3557. Arguments prepared by legislators appointed by the presiding officer of the Senate or Assembly shall be submitted to the Secretary of State within 90 days after the adjournment of the Legislature, subject to amendment or change by the legislators respectively submitting them at any time within one year after adjournment. The amendment shall be substituted by the Secretary of State for the original.

Amendment

Request to submit arguments on legislative measure

3558. If an argument for or an argument against a measure submitted to the voters by the Legislature has not been filed by a Member of the Legislature within one year from the final adjournment of the Legislature, any voter may request the presiding officer of the house in which the measure originated for permission to prepare and file an argument for either side on which no argument has been prepared by a Member of the Legislature. The presiding officer of the house of origin shall grant permission unless two or more voters request permission to submit arguments on the same side of a measure, in which event the presiding officer shall designate one of the voters to write the argument.

Press release requesting submission of arguments

3559. In case either the argument for or the argument against any measure either proposed by the Legislature to be voted upon by the voters, or placed on the ballot by initiative or referendum, is not prepared and filed pursuant to this chapter Article IV, Section 1 of the Constitution, the Secretary of State shall, by a general press release, request voters to submit arguments.

3560. The press release shall be mailed at least:

Time for mailing of press release

(a) 170 days prior to the date of the election at which a measure submitted by the Legislature is to be voted upon.

(b) 140 days prior to the date of the election at which an initiative or referendum measure is to be voted upon.

Content of announcement

3561. The press release shall consist of an announcement containing:

(a) A summary of the essential nature or purpose of the measure for or against which no argument has been prepared or filed.

(b) A statement as to whether the affirmative, negative, or both arguments have not been filed.

(c) An invitation to any voter or group of voters to submit and file with the Secretary of State, within 150 days prior to the election, in the case of measures submitted by the Legislature, and within 130 days prior to the election, in the case of initiative and referendum measures, arguments for or against the measure as to which affirmative or negative arguments have not been filed.

Summary of measure

3562. The summary of an initiative measure given in the press release shall be the official summary which has been prepared by the Attorney General. The Legislative Counsel Bureau shall prepare the summary on all other measures.

Any voter may file argument

3563. Any voter or group of voters may, at any time within the time limit, prepare and file with the Secretary of State an argument for or against any measure as to which arguments have not been prepared or filed as provided in this chapter or as provided in Article IV, Section 1 of the Constitution. The argument shall not exceed 500 words in length.

Length of argument

Priority of arguments

3564. If more than one argument for or more than one argument against any measure is filed within the time prescribed, the Secretary of State shall select one of the arguments for printing in the ballot pamphlets. In selecting the argument the Secretary of State shall give preference and priority in the order named to the arguments of the following:

(a) In the case of a measure submitted by the Legislature, Members of the Legislature.

(b) In the case of an initiative or referendum measure, the proponent of the petition.

(c) Bona fide associations of citizens.

(d) Individual voters.

Number of signatures with arguments

3565. No more than three signatures shall appear with any argument printed in the ballot pamphlet. In case any argument is signed by more than three persons the signatures of the first three shall be printed.

Analysis by Legislative Counsel

3566. Whenever any measure qualifies for a place on the ballot the Secretary of State shall transmit a copy of the measure to the Legislative Counsel. The Legislative Counsel shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall be printed in the ballot pamphlet between the ballot title and the arguments for and against the measure. The length of the analysis shall not exceed 500 words, except with the approval of the State Board of Control.

Number of ballot pamphlets

3567. The Secretary of State shall cause to be printed by the State Printer one and one-tenth times as many ballot pamphlets as there are voters in the State.

Contents

3568. The ballot pamphlets shall contain:

(a) A complete copy of all measures submitted to the voters by:

(1) The Legislature.

(2) Initiative or referendum petition.

(b) A copy of the specific constitutional or statutory provision, if any, proposed to be affected.

(c) A copy of the arguments provided for in this chapter and in Section 1, Article IV of the Constitution.

Form
First part

3569. The ballot pamphlets shall be printed in two parts, separately paged. The first part, which shall consist of the arguments for and against the measures in the same order in which they are to appear upon the ballot, shall be printed in not less than eight-point type, shall be preceded by the numbers and ballot titles provided for in this chapter, and shall in each case be preceded by a reference, printed in blackface type, to the page on which begins the text of the measure as printed in the second part of the pamphlet.

Second part

3570. The second part of the pamphlet shall be designated as the appendix, shall begin with page numbered one, shall be printed in eight-point type, and shall contain, in the same order and with the same numbers and ballot titles as provided in this chapter, the text, existing provisions of law affected, and all other matter connected with the proposed measures, except the arguments to be printed in the first part of the pamphlet.

The provisions of the proposed measures differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

Order and form of measures

3571. All measures submitted to the voters shall be printed in the ballot pamphlets, so far as possible, in the same order, manner and form in which they are designated upon the ballot. The ballot titles shall be numbered consecutively and printed in the ballot pamphlets immediately prior to the particular measure to which each refers. There shall also be printed in the pamphlets the copy of the ballot title as it will appear on the ballots The certification of the correctness of the pamphlet by the Secretary of State shall be printed therewith.

Contents

3572. The ballot pamphlet need not contain:

(a) An index to the arguments;

(b) An index to the measures;

(c) A list of the ballot titles as they will appear on the ballot;

(d) A recapitulation of amendments to the Constitution, new laws and amendments to existing laws;

(e) A summary of measures submitted to electors; or

(f) A list showing the order of measures on the ballot and the page on which they appear in the pamphlet.

Furnishing of pamphlets: To county clerks

3573. The Secretary of State shall furnish each county clerk with not more than one and one-twentieth times as many copies of the ballot pamphlets as there are voters in his county. The ballot pamphlets shall be furnished not less than 45 days before the election at which the measures contained in the ballot pamphlets are to be voted on. The county clerk shall commence to mail one copy of the ballot pamphlet to each voter not more than 40 nor less than 15 days before the day

Mailing by county clerk

fixed by law for the election, and no other official publication of such measures shall be made. The mailing of the ballot pamphlets shall be completed at least 10 whole days before the election. Three copies, to be supplied by the Secretary of State, shall be kept at every polling place, while an election is in progress, so that they may be freely consulted by the voters.

To public officers

3574. As soon as copies of the ballot pamphlet are available, the Secretary of State shall mail immediately the following number of copies to the following persons and places:

(a) Six copies to each city clerk;

(b) Two copies to each judge of a justice court and each judge of a municipal court;

(c) Five copies to each county clerk;

(d) Five copies to each State Senator;

(e) Five copies to each Member of the Assembly.

As soon as copies of the ballot pamphlet are available, the Secretary of State shall mail upon request the following number of copies to the following persons and places:

Libraries

(a) Two copies to each public library and branch thereof;

Schools

(b) Two copies to each public high school or other public school teaching at least the 11th and 12th grades.

Additional copies

The Secretary of State may mail upon request additional copies of the ballot pamphlet to those persons and institutions mentioned in this section.

Chapter 2. County Elections

Article 1. Initiative

County ordinances

3700. In addition to any other method provided by law, ordinances may be enacted by any county pursuant to this article.

Initiative petition

3701. Any proposed ordinance may be submitted to the board of supervisors by an initiative petition filed with the county clerk signed by not less than the number of voters specified in this article. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving street and number. If no street and number exist, then a designation of the place of residence shall be given which will enable the location to be readily ascertained.

Signatures, residence

Affidavit of person circulating

Each separate paper shall have attached an affidavit made by a voter of the county. The affidavit shall state that the affiant circulated that particular paper and saw written the signatures appended to it, and that according to the best information and belief of the affiant:

(a) Each is the genuine signature of the person whose name it purports to be.

(b) The signer is a voter of the county.

Notice of intention to circulate certain petition

3702. Before circulating any initiative petition in a county, or any petition relating to the annexation of territory by a county, the consolidation of counties, or the dissolution of a

county, its proponents shall publish a notice of intention so to do, which notice shall be accompanied by a printed statement not exceeding 500 words in length of the reasons for the proposed petition.

Publication of notice

3703. This notice and statement shall be published at least once in a newspaper of general circulation published in that county.

Filing of copy of notice

3704. Within 10 days after the date of the publishing of the notice and statement, the proponents shall file a copy of the notice, statement, and an affidavit of the publishing thereof with the county clerk.

Circulation of petition

3705 Twenty-one days after the publication of the notice and statement, the petition may be circulated among the voters of the county. The petition shall bear a copy of the printed notice of intention and accompanying statement.

Time limit

3706. Signatures shall be secured and the petition filed within six months from the first publication of the notice of intention.

Examination and certification of petition

3707. Within 10 days from the date of filing the petition, the county clerk shall examine the petition, and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. He shall attach to the petition his certificate showing the result of his examination. If the county clerk's certificate shows the petitition to

Supplemental petition

be insufficient, a supplemental petition, in form a duplicate of the original petition, bearing additional signatures, may be filed within 10 days of the date of the certificate of insufficiency. The county clerk shall, within 10 days after the supplemental petition is filed, examine it, and if his certificate shows that the signatures to the petition are still insufficient, no action shall be taken on the petition. The petition shall remain

Petition to be public record

on file as a public record, and the failure to secure sufficient signatures shall not prejudice the filing later of an entirely

New petition

new petition to the same effect. If the petition together with supplementary petitions, if any, is found to be sufficient, the county clerk shall submit it to the board of supervisors at the next regular meeting of the board

Petition with signatures equal to 20 percent of vote

3708. If the initiative petition is signed by voters not less in number than 20 percent of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the board of supervisors shall either:

Pass ordinance without alteration

(a) Pass the ordinance without alteration at the regular meeting at which it is presented and within 10 days after it is presented.

Call special election

(b) Immediately call a special election at which the ordinance, without alteration, shall be submitted to a vote of the voters of the county.

Submission at regular election

3709. When it is legally possible to hold a special election under this article within six months prior to a regular election, the board of supervisors may submit the proposed ordinance at that regular election instead of at a special election.

In all other cases the board of supervisors shall call a special election to be held not less than 60 nor more than 120 days after the date of the presentation of the proposed ordinance to it. However, to avoid holding more than one election within any six months, the date for holding the special election may be fixed later than 120 days after the date of the presentation of the proposed ordinance to the board, but at as early a date as practicable after the expiration of the six months. Date for special election

3710. Not more than one special election may be held pursuant to this article during any period of six months. Limitation

3711. If the initiative petition is signed by voters not less in number than 10 percent of the entire vote cast in the county for all candidates for Governor at the last gubernatorial election, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the voters at a special election, and is not passed without change by the board of supervisors, the ordinance, without alteration, shall be submitted by the board to the voters at the next general election. Petition with signatures equal to 10 percent of vote

3712. The board of supervisors shall give notice of an election held pursuant to this article by publication in the same manner as prescribed for the publication of the list, or portions of the list, designating polling places for a general election. Notice of election

3713. Whenever any ordinance is required by this article to be submitted to the voters of a county at any election, the county clerk shall cause the ordinance to be printed. He shall mail a printed copy of the ordinance, enclosed in an envelope with a sample ballot, to each voter, at least 10 days prior to the election. Printing of proposed ordinance

3714. The ballots used when voting upon the proposed ordinance shall have printed on them the words "Shall the ordinance (stating the nature thereof) be adopted?" Opposite the statement of the ordinance to be voted on, and to its right, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If a voter stamps a cross (+) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the ordinance. If he stamps a cross (+) in the voting square after the printed word "No," his vote shall be counted against its adoption. Questions on ballots

3715. The persons filing an initiative petition pursuant to this article may file with the petition a written argument in favor of the ordinance. The board of supervisors may submit an argument against the ordinance. Neither argument shall exceed 300 words in length. Arguments

The county clerk shall cause an argument for the measure, if submitted, and an argument against the measure, if submitted, to be printed and shall enclose a copy of both arguments, printed on the same sheet of paper, in an envelope with each sample ballot. Such printed arguments are "official matter" within the meaning of those words used in Section 10012. Printed arguments

3716. Any number of proposed ordinances may be voted upon at the same election. Number of proposed ordinances

Effective date

3717. If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the county. The ordinance shall be considered as adopted upon the date the vote is declared by the board of supervisors, and shall go into effect 10 days after that date.

Conflict between ordinances

3718. If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.

Enacting clause

3719. The enacting clause of an ordinance submitted to the voters of a county shall be substantially in the following form:

"The people of the County of _____ do ordain as follows:".

Repeal or amendment

3720. No ordinance proposed by initiative petition and adopted either by the board of supervisors without submission to the voters or adopted by the voters shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance. In all other respects, an ordinance proposed by initiative petition and adopted shall have the same force and effect as any ordinance adopted by the board of supervisors.

Scope of article

3721. This article does not apply to any statewide initiative measure.

Article 2. Referendum

Submission of ordinance without petition

3750. The board of supervisors may submit to the voters, without a petition, an ordinance for the repeal, amendment, or enactment of any ordinance. The ordinance shall be voted upon at any succeeding regular or special election, and if it receives a majority of the votes cast, the ordinance shall be repealed, amended, or enacted accordingly.

Effective date of ordinances

3751. Except an ordinance granting a franchise, the following ordinances shall take effect immediately:

(a) Those calling or otherwise relating to an election.

(b) Those specifically required by law to take immediate effect.

(c) Those fixing the amount of money to be raised by taxation or the rate of taxes to be levied.

(d) Those for the immediate preservation of the public peace, health, or safety. The ordinances referred to in this subdivision shall contain a declaration of the facts constituting the necessity and shall be passed by a four-fifths vote of the board of supervisors.

All other ordinances, including ordinances granting a franchise, shall become effective 30 days from the date of final passage.

Petition protesting adoption

3752. If a petition protesting against the adoption of an ordinance is presented to the board of supervisors prior to the effective date of the ordinance, the ordinance shall be suspended and the supervisors shall reconsider the ordinance. The petition shall be signed by voters of the county equal in

number to at least 10 percent of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election. Signatures equal to 10 percent of vote

3753. If the board of supervisors does not entirely repeal the ordinance against which a petition is filed, the board shall submit the ordinance to the voters either at a regular election or a special election called for the purpose. The ordinance shall not become effective unless and until a majority of the voters vote in favor of it Submission at election

3754. The provisions of this code relating to the form of petitions, the duties of the county clerk, and the manner of holding elections, when an ordinance is proposed by initiative petition, govern the procedure on ordinances against which a protest is filed. Initiative provisions applicable

Article 3. Arguments Concerning County Measures

3780. As used in this article, "county measure" includes any proposed county charter, any proposed amendment to a county charter, any proposition for the issuance of funding or refunding bonds of the county, or any other question or proposition submitted to the voters of a county at any election held throughout an entire single county. "County measure" does not include any question or proposition submitted to the voters of any public district although the boundaries of the district may be coterminous with those of the county. "County measure"

3781. Whenever any county measure qualifies for a place on the ballot, the county clerk shall transmit a copy of the measure to the county counsel or to the district attorney in any county which has no county counsel. The county counsel or district attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length. Analysis of county measure by county counsel or district attorney

3782. If there is no other method provided by law, arguments for and against any county measure may be submitted to the qualified electors of the county pursuant to this article. If a method is otherwise provided by law for submitting such arguments as to a particular kind of county measure, that method shall control. Arguments re county measures Submission

3783. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens, or any combination of such voters and associations may file a written argument for or against any county measure. No argument shall exceed 300 words in length. The county clerk shall cause an argument for and an argument against the measure, and the analysis of the measure, to be printed, and shall enclose a copy of both arguments preceded by the analysis in an envelope with each sample ballot. The printed arguments and the analysis are "official matter" within the meaning of those words used in Section 10012. Same Enclosure with sample ballot

Same: Final date for submission

3784. Based on the time reasonably necessary to prepare and print the arguments, analysis, and sample ballots for the particular election, the county clerk shall fix and determine a reasonable date prior to the election after which no arguments for or against any county measure may be submitted to him for printing and distribution to the voters as provided in this article. Notice of the date fixed shall be published by the county clerk pursuant to Section 6061 of the Government Code. Arguments may be changed until and including the date fixed by the county clerk

Same: Preference in selection

3785. If more than one argument for or more than one argument against any county measure is submitted to the county clerk within the time prescribed, the county clerk shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument the county clerk shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or member or members of the board authorized by the board.

(b) The individual voter or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.

(c) Bona fide associations of citizens.

(d) Individual voters.

Application of article

3786. If the board of supervisors so provides in its proclamation of or notice of any special election or district election, called by, and the returns of which are canvassed by, the said board, all of the provisions of this article shall apply to such election except that for such election:

(a) "County measure" shall be deemed to refer to any measure as defined in Section 42 submitted at such special or district election. Section 3780 shall not apply.

(b) Section 3781 and the reference to the analysis of the measure by the county counsel or district attorney in Section 3783 shall not apply unless the board of supervisors directs such officer to prepare such analysis.

(Added by Stats. 1961, Ch. 325.)

CHAPTER 3. MUNICIPAL ELECTIONS

Article 1. Initiative

Ordinances

4000. Ordinances may be enacted by and for any incorporated city pursuant to this article.

Petition

4001. Any proposed ordinance may be submitted to the legislative body of the city by a petition filed with the clerk of the legislative body after being signed by not less than the number of voters specified in this article. The signatures to the petition need not all be appended to one paper. In order to be acceptable for filing the petition must on its face purport to have appended to it signatures of voters in the required num-

Signatures, etc

ber. Each signer shall add to his signature the date of his signing and his place of residence, giving street and number. If no street and number exists, then a designation of the place of residence shall be given which will enable the location to be readily ascertained. The petition, when filed, shall have designated in it the name or number of the respective precinct in which each of the signers resides.

Notice of intention to circulate certain petitions

4002. Before circulating an initiative petition in any city, or any petition relating to the annexation of territory by a city, the consolidation of cities, or the dissolution of a city, the proponents shall publish a notice of intention so to do, which notice shall be accompanied by a printed statement not exceeding 500 words in length of the reasons for the proposed petition.

Manner of publication

4003. This notice and statement shall be published at least once in a newspaper of general circulation published in that city.

Newspaper published in county

4004. If the petition is to be circulated in a city in which there is no newspaper published, it shall be published in a newspaper published within the county and circulated within that city. If no newspaper of general circulation is published within the county, a copy of the notice of intention and the accompanying statement shall be posted in three public places in the city in which the petition is to be circulated.

Filing copy and affidavit

4005. Within 10 days after the date of the publishing of the notice, the proponents shall file a copy of the notice, accompanying statement, and an affidavit of the publishing or posting thereof with the city clerk.

Circulation of petition

4006. Twenty-one days after the publication or posting of the notice and statement, the petition may be circulated among the voters of the city for signatures. The petition shall bear a copy of the printed or posted notice of intention and accompanying statement.

Time limit

4007. Signatures shall be secured and the petition filed within six months from the first publication or posting of the notice of intention or, in the case of a petition relating to the annexation of territory, within six months of the date on which the first signature was affixed.

Affidavit

4008. Each separate paper shall have attached an affidavit made by a voter of the city. The affidavit shall state that the affiant circulated that particular paper, saw written the signatures appended to it, that he resides at _____, and that according to the best information and belief of the affiant:

(a) Each is the genuine signature of the person whose name it purports to be.

(b) The signer is a voter of the city.

Examination and certification of petition

4009. Within 10 days from the date of filing the petition, the clerk of the legislative body shall examine the petition and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. He shall attach to the petition his certificate showing the result of his examination, and present it to the legislative body at the next

meeting of that body. If the clerk's certificate shows the petition to be insufficient, a supplemental petition, in form a duplicate of the original petition, bearing additional signatures, may be filed within 10 days of the date of the certificate of insufficiency.

Supplemental petition

4010. The clerk of the legislative body shall, within 10 days after the supplemental petition is filed, examine it, and if his certificate shows that the signatures to the petition are still insufficient, the legislative body shall not be required to take any action on it. The petition shall remain on file as a public record, and the failure to secure sufficient signatures shall not prejudice the subsequent filing of an entirely new petition to the same effect. If the petition, together with the supplementary petitions, if any, is found to be sufficient, the clerk shall submit it to the legislative body at its next regular meeting.

Submission to legislative body

Signatures equal to 15 percent of vote

4011. If the initiative petition is signed by not less than 15 percent of the voters of the city on the day the original petition is filed with the clerk of the legislative body, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the legislative body shall either:

(a) Introduce the ordinance without alteration at the regular meeting at which it is presented and adopt the ordinance within 10 days after it is presented.

(b) Immediately call a special election at which the ordinance, without alteration, shall be submitted to a vote of the voters of the city.

Signatures equal to 10 percent of vote

4012. If the initiative petition is signed by not less than 10 percent of the voters of the city on the day the original petition is filed with the clerk of the legislative body, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the voters at a special election, and is not passed without change by the legislative body, then the ordinance, without alteration, shall be submitted by the legislative body to the voters at the next regular municipal election.

Effect of veto

4013. In cities having a mayor, or like officer, with the veto power, the passage of an ordinance petitioned for by the voters, followed by its veto by him, and the failure of the legislative body to pass the same over his veto, shall be deemed a refusal of the legislative body to pass the ordinance, within the meaning of this article.

Question on ballot

4014. The ballots used when voting upon the proposed ordinance shall have printed on them the words "Shall the ordinance (stating the nature thereof) be adopted?" Opposite the statement of the ordinance to be voted on, and to its right, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If a voter stamps a cross (+) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the ordinance. If he stamps a cross (+) in the voting square after the printed word "No," his vote shall be counted against its adoption.

Adoption of ordinance

4015. If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the city. The ordinance shall be considered as adopted upon the date that the vote is declared by the legislative body, and shall go into effect 10 days after that date. No ordinance proposed by initiative petition and adopted by the vote of the legislative body of the city without submission to the voters, or adopted by the voters, shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance.

Effective date

Repeal or amendment

Number of ordinances voted on

4016. Any number of proposed ordinances may be voted upon at the same election, but not more than one special election in any period of six months may be held under the provisions of this article.

Arguments

4017. The persons filing an initiative petition pursuant to this article may file with the petition a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance. Neither argument shall exceed 300 words in length, and both arguments shall be printed upon the same sheet of paper and mailed to each voter with the sample ballot for the election

Conflict between ordinances

4018. If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.

Submission of proposition without petition

4019. The legislative body of the city may submit to the voters, without a petition therefor, a proposition for the repeal, amendment, or enactment of any ordinance, to be voted upon at any succeeding regular or special city election, and if the proposition submitted receives a majority of the votes cast on it at the election, the ordinance shall be repealed, amended or enacted accordingly. A proposition may be submitted, or a special election may be called for the purpose of voting on a proposition, by ordinance or resolution.

Printing of proposed ordinance

4020. Whenever any ordinance or measure is required by this article to be submitted to the voters of a city at any election, the clerk of the legislative body shall cause the ordinance or measure to be printed. He shall mail a copy of the ordinance or measure, enclosed in an envelope with a sample ballot, to each voter at least 10 days prior to the election.

Enacting clause

4021. The enacting clause of an ordinance submitted to the voters of a city shall be substantially in the following form:

"The people of the City of_____do ordain as follows:".

Date for special election

4022. When a special election is to be called under this article, it shall be held not less than 60 nor more than 75 days after the date of the presentation of the proposed ordinance to the legislative body, and shall be held in accordance with the provisions of this code. To avoid holding more than one special election within any six months, the date for holding the special election may be fixed later than 75 days, but at as

early a date as practicable after the expiration of six months from the last special election. When it is legally possible to hold a special election under this chapter within six months prior to a regular municipal election, the legislative body may submit the proposed ordinance at the regular election instead of at a special election.

Scope of article

4023. This article does not apply to any statewide initiative measure.

Article 2. Referendum

Effective date of ordinance

4050. No ordinance shall become effective until 30 days from and after the date of its final passage, except:

(a) An ordinance calling or otherwise relating to an election.

(b) An ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of, and the facts constituting, its urgency and is passed by a four-fifths vote of the city council.

(c) Ordinances relating to street improvement proceedings.

(d) Other ordinances governed by particular provisions of state law prescribing the manner of their passage and adoption.

Petition signed by 10 percent of voters

4051. If a petition, signed by not less than 10 percent of the voters of the city on the day the petition is filed with the clerk, protesting against the adoption of an ordinance is filed with the clerk of the legislative body of the city within 30 days of the adoption of the ordinance, the effective date of the ordinance shall be suspended, and the legislative body shall reconsider the ordinance. In order to be acceptable for filing, the petition must on its face purport to have appended to it signatures of voters in the required number.

Submission to voters

4052. If the legislative body does not entirely repeal the ordinance against which the petition is filed, the legislative body shall submit the ordinance to the voters, either at a regular municipal election or a special election to be called for the purpose. The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it. If the legislative body repeals the ordinance or submits the ordinance to the voters and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters.

Initiative provisions applicable

4053. The provisions of this chapter relating to the form of petitions, the duties of the city clerk, and the manner of holding elections, when an ordinance is proposed by initiative petition, govern the procedure when a protest is filed against an ordinance.

Effect of veto

4054. Whenever the legislative body of a city has voted in favor of the repeal of an ordinance protested against by the voters, as provided in this article, and the mayor, or like officer, has vetoed the repeal, the failure of the legislative body to

pass the repeal over the veto shall be deemed a refusal to repeal the ordinance.

Date of final passage

4055. The date of approval of an ordinance by the mayor or like officer in the event approval is necessary, or of the expiration without his action on the ordinance of the time within which he may veto it, if the expiration of time for his action without his approval or veto has the effect of making the ordinance a law, shall be deemed the date of final passage of the ordinance by the legislative body, within the meaning of this article.

Duties connected with elections

4056. Any duty imposed in this chapter upon the legislative body of a city in regard to calling a municipal election, or in connection with an election called pursuant to this chapter, is likewise imposed upon any officer having any duty to perform connected with the election, so far as may be necessary to carry out the provisions of this chapter.

Scope of chapter

4057. This chapter does not apply to cities having a charter adopted and ratified under the provisions of Section 8 of Article XI of the Constitution, and having in such charter any provision for the direct initiation of ordinances by the voters; nor to proceedings had for the improvement of streets in or rights-of-way owned by cities, the opening or closing of streets, the changing of grades or the doing of other work, the cost of which or any portion of which is to be borne by special assessments upon real property.

Article 3. Freeholders' Charter Amendments

Application

4080. This article is applicable only to amendments to freeholders' charters adopted pursuant to Section 8 of Article XI of the Constitution.

Constitutional provisions

4081. The procedure for amending freeholders' charters is prescribed in Section 8 of Article XI of the State Constitution.

Petition

4082. The petition signed by voters proposing an amendment to a charter shall set forth in full the text of the proposed amendment.

4083. The petition may be circulated in sections, but each section shall contain a correct copy of the text of the proposed amendment.

Signature

4084. Each signer of the petition shall sign it in the manner prescribed by Section 45 of this code.

Form of petition

4085. The petition shall be in substantially the following form:

PETITION FOR SUBMISSION TO ELECTORS OF PROPOSED AMENDMENT TO THE CHARTER OF THE CITY (OR CITY AND COUNTY) OF _____

To the city council (or other legislative body) of the City (or City and County) of _____:

We, the undersigned, registered and qualified electors of the State of California, residents of the City (or City and County)

of _____, pursuant to Section 8 of Article XI of the Constitution of this State, present to the city council (or other legislative body) of the city (or city and county) this petition and request that the following proposed amendment to the charter of the city (or city and county) be submitted to the registered and qualified electors of the city (or city and county) for their adoption or rejection at an election on a date to be determined by the city council (or other legislative body).

The proposed charter amendment reads as follows:

First. (setting forth text of amendment) _____ (etc.)

Name of signer	(Signed) Residence	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

Article 4. Arguments Concerning City Measures

"City measure"

5010. As used in this article, "city measure" includes any proposed city charter, any proposed amendment to a city charter, any proposition for the issuance of bonds by the city, or any other question or proposition submitted to the voters of a city.

Method of submission

5011. If there is no other method provided by general law, or, in the case of a chartered city, by the charter or by city ordinance, arguments for and against any city measure may be submitted to the qualified electors of the city pursuant to this article If a method is otherwise provided by general law, or, in the case of a chartered city, by charter or city ordinance, for submitting arguments as to a particular kind of city measure, that method shall control.

(Amended by Stats 1961, Ch. 645)

[ORIGINAL SECTION]

5011 If there is no other method provided by general law or city charter, arguments for and against any city measure may be submitted to the qualified electors of the city pursuant to this article If a method is otherwise provided by general law or by city charter or ordinance enacted pursuant to a city charter, for submitting arguments as to a particular kind of city measure, that method shall control.

Filing

5012. The legislative body, or any member or members of the legislative body authorized by that body, or any individual voter or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against any city measure. No argument shall exceed 300 words in length. The city clerk shall cause an argument for and an argument against the measure to be printed and shall enclose a copy of both arguments, printed on the same sheet of paper, in an envelope with each sample ballot. The printed arguments are "official matter" within the meaning of those words used in Section 10012.

Final date for submission

5013. Based on the time reasonably necessary to prepare and print the arguments and sample ballots for that particular election, the city clerk shall fix and determine a reasonable date prior to the election after which no arguments for or against any city measure may be submitted to him for printing and distribution to the voters as provided in this article. Arguments may be changed until and including the date fixed by the city clerk.

Selection

5014. If more than one argument for or more than one argument against any city measure is submitted to the city clerk within the time prescribed, the city clerk shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument the city clerk shall give preference and priority in the order named to the arguments of the following:

Preference and priority

(a) The legislative body or member or members of the legislative body authorized by that body.

(b) The individual voter or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.

(c) Bona fide associations of citizens.

(d) Individual voters.

CHAPTER 4. DISTRICT ELECTIONS

Article 1. Initiative

Enactment of ordinances

5150. In addition to any other method provided by law, ordinances may be enacted by any district pursuant to this article, except that the provisions of this article shall not apply to irrigation districts, to a district formed under a law which does not provide a procedure for elections, to a district formed under a law which does not provide for action by ordinance, to a district governed by an election procedure which permits voters, in electing the district's directors or trustees, to cast more than one vote per voter, or to a district in which the directors are empowered to cast more than one vote per director when acting on any matter.

Petitions

5151. Any proposed ordinance may be submitted to the governing board of the district by an initiative petition filed with the clerk of the district board signed by not less than the number of voters specified in this article. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving street and number. If no street and number exist, then a designation of the place of residence shall be given which will enable the location to be readily ascertained.

Each separate paper shall have attached an affidavit made by a voter of the district. The affidavit shall state that the affiant circulated that particular paper, saw written the signatures appended thereto, and that according to the best information and belief of the affiant:

(a) Each is the genuine signature of the person whose name it purports to be.

(b) The signer is a voter of the district.

Examination of petition

5152. Within 10 days from the date of filing the petition, the clerk of the district board shall examine the petition, and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. He shall attach to the petition his certificate showing the result of his examination. If the clerk's certificate shows the petition to be insufficient, a supplemental petition, in form a duplicate of the original petition, bearing additional signatures, may be filed within 10 days of the date of the certificate of insufficiency. The clerk shall, within 10 days after the supplemental petition is filed, examine it, and if his certificate shows that the signatures to the petition are still insufficient, no action shall be taken on the petition. The petition shall remain on file as a public record, and the failure to secure sufficient signatures shall not prejudice the filing later of an entirely new petition to the same effect. If the petition together with supplementary petitions, if any, is found to be sufficient, the clerk shall submit it to the governing board of the district at the next regular meeting of the board.

Submission at general election

5153. If the initiative petition is signed by voters not less in number than 10 percent of the voters in the district, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the voters at a special election, and is not passed without change by the district board, the ordinance, without alteration, shall be submitted by the board to the voters at the next general election.

Notice of election

5154. The district board shall give notice of an election held pursuant to this article by publication in the same manner as prescribed for the publication of the list, or portions of the list, designating polling places for a general county election.

Mailing copy to voters

5155. Whenever any ordinance is required by this article to be submitted to the voters of a district at any election, the clerk of the district board shall cause the ordinance to be printed. He shall mail a printed copy of the ordinance, enclosed in an envelope with a sample ballot, to each voter, at least 10 days prior to the election.

Ballot form

5156. The ballots used when voting upon the proposed ordinances shall have printed on them the words "Shall the ordinance (stating the nature thereof) be adopted?" Opposite the statement of the ordinance to be voted on, and to its right, the words "Yes" and "No" shall be printed on separate lines, with voting squares If a voter stamps a cross (+) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the ordinance. If he stamps a cross (+) in the voting square after the printed word "No," his vote shall be counted against its adoption.

Arguments

5157. The persons filing an initiative petition pursuant to this article may file with the petition a written argument in favor of the ordinance. The district board may submit an argu-

ment against the ordinance. Neither argument shall exceed 300 words in length, and both arguments shall be printed upon the same sheet of paper and mailed to each voter with the sample ballot for the election.

Number

5158. Any number of proposed ordinances may be voted upon at the same election.

Adoption

5159. If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the district. The ordinance shall be considered as adopted upon the date the vote is declared by the district board, and shall go into effect 10 days after that date.

Conflicting ordinances

5160. If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.

Enacting clause

5161. The enacting clause of an ordinance submitted to the voters of a district shall be substantially in the following form:

"The people of the _____ District do ordain as follows:"

Repeal or amendment

5162. No ordinance proposed by initiative petition and adopted either by the district board without submission to the voters or adopted by the voters shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance. In all other respects, an ordinance proposed by initiative petition and adopted shall have the same force and effect as any ordinance adopted by the board.

Article 2 Referendum and Recall

(Article 2 added by Stats. 1961, Ch. 1586.)

Referendum

5200. The electors of any district, which is a local public entity as defined by Section 700 of the Government Code, and to which Section 5150 of this code applies, shall have the right to petition for referendum on legislative acts of such district in the same manner and subject to the same rules as are set forth in Sections 3751, 3752, 3753, and 3754 of this code, except that all computations referred to in those sections and officers of the county mentioned in those sections shall be construed to refer to comparable computations and officers of the district.

(Added by Stats. 1961, Ch. 1586.)

Same

5201. The governing board of any district to which Section 5200 applies may refer legislative questions to the electors of the district in the same manner as the board of supervisors may refer county questions pursuant to Section 3750 of this code.

(Added by Stats. 1961, Ch. 1586.)

Question of annexation and withdrawal of territory

5202. Any district to which Section 5200 applies may refer the question of annexation of territory to the district or withdrawal of territory from the district to the electors of the territory proposed to be annexed, in the same manner as other legislative questions are referred to the electors of the county pursuant to Section 3750 of this code, in all cases where no

other provision is made by law for holding an election on such issue.

(Added by Stats. 1961, Ch. 1586.)

Recall

5203. The right of recall may be exercised in any district to which Section 5200 applies in the same manner as in a general law city.

(Added by Stats. 1961, Ch. 1586.)

DIVISION 5. NOMINATIONS

CHAPTER 1. PRESIDENTIAL PRIMARY

Article 1. General Provisions

Application of direct primary provisions

6000. The provisions of this code relating to the direct primary apply to the presidential primary insofar as the former do not conflict with the latter.

Application of chapter

6001. This chapter applies both to the nomination of a slate of delegates pledged to the candidacy of a particular candidate and to the nomination of a slate of delegates not expressing a preference for a particular candidate.

(Added by Stats. 1961, Ch. 542.)

Article 2. Number and Certification of Delegates

Notice to Secretary of State

6020. The chairman of the state central committee of each of the political parties qualified to participate in the presidential primary shall notify the Secretary of State on or before the first day of March immediately preceding the presidential primary as to the number of delegates to represent the State in the next national convention of his party.

Form of notification

6021. The notification of the number of delegates shall be in substantially the following form:

STATEMENT OF NUMBER OF DELEGATES TO PARTY NATIONAL CONVENTION

To the Secretary of State
Sacramento, California

You are hereby notified that the number of delegates to represent the State of California in the next national convention of the _____ Party is _____.

Dated this _____ day of _____, 19___.

_____
Chairman of the State Central Committee of the _____ Party.

Failure to file notice

6022. If a chairman of a state central committee fails to file a notice as to the number of delegates, the Secretary of State shall ascertain the number from the call for the national convention issued by the national committee of the party.

6023. The Secretary of State shall, on or before the 10th day of March of the year of the presidential primary, certify to the county clerk of each county the number of delegates to be elected by each of the political parties qualified to participate in the election. Certification by Secretary of State

6024. The certification to the county clerk of the number of delegates shall be in substantially the following form: Form of certification

CERTIFICATE OF SECRETARY OF STATE AS TO NUMBER OF DELEGATES TO EACH PARTY NATIONAL CONVENTION

To the County Clerk of _____ County:

I hereby certify to you that the political parties qualified to participate in the presidential primary to be held in this State on the _____ day of _____, 19__, and the number of delegates to be elected by each political party to represent the State of California in its next national convention is as follows:

Parties	Number of Delegates
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Dated at Sacramento, California, this _____ day of March, 19__

_____

(SEAL) Secretary of State

Article 3. Selection of Candidates

6050 Any three or more voters of the State who are registered as intending to affiliate with the same political party may join as a committee in proposing the nomination of a group of candidates for delegates. The committee may elect its officers, select the candidates for delegates, select the chairman of the committee, arrange for the appointment of verification deputies, secure the endorsement of the person, if any, preferred by the committee as candidate for presidential nominee, appoint alternates, assemble and file all necessary papers, and take all other action which may be necessary for the organization and election of the group. The committee in performing its functions may act through its officers or designated representatives.

(Amended by Stats 1961, Ch. 542)

[ORIGINAL SECTION]

6050. Any three or more voters of the State who are registered as intending to affiliate with the same political party may join as a committee in proposing the nomination of a group of candidates for delegates. The committee may elect its officers, select the candidates for delegates, select the chairman of the committee, arrange for the appointment of verification deputies, secure the endorsement of the person preferred by

the committee as candidate for presidential nominee, appoint alternates, assemble and file all necessary papers, and take all other action which may be necessary for the organization and election of the group. The committee in performing its functions may act through its officers or designated representatives

Filing of statement

6051. The committee, on or before the first day for filing the nomination papers of the group, shall file with the Secretary of State a statement containing the name of the committee and the names of its officers

Number

6052. The number of candidates for delegates grouped on a nomination paper shall be equal to the total number of delegates to be elected by the party.

Selection

6053. The names of the grouped candidates shall be so selected that the smallest number of candidates who reside in any one congressional district shall not be less than the integer of the quotient obtained by dividing the number of the names of candidates appearing upon the same nomination paper by the total number of congressional districts of the State, and that the largest number of candidates who reside in any one congressional district shall not be greater than twice that integer. In any county in which are located two or more entire congressional districts the delegates may be selected from the county at large. If the names are not so selected, the names shall not be certified by the county clerk to the Secretary of State.

Alternates

6054. The number of alternates to be selected shall be no greater than one for each delegate, and the alternates shall be selected in the manner prescribed in Section 6053.

Endorsement

6055 Each group of candidates for delegates, which intends to pledge itself to the candidacy of a particular candidate for presidential nominee, shall have the endorsement of the candidate for presidential nominee for whom the members of the group have filed a preference. The endorsement of the candidate for presidential nominee shall be filed with the Secretary of State before the circulation of any nomination papers of a group of candidates pledged to the support of his candidacy as presidential nominee.

(Amended by Stats 1961, Ch. 542.)

[ORIGINAL SECTION]

6055. Each group of candidates for delegates shall have the endorsement of the candidate for presidential nominee for whom the members of the group have filed a preference. The endorsement of the candidate for presidential nominee shall be filed with the Secretary of State before the circulation of any nomination papers of a group of candidates pledged to the support of his candidacy as presidential nominee

Disqualification

6056. Any candidate whose nomination paper is filed in more than one group is disqualified from running as a member of any group.

Affidavit

6057. Each candidate for delegate to his national party convention shall file with the Secretary of State, before the circulation of the nomination papers of the group of candidates of which he is a member, an affidavit which shall state:

(a) His residence, with street and number, if any.

(b) His election precinct.

(c) That he is a voter in the precinct in which he resides.

(d) That he is a candidate for office of delegate.

(e) That he will not withdraw as a candidate before the presidential primary.

(f) That he will qualify as a delegate if elected.

(g) In the case of a candidate for delegate on a slate of delegates pledging itself to the candidacy of a particular candidate for presidential nominee, the following statement: "I personally prefer _____ as nominee of my political party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall to the best of my judgment and ability, support _____ as nominee of my party for President of the United States."

(h) In the case of a candidate for delegate on a slate of delegates not expressing a preference for a particular candidate the following statement: "I express no preference for a particular candidate The chairman of my group is _____."

The name of a candidate for presidential nominee shall not be placed on the ballot unless this affidavit has been properly filed by each candidate for delegate of the group supporting the candidate.

(Amended by Stats 1961, Ch. 542.)

[ORIGINAL SECTION]

6057. Each candidate for delegate to his national party convention shall file with the Secretary of State, before the circulation of the nomination papers of the group of candidates of which he is a member, an affidavit which shall state:

(a) His residence, with street and number, if any

(b) His election precinct.

(c) That he is a voter in the precinct in which he resides.

(d) That he is a candidate for office of delegate

(e) That he will not withdraw as a candidate before the presidential primary

(f) That he will qualify as a delegate if elected.

(g) The following statement: "I personally prefer _____ as nominee of my political party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall to the best of my judgment and ability, support _____ as nominee of my party for President of the United States."

The name of a candidate for presidential nominee shall not be placed on the ballot unless this affidavit has been properly filed by each candidate for delegate of the group supporting the candidate

6058. The affidavit of a candidate for delegate shall be in substantially the following form: Form

Affidavit of Candidate for Delegate

State of California)
County of _____) ss.

I, _____, reside at No. _____ Street, in the City (or Town) of _____, in the County of _____ in the _____ Congressional District, State of California; my election pre-

emct is __ _____ Assembly District and I reside and am a voter therein, my post office address is _____, County of __ _____.

I desire to be a candidate, at the presidential primary to be held on the __ day of _____, 19___, for delegate to the next national convention of the _____ Party, and if elected as delegate I will qualify.

I personally prefer __ _____ as nominee of my political party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall to the best of my judgment and ability, support _____ as nominee of my party for President of the United States. (This statement of preference shall be omitted where the candidate for delegate is part of a group not expressing a preference for a particular candidate.)

I express no preference for a particular candidate. The chairman of my group is _____. (This statement shall be omitted where the candidate for delegate is part of a group expressing a preference for a particular candidate.)

(Signed) _____

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

_____

(SEAL) Notary Public (or other official)

(Amended by Stats. 1961, Ch. 542.)

[ORIGINAL SECTION]

6058. The affidavit of a candidate for delegate shall be in substantially the following form:

AFFIDAVIT OF CANDIDATE FOR DELEGATE

State of California)
County of _____) ss

I, _____, reside at No. _____ Street, in the City (or Town) of _____, in the County of _____ in the _____ Congressional District, State of California, my election precinct is ____ ___ Assembly District and I reside and am a voter therein, my post office address is _____, County of _____

I desire to be a candidate, at the presidential primary to be held on the _ _____ day of _____, 19___, for delegate to the next national convention of the __ _____ Party, and if elected as delegate I will qualify.

I personally prefer _____ as nominee of my political party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall to the best of my judgment and ability, support _____ as nominee of my party for President of the United States.

(Signed) _____

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

_____

(SEAL) Notary Public (or other official)

Article 4. Nomination Papers

"Basis of percentage"

6080. As used in this article, "basis of percentage" means:

(a) If a party's candidate for Governor was the candidate of the party alone, the vote polled for the party's candidate for Governor at the last preceding general election at which a Governor was elected.

(b) If a party's candidate for Governor was not the candidate of that party alone, the vote polled at the last preceding general election by that one of the party's candidates voted on throughout the State who received the greatest number of votes of all of the party's candidates who were the candidates of that party alone.

(c) If a party had no candidate voted on throughout the State who was the candidate of that party alone, the vote polled at the last preceding general election by that one of the party's candidates voted on throughout the State who received the greatest number of votes of all the party's candidates who were the candidates of the party in conjunction with one or more other parties.

Nomination papers

6081. Nomination papers properly prepared, circulated, signed and verified shall be left, for examination, with the county clerk of the county in which they are circulated, at least 60 days prior to the presidential primary. Upon the filing of nomination papers pursuant to this chapter, the persons named in such papers shall be voted upon as delegates to the respective national conventions of the several political parties, but their names shall not be printed upon the ballots of their respective parties.

Signatures

6082. Nomination papers for candidates for delegates of any party shall be signed by not less than one-half of 1 percent and not more than 2 percent of the vote constituting the basis of percentage.

Same

6083. Upon receipt of a sufficient number of signatures for the nomination of a group of candidates, the Secretary of State shall notify the chairman of the committee of that fact and advise him that no more signatures will be received.

Contents

6084. Each signer of a nomination paper may sign only one paper. He shall declare his intention to support the group of candidates for nomination, add his place of residence, and give his street and number if any. His election precinct shall also appear on the paper just preceding his name, and he shall write the date of his signature at the end of the line just after his residence.

Nomination papers in sections

6085. Any nomination paper may be presented in sections. Each section shall contain the names of candidates comprising the group and state that they are candidates for delegates, and, if such be the case, that they have expressed a preference for a named person as candidate for presidential nominee of the party. Each section shall bear the name of the city, if any, and the name of the county in which it is circulated. Only voters of the county registered as intending to affiliate with

the political party by which the nominations are to be made are competent to sign. Any section circulated within an incorporated city may be signed only by voters of that city.
(Amended by Stats. 1961, Ch. 542.)

[ORIGINAL SECTION]

6085. Any nomination paper may be presented in sections. Each section shall contain the names of candidates comprising the group and state that they are candidates for delegates, and that they have expressed a preference for a named person as candidate for presidential nominee of the party. Each section shall bear the name of the city, if any, and the name of the county in which it is circulated. Only voters of the county registered as intending to affiliate with the political party by which the nominations are to be made are competent to sign. Any section circulated within an incorporated city may be signed only by voters of that city.

Affidavit of verification deputy

6086. Each section shall be prepared with the lines for signatures numbered, and shall have attached the affidavit of the verification deputy who obtained signatures to it, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be. No other affidavit is required. The affidavit of any verification deputy shall be verified free of charge by any officer authorized to administer oaths.

Prima facie evidence

6087. A verified nomination paper is prima facie evidence that the signatures are genuine and that the persons signing it are voters, until it is otherwise proved by comparison of the signatures with the affidavits of registration in the office of the county clerk.

Nomination paper for group of candidates

6088. The nomination paper for a group of candidates shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF GROUP OF CANDIDATES

Section _____ Page _____

County of _____, City or Town of _____ (if any). Nomination paper of group of candidates for election as delegates by _____ Party pledged to the candidacy of _____ as presidential nominee or expressing no preference, as the case may be.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the City or Town of _____, County of _____, State of California, and am registered as intending to affiliate with the _____ Party. I hereby nominate the following:

Number	Names	Residence city or town	County
1			
2			
3			

(to such number as may be required.) etc., as candidates for delegates to the _____ Party National Convention, to be voted for at the presidential primary to be held on the _____ day of _____, 19___. I have not signed the nomination paper of any other candidates for the same office, and I further declare that I intend to support for nomination the candidates named herein.

Number	Precinct	Signature	Residence	Date
1				
2				
3				
Etc.				

VERIFICATION DEPUTY'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the _____ Party as delegates to represent the State of California in the party's next national convention; that all the signatures on this section of the nomination paper numbered from 1 to ___, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

(Signed)_____

Verification Deputy

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

_____

(SEAL) Notary Public (or other official)

(Amended by Stats. 1961, Ch. 542)

[ORIGINAL SECTION]

6088. The nomination paper for a group of candidates shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF GROUP OF CANDIDATES

Section _____ Page _____

County of _____, City or Town of _____ (if any). Nomination paper of group of candidates for election as delegates by _____ Party pledged to the candidacy of _____ as presidential nominee.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the City or Town of _____, County of _____, State of California, and am registered as intending to affiliate with the __ _____ Party. I hereby nominate the following:

Number	Names	Residence city or town	County
1			
2			
3			

(to such number as may be required) etc, as candidates for delegates to the _____ Party National Convention, to be voted for at the presidential primary to be held on the _____ day of _____, 19___ I have not signed the nomination paper of any other candidates for the same office, and I further declare that I intend to support for nomination the candidates named herein

Number	Precinct	Signature	Residence	Date
1				
2				
3				
Etc				

VERIFICATION DEPUTY'S AFFIDAVIT

I, __ _____, solemnly swear (or affirm) that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the _____ Party as delegates to represent the State of California in the party's next national convention, that all the signatures on this section of the nomination paper numbered from 1 to __, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be

(Signed) __ _____
Verification Deputy

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

_____
(SEAL) Notary Public (or other official)

Article 5. Verification Deputies

Appointment of verification deputies

6110. The committee organized to form a group of candidates for delegates, or its duly authorized representatives, may arrange for the appointment of verification deputies to serve within the county in which the deputies reside in securing signatures to the nomination paper of the group of candidates.

The verification deputies thus appointed are the duly authorized verification deputies to secure signatures to the nomination paper of the group of candidates in that county. The form on which the verification deputies are appointed shall be filed with the county clerk of the county in which the verification deputies reside, at or before the time the nomination paper of the group of candidates is left with the county clerk for examination. Additional verification deputies may be appointed in the same manner as the original verification deputies were appointed.

Form

6111. The verification deputies may be appointed by the committee, or its duly authorized representatives, on a form which shall be substantially as follows:

APPOINTMENT OF VERIFICATION DEPUTIES BY COMMITTEE, OR ITS DULY AUTHORIZED REPRESENTATIVES

We, the undersigned, members of the _____ committee (or duly authorized representatives of the _____ committee), do hereby appoint the following voters of the County of _____ as verification deputies to obtain signatures, in that county, to nomination papers placing in nomination as a group of candidates for election as delegates to represent the State of California in the next national convention of the _____ Party that group of candidates organized by us (by the committee of which we are duly authorized representatives):

VERIFICATION DEPUTIES

Name	Residence
_____	_____
_____	_____
_____	_____
Etc.	Etc.

COMMITTEE OR ITS DULY AUTHORIZED REPRESENTATIVES

(Signed)

Name	Residence
_____	_____
_____	_____
_____	_____
Etc.	Etc.

Filed in the office of the County Clerk of _____ County, this _____ day of _____, 19___.

_____, County Clerk

By _____, Deputy

Time limit for obtaining signatures

6112. Verification deputies may obtain signatures to the nomination paper of the group of candidates for whom they were appointed, at any time not more than 90 nor less than 60 days prior to the presidential primary.

Restrictions on verification of signatures

6113. The verification of signatures to nomination papers shall not be made by a candidate for delegate, a county clerk, a deputy county clerk, or within 100 feet of any election booth, polling place, or any place where registration of electors is being conducted.

Article 6. Arrangement and Examination of Nomination Papers

Sections to be returned after verification

6140. Each section of a nomination paper, after being verified, shall be returned by the verification deputy who circulated it to the committee, or to its duly authorized representatives, by whom the verification deputy was appointed. All the sections circulated in any county shall be collected by the committee, or its duly authorized representatives, and they shall arrange and leave the sections with the county clerk for examination.

Fastening together of sections

6141. Prior to filing, the sections of a nomination paper for any group of candidates shall be numbered in order and fastened together by cities or portions of the county not included in cities, substantially in the manner required for the binding of affidavits of registration.

Index of precincts

6142. The sections of the nomination paper may be preceded by an index of precincts arranged as follows:

(a) The precinct numbers or names shall be grouped by cities or outside territory.

(b) Within each group of precinct numbers or names, the numbers or names of the precincts shall be arranged numerically or alphabetically.

(c) Opposite each precinct number or name shall appear the number of each section on which the names of voters registered in that precinct appear, and after the number of each section shall appear, in parentheses, the number of voters registered in that precinct whose names are on that section.

Form of index

6143. The index to the nomination papers of candidates for delegates shall be in substantially the following form:

INDEX TO NOMINATION PAPERS OF CANDIDATES FOR DELEGATES

Names of candidates:

1. _____

2. _____

Etc. _____

Party _____

Sections 1 to _____, inclusive, containing _____ signatures, circulated as follows:

Sections 1 to _____, inclusive, in _____
(Designate city or town or outside territory)

Sections _____ to _____, inclusive, in _____
(Designate city or town or outside territory)

Etc.

_____
(Designate city or town)

Name or number of precinct	Numbers of sections containing voters of precincts
1 _____	Sec. 1 (___ times); Sec. 2 (___ times); Etc.
2 _____	Sec. 1 (___ times); Sec. 2 (___ times); Etc.
Etc.	Etc. Etc. Etc.

(Designate outside territory)

Name or number of precinct	Numbers of sections containing voters of precincts
1 _____	Sec. __ (__ times); Sec. __ (__ times); Etc.
2 _____	Sec. __ (__ times); Sec. __ (__ times); Etc.
Etc.	Etc. Etc. Etc.

Consolidation of sections by counties

6144. Nomination papers, properly assembled, may be consolidated and fastened together by counties, but nomination papers signed by voters in different counties shall not be thus fastened together.

Examination by county clerk

6145. The county clerk shall examine all nomination papers left with him for examination and shall disregard and mark "not sufficient" the name of any voter of his county which does not appear in the same handwriting on an affidavit of registration in the office of the county clerk. He shall also disregard and mark "not sufficient" the name of any voter of his county who has not stated his intention to affiliate with the political party named in the nomination papers.

Certification and transmission to Secretary of State

6146. Within five days after any nomination papers are left with him for examination, the county clerk shall:

(a) Examine and affix to them a certificate reciting that he has examined them and stating the number of names which have not been marked "not sufficient."

(b) Transmit the papers with the certificate of examination to the Secretary of State, who shall file the papers.

County clerk's certificate: Group of candidates

6147. The county clerk's certificate to nomination papers of a group of candidates shall be in substantially the following form:

COUNTY CLERK'S CERTIFICATE TO NOMINATION PAPERS OF GROUP OF CANDIDATES

To the Secretary of State:

I, county clerk of the County of _____, hereby certify that I have examined the nomination papers, to which this certificate is attached, of the group of candidates for election as delegates at the ensuing presidential primary, and that the number of names which I have not marked "not sufficient" is _____.

The group of candidates named in the nomination papers comprise the following (state names of candidates):

_____ _____ _____
_____ _____ _____
_____ _____ _____
Etc. Etc. Etc.

Dated this _____ day of _____, 19____.

(SEAL) _____, County clerk
By _____, Deputy

No filing fee

6148. No filing fee is required from any person to be voted for at a presidential primary.

Article 7. Certified List of Candidates, Notice of Election

Certified list of candidates

6170. At least 45 days before a presidential primary, the Secretary of State shall transmit to each county clerk a certified list containing the names and addresses of the candidates for delegates for whom nomination papers have been filed and who are entitled to be voted for at the presidential primary.

The certified list shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES FOR DELEGATE
DEPARTMENT OF STATE

To the County Clerk of _____ County:

I, _____, Secretary of State, do hereby certify that the following list contains the name and post office address of each person for whom nomination papers have been filed in my office and who is entitled to be voted for at the presidential primary to be held on the _____ day of _____, 19___, as delegate to the next national convention of that party under which his name hereinafter appears; I further certify that in the list under the name of each party, and under the name of the person for whom a preference as nominee of the party for President has been expressed or under the name of the chairman of a group not expressing a preference, there is stated the name of each candidate for delegate who has filed a statement pursuant to Section 6057 of the Elections Code, and who may be voted for as one of a group.

LIST OF CANDIDATES

_____ Party

Candidates preferring	Candidates preferring	No preference (Name of chairman)
Name Address Top of Group	Name Address Top of Group	Name Address Top of Group
1 _____	1 _____	1 _____
2 _____	2 _____	2 _____
3 _____	3 _____	3 _____
etc.	etc.	etc.

_____Party

(etc., as above with each political party)

Dated at Sacramento, California, this _____ day of _____, 19____.

_____

(SEAL) Secretary of State

(Amended by Stats. 1961, Ch. 542.)

[ORIGINAL SECTION]

6170 At least 45 days before a presidential primary, the Secretary of State shall transmit to each county clerk a certified list containing the names and addresses of the candidates for delegates for whom nomination papers have been filed and who are entitled to be voted for at the presidential primary.

The certified list shall be in substantially the following form

CERTIFIED LIST OF CANDIDATES FOR DELEGATE

DEPARTMENT OF STATE

To the County Clerk of County:

I, ___ ____, Secretary of State, do hereby certify that the following list contains the name and post office address of each person for whom nomination papers have been filed in my office and who is entitled to be voted for at the presidential primary to be held on the ___ __ day of _____, 19__, as delegate to the next national convention of that party under which his name hereinafter appears; I further certify that in the list under the name of each party, and under the name of the person for whom a preference as nominee of the party for President has been expressed, there is stated the name of each candidate for delegate who has filed a statement of preference for that person and who has been endorsed as required by law, and who may be voted for as one of a group.

LIST OF CANDIDATES

_____ Party

Candidates preferring	Candidates preferring	Candidates preferring
Name Address Top of Group	Name Address Top of Group	Name Address Top of Group
1 _____	1 _____	1 _____
2 _____	2 _____	2 _____
3 _____	3 _____	3 _____
etc	etc	etc.

_____ Party

(etc., as above with each political party)

Dated at Sacramento, California, this _____ day of _____, 19___.

_____

(SEAL) Secretary of State

Publication of list

6171. Immediately after the county clerk receives the certified list of candidates from the Secretary of State, he shall publish it in a presidential primary notice, under the proper party designation. The notice shall also contain:

(a) The date of the election.

(b) The hours during which the polls will be open.

Publication of notice

6172. The publication of the presidential primary notice shall be made in the county pursuant to Section 6061 of the Government Code.

Form of notice

6173. The notice of the list of candidates published by the county clerk shall be in substantially the following form:

NOTICE BY COUNTY CLERK OF TIME AND PLACE OF PRESIDENTIAL PRIMARY ELECTION, POLITICAL PARTIES ENTITLED TO PARTICIPATE THEREIN, AND NAMES AND ADDRESSES OF CANDIDATES FOR DELEGATE

Notice is hereby given that a presidential primary election is to be held in the County of _____ on the _____ day of _____, 19___, and that hereinafter under the designation of each of the political parties entitled to participate therein there is stated the name and address of each person for whom nomination papers have been filed in the office of the Secretary of State and who is entitled to be voted for, at the election, as delegate to the next national convention of that party under which his name appears; and that under the name of each party, and under the name of the person for whom a preference as nominee of that party for President has been expressed or under the name of the chairman of the group if the group has no preference for a particular candidate, there is stated the name of each of those candidates for delegate who has filed a statement pursuant to Section 6057 of the Elections Code, and who may be voted for as one of a group:

LIST OF CANDIDATES

_____ Party

Candidates preferring	Candidates preferring	No preference (Name of chairman)
Name Address Top of group	Name Address Top of group	Name Address Top of group
1_____	1_____	1_____
2_____	2_____	2_____
3_____	3_____	3_____
etc._____	etc._____	etc._____

_____ Party

(etc., as above with each political party)

Notice is also hereby given that at the presidential primary the polls will be open from the hour of 7 o'clock a.m. to the hour of 7 o'clock p.m. on the day thereof.

Dated this _____ day of _____, 19___.

_____, County Clerk

(Amended by Stats. 1961, Ch. 542.)

[ORIGINAL SECTION]

6173. The notice of the list of candidates published by the county clerk shall be in substantially the following form:

NOTICE BY COUNTY CLERK OF TIME AND PLACE OF PRESIDENTIAL PRIMARY ELECTION, POLITICAL PARTIES ENTITLED TO PARTICIPATE THEREIN, AND NAMES AND ADDRESSES OF CANDIDATES FOR DELEGATE

Notice is hereby given that a presidential primary election is to be held in the County of _____ on the _____ day of _____, 19___, and that hereinafter under the designation of each of the political parties entitled to participate therein there is stated the name and address of each person for whom nomination papers have been filed in the office of the Secretary of State and who is entitled to be voted for, at the election, as delegate to the next national convention of that party under which his name appears; and that under the name of each party, and under the name of the person for whom a preference as nominee of that party for President has been expressed, there is stated the name of each of those candidates for delegate who has filed a statement of preference for that person and has been endorsed as required by law, and who may be voted for as one of a group:

LIST OF CANDIDATES

_____ Party

Candidates preferring	Candidates preferring	Candidates preferring
Name Address	Name Address	Name Address
Top of Group	Top of Group	Top of Group
1 _____	1 _____	1 _____
2 _____	2 _____	2 _____
3 _____	3 _____	3 _____
etc.	etc	etc

_____ Party

(etc., as above with each political party)

Notice is also hereby given that at the presidential primary the polls will be open from the hour of 7 o'clock a.m. to the hour of 7 o'clock p.m. on the day thereof.

Dated this _____ day of _____, 19___.

_____, County Clerk

Article 8. Canvass of Returns. Certificate of Election

Statement of returns

6200. The Secretary of State shall, not later than the twenty-first day after the election, compile and file in his office a statement of the canvassed returns filed with him by the county clerks.

The compiled statement shall show for each group the total of the votes received, the votes received in each county, and the names of the candidates comprising that group.

Certificate of election to be issued to delegates

6201. Immediately after he has compiled the returns of the votes for delegates, the Secretary of State shall issue a certificate of election, as to each party, to each person who is a member of the group which received the largest vote cast for

any group of that party, such person thereby being elected as delegate to his national party convention

Form

6202. The certificate of election shall be in substantially the following form:

CERTIFICATE OF ELECTION ISSUED TO DELEGATE
OFFICE OF SECRETARY OF STATE
SACRAMENTO, CALIFORNIA

I, _____, Secretary of State of the State of California, do hereby certify that at the presidential primary election held in this State on the _____ day of _____, 19___, _____ was elected a delegate by the _____ party to represent the State of California in that party's next national convention, as appears by the official returns of the primary election and statement thereof on file in my office.

Witness my hand and official seal this _____ day of _____, 19___.

_____

(SEAL) Secretary of State

Article 9. Substitute and Alternate Delegates

Meeting to select chairman

6230. The delegates to each national party convention elected at the presidential primary shall, before leaving the State to attend the convention, meet together and select a chairman of the delegation.

Vacancies

6231. If a vacancy exists in the office of delegate or alternate, the chairman of the delegation shall designate a person to fill that vacancy.

Attendance of alternate

6232. The alternate of any delegate who is unable to attend the convention shall attend the convention in his place and shall otherwise discharge the duties of that delegate. An alternate shall not vote in place of the delegate whom he represents when the delegate is occupying his seat at the convention.

CHAPTER 2. DIRECT PRIMARY

Article 1. General Provisions

Scope of application

6400. This chapter does not apply to:

(a) Recall elections.

(b) Special elections to fill vacancies.

(c) Nomination of officers of cities or counties whose charters provide a system for nominating candidates for such offices.

(d) Nomination of officers for any district not formed for municipal purposes.

(e) Nomination of officers for general law cities.

(f) Nomination of school district officers.

The provisions of this chapter governing the nomination of candidates for county offices shall also apply to the nomination of freeholders to be elected for the purpose of framing a charter under the authority of Article XI, Section 7½ of the Constitution. No candidate's name shall be printed on the ballot to be used at the election of freeholders unless a declaration of his candidacy is filed not earlier than the day upon which the order calling the election is made and not later than 18 days prior to that election.

Validation

Where any person has been elected to the office of freeholder in accordance with the procedure specified in this chapter, and the election has taken place on or after January 1, 1955, that person is hereby declared to be validly elected. All acts of that person are hereby legalized, ratified, confirmed, and declared valid for all intents and purposes.

Affidavit of party affiliation

6401. No declaration of candidacy for a partisan office shall be filed, either by the candidate himself or by sponsors on his behalf, (1) unless at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, the candidate is shown by his affidavit of registration to be affiliated with the political party the nomination of which he seeks, and (2) the candidate has not been registered as affiliated with a political party other than that political party the nomination of which he seeks within 12 months immediately prior to the filing of the declaration.

The county clerk shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered as intending to affiliate with the political party the nomination of which he seeks, and indicating that the candidate has not been affiliated with any other political party for the 12-month period immediately preceding the filing of the declaration.

(Amended by Stats. 1961, Ch. 298.)

[ORIGINAL SECTION]

6401. No declaration of candidacy for a partisan office shall be filed, either by the candidate himself or by sponsors on his behalf, unless at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, the candidate is shown by his affidavit of registration to be affiliated with the political party the nomination of which he seeks.

Scope of chapter

6402. This chapter does not prohibit the independent nomination of candidates under the provisions of Chapter 3 (commencing at Section 6800) of this division, subject to the following limitations:

(a) A candidate whose name has been on the ballot as a candidate of a party at the direct primary and who has been defeated for that party nomination is ineligible for nomination as an independent candidate. He is also ineligible as a candidate named by a party central committee to fill a vacancy on the ballot for a general election.

(b) No person may file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election.

Correction of error in names on ballot

6403. Whenever it is made to appear by affidavit to the Supreme Court, district courts of appeal, or superior court of the proper county that an error or omission has occurred or is about to occur in the placing of any name on, or in the printing of, an official primary election ballot, or that any wrongful act has been or is about to be done by any person charged with any duty concerning the primary election, or that any neglect of duty has occurred or is about to occur, the court shall order the officer or person charged with the error, wrong or neglect forthwith to correct the error, desist from the wrongful act or perform the duty, or show cause why he should not do so. Any person who fails to obey the order of the court shall be cited to show cause why he is not in contempt of court.

Article 2. Qualified Parties

Party qualification for primary election

6430. A party is qualified to participate in any primary election:

(a) If at the last preceding gubernatorial election there was polled for any one of its candidates who was the candidate of that party only for any office voted on throughout the State, at least 2 percent of the entire vote of the State; or

(b) If at the last preceding gubernatorial election there was polled for any one of its candidates who, upon the date of that election, as shown by the affidavits of registration of voters in the county of his residence, was affiliated with that party and was the joint candidate of that party and any other party for any office voted on throughout the State, at least 6 percent of the entire vote of the State; or

(c) If on or before the 135th day before any primary election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters and their political affiliations transmitted to him by the county clerks, that voters equal in number to at least 1 percent of the entire vote of the State at the last preceding gubernatorial election have declared their intention to affiliate with that party; or

(d) If on or before the 135th day before any primary election, there is filed with the Secretary of State a petition signed by voters, equal in number to at least 10 percent of the entire vote of the State at the last preceding gubernatorial election, declaring that they represent a proposed party, the name of which shall be stated in the petition, which proposed party those voters desire to have participate in that primary election. This petition shall be circulated, signed, verified and the signatures of the voters on it shall be certified to and transmitted to the Secretary of State by the county clerks substantially as provided for initiative petitions. Each page of the petition shall bear a caption in 18-point blackface type, which caption shall be the name of the proposed party followed by

the words "Petition to participate in the primary election." No voters or organization of voters shall assume a party name or designation which is so similar to the name of an existing party as to mislead voters.

Disqualification

Whenever the registration of any party which qualified in the previous direct primary election falls below one-fifteenth of 1 percent of the total state registration, that party shall not be qualified to participate in the primary election but shall be deemed to have been abandoned by the voters, since the expense of printing ballots and holding a primary election would be an unjustifiable expense and burden to the State for so small a group. The Secretary of State shall immediately remove the name of the party from any list, notice, ballot, or other publication containing the names of the parties qualified to participate in the primary election.

Parties disqualified

6431. No party shall be recognized or qualified to participate in any primary election which either directly or indirectly carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or which directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition or treason against, the government of the United States or of this State.

Determination of disqualification

6432. Not less than 125 days before a primary election, the Secretary of State shall, with the advice and consent of the Attorney General, determine which parties are disqualified to participate in any primary election under Section 6431. If it is proposed to disqualify a party which was qualified to participate in the next preceding direct primary, notice of intention to disqualify shall be served by registered mail on the chairman of the state central committee of the party, as shown by the records of the Secretary of State. If it is proposed to serve a notice of intention to disqualify a party qualifying by petition, notice of intention to disqualify shall be served by registered mail on the persons who presented the petition, if the names and addresses of those persons are known to the Secretary of State. In any event, notice of intention to disqualify shall be given in each county of the State by publication pursuant to Section 6061 of the Government Code. If there is no newspaper of general circulation printed and published in any county, publication shall be made in a newspaper of general circulation printed and published in an adjoining county.

Notice

If the party desires a hearing on the notice of intention to disqualify, it shall, within 10 days after service by mail or within 10 days after the last date upon which the notice was published in any county, whichever is later, file an affidavit in the Supreme Court under Section 6403 of this code setting forth facts showing that the political party is not disqualified to participate in any primary election under Section 6431. If the party does not file the affidavit within the time specified, the notice of intention to disqualify shall constitute final disqualification. Before the affidavit is filed, a copy shall be per-

Affidavit

sonally served on the Secretary of State. When filed, the matter shall be set for return in not more than 10 days and shall have priority over any other pending cases.

Jurisdiction

In connection with proceedings in the Supreme Court under this section, the Legislature hereby declares its intent to create a speedy and expeditious method for judicial determination of the vital questions involved, and urges the Supreme Court to accept jurisdiction in any such proceeding. The Legislature further urges that the court instruct any referee before whom the taking of evidence is ordered to report back to the court in sufficient time so that the court's final order may be made effective on or before the 80th day before the primary election.

Article 3. Notices of Registration and of Offices to Be Filled

Statement by county clerk

6460. A statement of the number of voters in his county at the close of registration on the 19th day prior to the transmission of such statement shall be transmitted to the Secretary of State by each county clerk at the following times:

(a) On the 135th day before each presidential primary and before each direct primary.

(b) On the 35th day before each statewide election.

The statement shall show the total number of voters in the county, the number registered as affiliated with each political party, and the number who declined to state a party affiliation.

The statement shall also show the number of voters, by party affiliations, in each city, assembly district, senatorial district, supervisorial district, and congressional district located in whole or in part within the county.

The Secretary of State, on the basis of the statements transmitted to him by the county clerks, and within 30 days after receiving such statements, shall compile a statewide list showing the number of voters, by party affiliations, in the State and in each county, city, assembly district, senatorial district, congressional district, and supervisorial district in the State. A copy of this list shall be made available, upon request, to any elector of this State.

(Amended by Stats. 1961, Ch. 133.)

[ORIGINAL SECTION]

6460. A statement of the number of voters in his county at the close of registration on the 19th day prior to the transmission of such statement shall be transmitted to the Secretary of State by each county clerk at the following times:

(a) On the 135th day before each presidential primary and before each direct primary.

(b) On the 35th day before each statewide election.

The statement shall show the total number of voters in the county, the number registered as affiliated with each political party, and the number who declined to state a party affiliation

Form of statement

6461. Statements of the number of voters transmitted by the county clerks to the Secretary of State shall be in substantially the following form:

STATEMENT OF REGISTRATION

To the Secretary of State
Sacramento, California

I, _____, county clerk (registrar of voters) of the County of _____, do hereby certify that the number of voters, in this county on the _____ day of _____, 19___, under the political affiliations hereinafter stated, is as follows:

(Name)	(Number)

That the number of electors registered in this county on that date who declined to declare a party affiliation was _____.

That the total number of electors registered in this county on that date was _____.

That the number of voters in each city in the county on that date, under the political affiliations hereinafter stated, is as follows:

(_____ Party)

(Name of city)	(Number)

(_____ Party)

(Name of city)	(Number)

That the number of voters in each assembly district in the county on that date, under the political affiliations hereinafter stated, is as follows:

(_____ Party)

(District)	(Number)

(_____ Party)

(District)	(Number)

That the number of voters in each senatorial district in the county on that date, under the political affiliations hereinafter stated, is as follows:

(_____ Party)

(District)	(Number)

(_____ Party)

(District)	(Number)

That the number of voters in each congressional district in the county on that date, under the political affiliations hereinafter stated, is as follows:

(_____ Party)

(District)	(Number)

(_____ Party)

(District)	(Number)

That the number of voters in each supervisorial district in the county on that date, under the political affiliations hereinafter stated, is as follows:

(_____ Party)

(District)	(Number)

(_____ Party)

(District)	(Number)

Dated this _____ day of _____, 19___.

(SEAL)

_____
County Clerk

By _____
Deputy

(Amended by Stats. 1961, Ch. 133.)

[ORIGINAL SECTION]

6461. Statements of the number of voters transmitted by the county clerks to the Secretary of State shall be in substantially the following form:

STATEMENT OF REGISTRATION

To the Secretary of State
Sacramento, California

I, _____, county clerk (registrar of voters) of the County of _____, do hereby certify that the number of voters, in this county on the _____ day of _____, 19___, under the political affiliations hereinafter stated, is as follows:

(Name)	(Number)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

That the number of electors registered in this county on that date who declined to declare a party affiliation was_____

That the total number of electors registered in this county on that date was_____

Dated this _____ day of _____, 19___.

_____
(SEAL) County Clerk

By _____
Deputy

Notice of offices to be filled, and qualified parties

6462. At least 90 days before the time of holding the direct primary, the Secretary of State shall prepare and transmit to each county clerk a notice in writing designating all the offices, except those of county officers and judges of inferior courts, for which candidates are to be nominated at the primary, together with the names of parties qualified to participate in the primary.

Form of notice by Secretary of State

6463. The notice designating the offices for which candidates are to be nominated shall be in substantially the following form:

NOTICE BY SECRETARY OF STATE OF OFFICES FOR WHICH CANDIDATES ARE TO BE NOMINATED AT THE DIRECT PRIMARY AND NAMES OF POLITICAL PARTIES QUALIFIED TO PARTICIPATE

DEPARTMENT OF STATE
Sacramento, _____, 19___

To the County Clerk (registrar of voters) of the County of _____:

Notice is hereby given that the offices for which candidates are to be nominated at the primary election to be held on the _____ day of _____, 19___, together with the names of the political parties qualified to participate in the election, are as follows:

STATE AND DISTRICT OFFICES

_____
_____
_____

CONGRESSIONAL OFFICES

LEGISLATIVE OFFICES

That the names of the political parties qualified to participate in this election for nomination of candidates for each of the above mentioned offices are as follows:

Notice is also hereby given that at the primary election candidates are to be nominated for the following offices:

JUDICIAL OFFICES

SCHOOL OFFICES

Notice is also hereby given that at the primary election, in the county first above mentioned, candidates are to be nominated for any county offices or inferior court offices to which candidates are to be elected at the ensuing general election;

And notice is also hereby given that at the primary election there shall be elected in each county a county central committee for each political party above named pursuant to Section 8400 of the Elections Code.

(SEAL) Secretary of State

Publication by county clerk

6464. Within 10 days after receipt of the notice designating the offices for which candidates are to be nominated, the county clerk shall publish in the county so much of the notice as may be applicable to his county. The publication shall be pursuant to Section 6066 of the Government Code and shall include a statement of the offices of judges of inferior courts in the county for which candidates are to be nominated and a statement of the number of members of the county central committee to be elected by each political party in each supervisorial or assembly district, as the case may be.

6465. The notice published by the county clerk designating the offices for which candidates are to be nominated shall be in substantially the following form: Form of notice By county clerk

NOTICE BY COUNTY CLERK OF OFFICES FOR WHICH CANDIDATES ARE TO BE NOMINATED OR ELECTED AT THE DIRECT PRIMARY AND NAMES OF POLITICAL PARTIES QUALIFIED TO PARTICIPATE

Notice is hereby given that the offices for which candidates are to be nominated at the primary election to be held on the _____ day of _____, 19___, together with the names of the political parties qualified to participate in the election are as follows:

STATE (AND DISTRICT) OFFICES

CONGRESSIONAL OFFICES

LEGISLATIVE OFFICES

That the names of the political parties qualified to participate in the election for nomination of candidates for each of the above-mentioned offices are as follows:

Notice is also hereby given that at the primary election candidates are to be nominated for the following nonpartisan offices:

JUDICIAL OFFICES

SCHOOL OFFICES

COUNTY OFFICES

Notice is also hereby given that at the primary election there are to be elected by each of the parties hereinafter named in each of the districts hereinafter stated as many members of the county central committee of that party as is stated under the name of that party opposite the number of the district.

MEMBERS OF COUNTY CENTRAL COMMITTEE

The number of each district and the number of members to be elected by each party from the district being as hereinafter set forth:

	_____ Party	_____ Party	_____ Party	_____ Party
___District	___members	___members	___members	___members
___District	___members	___members	___members	___members
___District	___members	___members	___members	___members
___District	___members	___members	___members	___members
___District	___members	___members	___members	___members

Dated this _____ day of _____, 19___.
(SEAL) _____, County Clerk
By _____, Deputy

Publication of notice at other than direct primary

6466. In the case of primary elections other than the direct primary, the city clerk or secretary of the legislative body of the political subdivision for which the primary election is to be held shall publish once the notice indicating the offices for which candidates are to be nominated. The publication shall be made not more than 40 and not less than 14 days before the primary election.

Article 4. Declaration of Candidacy Sponsor Certificates. Verification Deputies

Declaration of candidacy necessary

6490. No candidate's name shall be printed on the ballot to be used at the direct primary unless a declaration of his candidacy is filed not less than 60 and not more than 90 days prior to the direct primary.

How made

The declaration may be made by the candidate or by sponsors on his behalf.

When the declaration is made by sponsors the candidate's affidavit of acceptance shall be filed with the declaration.

Form of personal declaration of candidacy

6491. The personal declaration of candidacy by a candidate shall be substantially as follows:

DECLARATION OF CANDIDACY

I hereby declare myself a _____ party candidate for nomination to the office of _____ to be voted for at the primary election to be held _____, 19___, and declare the following to be true:
My name is _____
My present residence is _____

My present occupation is _____
My present business address is _____
The name of my employer (if any) is _____
The address of my employer (if any) is _____
My occupation for the past three years has been as follows:
_____
_____
The duration of my residence in California is _____ years.
I have been a citizen of the United States for _____ years.
My address for the past five years has been as follows:
_____
_____

I solemnly swear (or affirm) that I am not engaged in one way or another in any attempt to overthrow the government by force or violence, and that I am not knowingly a member of any organization engaged in such an attempt.

I am at present an incumbent of the following public office (if any): _____
I have held the following public office (if any): _____
_____ for _____ years,
_____ for _____ years.

I am registered as affiliated with the _____ party.

(The candidate may here insert, at his option, in not over 50 words, a statement of what he considers to be his special fitness, training or experience in the line of work which he will be called upon to perform in case of his election.)

If nominated, I will accept the nomination and not withdraw and will qualify for that office if nominated and elected.

_____
_____
Signature of candidate

State of California }
County of _____ } ss.

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

_____
Notary public (or other official)

Examined and certified by me this _____ day of _____, 19___.

_____
Registrar of voters—county clerk

Nonpartisan office

6492. When the office for which the candidate is proposed is a nonpartisan office all reference to party candidacy shall be omitted from the declaration of candidacy.

Sponsor certificates

6493. A candidate who personally declares his candidacy shall cause sponsor certificates to be executed by his sponsors pursuant to this article.

Form of sponsor's certificate

6494. Sponsors, other than those who sign declarations of candidacy by sponsors, shall certify to the qualifications of the candidate as follows:

SPONSOR'S CERTIFICATE

I, the undersigned sponsor for _____ for the _____ Party nomination to the office of _____, to be voted for at the primary election to be held on the _____ day of _____ 19___, hereby assert as follows:

My knowledge of _____ is sufficient to warrant my urging his election to the office of _____ and in my opinion he is fully qualified, mentally, morally, and physically for the office and should be elected to fill it. I am a qualified voter of _____ County and I am registered as affiliated with the _____ Party and am not at this time a signer of any other certificate nominating any other candidate for the above-named office, or in case there are several places to be filled in the above-named office, I have not signed more certificates than there are places to be filled in the above-named office. My residence is correctly set forth after my signature hereto:

Name _____

Residence _____

VERIFICATION DEPUTY'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I have been appointed according to the provisions of Sections 6500 and 6501 of the Elections Code, as a verification deputy to secure signatures of sponsors in the County of _____ to the nomination paper of _____ as a candidate for the nomination of the _____ Party for the office of _____; that all the signatures on this section of the nomination paper were made in my presence, and that, to the best of my knowledge and belief, each signature is the genuine signature of the person whose name it purports to be.

(Signed) _____

Verification deputy

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

_____

(SEAL) Notary public (or other official)

Examined and certified by me this _____ day of _____, 19___.

_____

Registrar of voters—county clerk

Number of sponsors

6495. The number of sponsors required for the respective offices are as follows:

(a) State office or United States Senate, not less than 65 nor more than 100.

(b) House of Representatives in Congress, Board of Equalization, or any office voted for in more than one county, and not statewide, except the State Senate or the Assembly, not less than 40 nor more than 60.

(c) State Senate or Assembly, or candidacy in a single county or any political subdivision of a county, not less than 20 nor more than 30.

(d) When any political party has less than 50 voters in the State or in the county or district in which the election is to be held, one-tenth the number of voters of the party.

(e) When there are less than 150 voters in the county or district in which the election is to be held, not less than 10 nor more than 20.

Delivery to county clerk

6496. Sponsor certificates shall be delivered to the county clerk of the county in which the sponsor resides and is a voter.

Blanks to be filled

6497. The county clerk shall not accept for filing any sponsor certificate unless all blanks in the certificate are filled.

Filing

6498. The county clerk shall file the certificates in his office or forward them for filing pursuant to Article 5 (commencing at Section 6550) of this chapter.

Delivery to county clerk

6499. All sponsor certificates shall be delivered to the county clerk at least 65 days prior to the direct primary election. The county clerk shall not accept sponsor certificates after 5 o'clock p.m. on the 65th day unless that day is a Saturday, in which case the sponsor certificates shall not be accepted after 12 o'clock noon. In counties where the office of the county clerk is legally closed on Saturday, the final day for filing shall be the preceding day at 5 o'clock p.m.

Verification deputies

6500. The candidate shall appoint verification deputies, to serve within the county in which the deputies reside, to secure the signatures of sponsors to his nomination paper for nomination to the office for which he is a candidate. The verification deputies thus appointed are the duly authorized verification deputies to secure the signatures of sponsors to the nomination paper of the candidate in that county.

Form for appointment of verification deputies

6501. The document in which verification deputies are appointed by the candidate shall be in substantially the following form:

I, the undersigned, a candidate for the _____ Party nomination for the office of _____, which nomination is to be made by direct vote at a primary election to be held on the ___ ____ day of _____, 19___, do hereby appoint the following voters of the County of _____, as verification deputies to obtain signatures of sponsors in that county to a nomination paper placing me in nomination as a candidate of the _____ Party for the office of _____.

VERIFICATION DEPUTIES

Name	Residence
_____	_____
_____	_____
_____	_____
etc.	etc.

(Signature of candidate)_____

(Residence) _____

Filed in the office of the county clerk (or registrar of voters) of the County of _____, this _____ day of _____, 19___.

_____
Registrar of Voters—County Clerk

(Amended by Stats. 1961, Ch. 476.)

[ORIGINAL SECTION]

6501. The document in which verification deputies are appointed by the candidate shall be in substantially the following form:

I, the undersigned, a candidate for the _____ Party nomination for the office of _____, which nomination is to be made by direct vote at a primary election to be held on the _____ day of _____, 19___, do hereby appoint the following voters of the County of _____, as verification deputies to obtain signatures of sponsors in that county to a nomination paper placing me in nomination as a candidate of the _____ Party for the office of _____.

VERIFICATION DEPUTIES

Name	Residence
_____	_____
_____	_____
_____	_____
etc.	etc.

(Signature) _____

(Residence) _____

Filed in the office of the county clerk (or registrar of voters) of the County of _____, this _____ day of _____, 19___.

_____
Registrar of voters—county clerk

Sponsor's declaration of candidacy

6502. Any five voters of any county who are registered as intending to affiliate with the same political party may join in proposing a candidate for nomination and in appointing verification deputies to serve within the county in which the deputies reside to secure the signatures of sponsors to the declaration of candidacy of the proposed candidate. If the office is an office the candidate for which is to be voted on in more than one county, he may be proposed for nomination by five voters in each of the counties in which the voters may desire to circulate a declaration of candidacy in his behalf.

A declaration of candidacy made pursuant to this section shall be known as a declaration of candidacy by sponsors.

Affidavit of sponsors

6503. In the document in which the verification deputies are appointed, the five persons joining as provided in Section 6502 shall make affidavit that the candidate named in the affi-

Candidate's consent

davit for the office specified has given his consent to be proposed for nomination to that office. The affidavit shall also state that the verification deputies therein appointed are voters of the county in which they are to secure signatures to the nomination paper. The verification deputies appointed in the affidavit are the duly authorized verification deputies to secure signatures to the nomination paper of the candidate in the county.

Form

6504. The document in which the verification deputies are appointed by five signers shall be substantially in the following form:

State of California)
County of _____) ss.

We, the undersigned, do solemnly swear (or affirm) that each of us is a voter of the County of _____, State of California, and that we are each registered as intending to affiliate with the _____ Party and we do hereby propose _____, who resides at No. _____ Street in the City of (or in the Town of) _____, County of _____ as a candidate for the nomination of that party for the office of _____, to be voted for at the primary election to be held on the _____ day of _____, 19___; and we do solemnly swear (or affirm) that _____ has consented to this proposal of his name as candidate for the nomination for that office. We hereby appoint the following voters of this county as verification deputies to obtain signatures in this county to the declaration of candidacy by sponsors of _____ to the office of _____.

VERIFICATION DEPUTIES

Name	Residence
_____	_____
_____	_____
etc.	etc.
(Signed)	
_____	_____
_____	_____
_____	_____

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

(SEAL) _____

Notary public (or other official)

Filing

6505. Documents in which verification deputies are appointed shall be filed with the county clerk of the county in which the verification deputies reside, at or before the time sponsor certificates of the candidate or declarations of candidacy by sponsors are left with the county clerk for filing or for examination.

Additional verification deputies

6506. In case it is desired to appoint additional verification deputies to secure signatures to the nomination paper of any candidate, one or more similar documents may be filed to supplement the first document.

Form of sponsor's declaration of candidacy

6507. The declaration of candidacy by sponsors shall be substantially as follows:

DECLARATION OF CANDIDACY BY SPONSORS

I, the undersigned, am a voter in the County of _____, State of California. I am registered as affiliated with the _____ Party, and I do hereby sponsor, propose and nominate _____ who resides at No. _____ Street in the City of (or in the Town of) _____, County of _____, State of California, as a party candidate for the nomination of that party for the office of _____, to be voted for at the primary

election to be held on the _____ day of _____, 19___, and I hereby assert as follows:

My knowledge of the said _____ is sufficient to warrant my urging his election to the office of _____ and in my opinion he is fully qualified mentally, morally and physically for the office and should be elected to fill it. I am not at this time a signer of any other declaration of candidacy, nominating, proposing or sponsoring any other candidate for the above-named office, or in case there are several places to be filled in the above-named office, I have not signed more declarations of candidacy than there are places to be filled in the above-named office. My residence is correctly set forth after my signature hereto:

Name	Residence
_____	_____
_____	_____
_____	_____

VERIFICATION DEPUTY'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I have been appointed as a verification deputy to secure signatures of sponsors in the County of _____ to the nomination paper of _____ as a candidate for the nomination of the _____ Party for the office of _____; that all the signatures on this section of said nomination paper, were made in my presence, and that, to the best of my knowledge and belief, each signature is the genuine signature of the person whose name it purports to be.

(Signed) _____
Verification deputy

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

(SEAL) _____
Notary public (or other official)

Examined and certified by me this _____ day of _____, 19___.

_____
Registrar of voters—county clerk

Number of signatures on sponsor's declaration

6508. The number of signatures on declarations of candidacy by sponsors shall be the same, in the aggregate, as the number of sponsors required by this article of a candidate who personally declares his candidacy.

Declaration of acceptance by candidate

6509. A candidate nominated by sponsors shall, if he accepts the nomination, file an affidavit of acceptance, which affidavit shall be substantially as follows:

DECLARATION OF ACCEPTANCE OF NOMINATION

I hereby accept the nomination as proposed by a certain declaration of candidacy by sponsors, as a candidate of the

_____ Party for nomination to the office of _____, to be voted for at the primary election to be held _____, 19___, and declare the following to be true:
My name is _____
My present residence is _____
My present occupation is _____
My present business address is _____
The name of my employer (if any) is _____
The address of my employer (if any) is _____
My occupation for the past three years has been as follows:
_____
_____
The duration of my residence in California is _____ years.
I have been a citizen of the United States for _____ years.
My address for the past five years has been as follows:
_____
_____

I solemnly swear (or affirm) that I am not engaged in one way or another in any attempt to overthrow the government by force or violence, and that I am not knowingly a member of any organization engaged in such an attempt.

I am at present an incumbent of the following public office (if any): _____
I have held the following public offices (if any):
_____ for _____ years,
_____ for _____ years.

I am registered as affiliated with the _____ Party.
(The candidate may here insert, at his option, in not over 50 words, a statement of what he considers to be his special fitness, training or experience in the line of work which he will be called upon to perform in case of his election.)
_____

If nominated I will accept the nomination and not withdraw and will qualify for the office if nominated and elected.

_____
Signature of candidate

State of California }
County of _____ } ss.

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

_____
Notary public (or other official)

Party references in nonpartisan office

6510. A candidate for a nonpartisan office shall omit all reference to party candidacy or party affiliations from his declaration of acceptance of nomination.

Delivery of declaration of candidacy or acceptance

6511. The declaration of candidacy by the candidate personally and the declaration of acceptance of nomination shall be subscribed and sworn to before an officer authorized to administer oaths, and, at least 65 days before the direct primary election, shall be delivered to the county clerk of the county in which the candidate resides.

Acceptance by county clerk

The county clerk shall not accept a declaration of candidacy or declaration of acceptance of nomination after 5 o'clock p.m. on the 65th day unless that day is a Saturday, in which case no declaration of candidacy or declaration of acceptance of nomination shall be accepted after 12 o'clock noon. In counties where the office of the county clerk is legally closed on Saturday, the final day for filing shall be the preceding day at 5 o'clock p.m.

Death of only candidate

6512. If only one candidate has declared or accepted a candidacy for a partisan nomination at the direct primary election for all parties qualified to participate at that election, and that candidate dies after the last day prescribed for the delivery of nomination papers to the county clerk, as provided in Section 6511, and not less than 60 days before the election, any person qualified under the provisions of Section 6401 may circulate and deliver nomination papers for the office to the county clerk up to 5 o'clock p.m. on the 50th day prior to the election. In such case, the county clerk shall, immediately after receipt of such nomination papers, certify and transmit them to the Secretary of State in the manner specified in this article.

Number of sponsors

6513. No more sponsors shall be secured for any candidate than the maximum number required in this article. If, however, through miscalculation or otherwise, more sponsors are secured than the maximum number, the officer with whom the sponsor's certificates are filed shall, with the written consent of the candidate, withdraw the excess number.

Excess sponsors

Sponsor's qualification

6514. Sponsors shall be voters in the district or political subdivision in which the candidate is to be voted on and shall be affiliated with the party, if any, in which the nomination is proposed.

Sponsoring other candidate for same office

6515. No sponsor shall at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, or, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled.

Sponsor's party preference

6516. Sponsors for candidates for nonpartisan offices shall omit all reference to party candidacy or affiliations from their declarations and certificates.

Defect not to prevent new filing

6517. No defect in any declaration or sponsor certificate presented shall prevent the filing of another declaration or sponsor certificate within the period allowed for presenting the declaration or sponsor certificate.

No verification fee

6518. No fee or charge shall be made or collected by any officer for verifying any declaration of candidacy, sponsor certificate, declaration of acceptance or verification affidavit.

Transmission to Secretary of State

6519. The county clerk shall, immediately after receipt thereof, certify and transmit to the Secretary of State the personal declaration of candidacy or acceptance for each candidate for state office, United States Senator, Representative in Congress, Member of the State Senate or Assembly, or office to be voted for in a district comprising more than one county.

Verification by county clerk

6520. Before filing or forwarding for filing any declaration or sponsor certificate, the county clerk shall verify the signature on each declaration and certificate and the political affiliation set forth in the declaration and certificate with the registration affidavits on file in his office. He shall mark "not sufficient" any signature in any declaration or certificate which does not appear in the same handwriting as appears on the affidavit of registration in his office or which is accompanied by a declaration of party affiliation which is not in accordance with the declaration of party affiliation in the affidavit of registration.

Forwarding to Secretary of State

6521. All sponsor certificates and declarations of candidacy by sponsors which are required to be filed in the office of the Secretary of State shall, within five days after being left with the county clerk, be forwarded by him to the Secretary of State, who shall receive and file them. The county clerk shall forward with the sponsor certificates and declarations of candidacy by sponsors a statement showing the total number of signatures which have not been marked "not sufficient."

Form of county clerk's statement

6522. The county clerk's statement to the Secretary of State of the number of sponsors shall be in substantially the following form:

COUNTY CLERK'S STATEMENT OF NUMBER OF SPONSORS

I, county clerk (or registrar of voters) of the County of _____, hereby certify that I have examined the _____ hereto attached filed on behalf of _____, candidate for nomination to the office of _____ at the primary election to be held on the _____ day of _____, 19___, and that the total number of signatures which I have not marked "not sufficient" is _____.

Dated this _____ day of _____, 19___.

(SEAL) _____ County Clerk

By _____ Deputy

Filing in county clerk's office

6523. All sponsor certificates and declarations of candidacy by sponsors which are not required by this chapter to be filed in the office of the Secretary of State shall be filed in the office of the county clerk. All sponsor certificates and declarations of candidacy by sponsors shall be arranged so that signatures of not exceeding 30 sponsors appear on the same sponsor certificate or declaration of candidacy by sponsors.

Record to be kept

6524. The officer with whom declarations of candidacy are filed shall keep a record in which he shall enter the name of the candidate, the title of the office, the party, if any, and the time of filing.

Preservation of declarations and certificates

He shall preserve in his office, for a period of four years, all declarations and sponsor certificates filed in accordance with this chapter.

Independent nominations permitted

6525. The provisions of this article do not apply to municipal elections, to the presidential primary, or to the independent nomination of candidates under the provisions of Chapter 3 (commencing at Section 6800) of this division.

Article 5. Nomination Papers. Place of Filing. Fees

Place of filing

6550. All declarations of candidacy and sponsor certificates shall be filed as follows:

(a) For state offices, United States Senators, Representatives in Congress, Members of the State Senate and Assembly, and all officers to be voted for in more than one county, in the office of the Secretary of State.

(b) For all officers to be voted for wholly within one county, except as provided in subdivision (a) of this section, in the office of the county clerk of that county.

County clerk to provide forms

6551. All forms required for nomination and election to all congressional, state and county offices shall be furnished only by the county clerk. At the time of issuance of those forms the county clerk shall type in the forms the name of the candidate and the office for which he is a candidate, shall imprint a stamp which reads "Official Filing Form," and shall affix his signature. The forms shall be distributed without charge to all candidates applying for them, upon the prepayment of the filing fees provided for in Sections 6552, 6553 and 6554. The filing fees shall not be refunded in the event the candidate fails to qualify as a candidate.

Filing fees—to Secretary of State

6552. The following fees for filing declarations of candidacy shall be paid to the Secretary of State by each candidate:

(a) Two percent of the first year salary for the office of United States Senator or for any state office. The fee prescribed in this subdivision does not apply to the office of State Senator or Assemblyman or to an office to be voted for in a district comprising more than one county.

(b) One percent of the first year salary for the office of Representative in Congress or for any office to be voted for in any district comprising more than one county, except the office of State Senator or Assemblyman.

(c) Twenty dollars ($20) for the office of State Senator or Assemblyman.

Same: Payment

6553. The filing fee required to be paid to the Secretary of State shall be paid to the county clerk at the time the forms for nomination are obtained from the county clerk. The county clerk shall not accept any papers unless the fees are paid at the time, or unless satisfactory evidence is given to the county clerk or to the registrar of voters that such fee has been paid at the time of the declaration of candidacy in another county. The county clerk shall transmit the fees to the Secretary of State at the time he delivers the declarations of candidacy for filing.

—To county clerk

6554. A filing fee of ten dollars ($10) shall be paid to the county clerk for filing a declaration of candidacy for an office

to be voted for wholly within one county with the following exceptions:

(a) No filing fee is required from any person to be voted for at the presidential primary.

(b) No filing fee is required from any candidate for an office for which no fixed compensation is payable.

(c) No filing fee is required for offices the compensation for which does not exceed the sum of six hundred dollars ($600) annually.

(d) A filing fee of 1 percent of the annual salary of the office shall be paid to the county clerk by each candidate for a judicial office.

(e) The filing fee to be paid to the county clerk by each candidate for a county office, other than a judicial office, shall be the same percentage of the annual salary of the office as that provided for in subdivision (a) of Section 6552 of this code. This subdivision shall not apply to any candidate for any office for which the annual salary is two thousand five hundred dollars ($2,500) or less.

Write-in candidate's filing fee

6555. When a person for whom a declaration of candidacy has not been filed is nominated for an office by having his name written on the ballot, he shall pay the same filing fee that would have been required if his declaration had been filed. If he does not pay that fee his name shall not be printed on the ballot at the ensuing general election.

Fees to be paid to county treasurer

6556. The county clerk shall pay to the county treasurer all fees received from candidates pursuant to Section 6554. Within 10 days after the direct primary, the Secretary of State shall pay to the State Treasurer all fees received from candidates pursuant to Section 6552, and shall apportion the fees paid to him by each candidate voted for wholly within one county to the county in which the candidate resides if he is to be voted for wholly within one county. If the candidate is voted for in more than one county, the Secretary of State shall apportion the fees equally among the counties within which he is voted for, and shall certify the apportionment to the State Controller, who shall issue warrants on the State Treasurer who shall pay the amount due each county.

Apportionment among counties

Article 6. List of Candidates. Notice of Election

List of eligible candidates

6580. At least 45 days before the direct primary, the Secretary of State shall transmit to each county clerk a certified list of candidates who are eligible to be voted for in his county at the direct primary.

Arrangement

6581. The Secretary of State shall certify and transmit the list of candidates for nomination to each office according to Assembly districts, in the order of arrangement prescribed in Article 3 (commencing at Section 10290) of Chapter 2 of Division 7 of this code In the case of each county containing more than one Assembly district, the Secretary of State shall transmit separate lists for each Assembly district.

Addresses of candidates

6582. The Secretary of State, at the time he transmits the list of candidates to the county clerk, shall inform the county clerk of the address of each candidate.

Contents of list

6583. The certified list of candidates sent to each county clerk by the Secretary of State shall show:

(a) The name of each candidate.

(b) The office for which each person is a candidate.

(c) The party each person represents, unless the office is nonpartisan.

Form of certified list of candidates

6584. The certified list of candidates sent to each county clerk by the Secretary of State shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES FOR NOMINATION

DEPARTMENT OF STATE

To the County Clerk of _____ County:

I, _____, Secretary of State, do hereby certify that the following list contains the name of each person for whom nomination papers have been filed in my office and who is entitled to be voted for in the above-named county at the direct primary election to be held on the _____ day of _____, 19__, the designation of the office for which each person is a candidate, his name being stated under the name of the party he represents, except in the case of a nonpartisan office.

_____ PARTY

STATE (AND DISTRICT) OFFICES

(Title of office)	(Name of candidate)
_____	_____
_____	_____
_____	_____

_____ District

CONGRESSIONAL OFFICES

(Including United States Senator, if any)

_____	_____
_____	_____

_____ District

LEGISLATIVE OFFICES

_____	_____
_____	_____

_____ District

_____ District

_____ PARTY

STATE (AND DISTRICT) OFFICES

I further certify that the following list contains the name of each person for whom nomination papers have been filed in my office, together with a designation of the office for which each person is a candidate, and that such person is entitled to be voted for in your county and that election by any registered qualified elector of your county whether registered as intending to affiliate with any political party or not.

NONPARTISAN OFFICES

JUDICIAL OFFICES

(Title of office)	(Name of candidate)
_____	_____
_____	_____
_____	_____

_____ District

SCHOOL OFFICES

_____	_____
_____	_____

Dated at Sacramento, California, this _____ day of _____, 19___.

_____
Secretary of State

Publication by county clerk

6585. Each county clerk shall, upon receipt of the certified list of candidates, publish under the proper party designation the title of each partisan office which appears on the list. The publication shall include the names and addresses of all persons for whom nomination papers have been filed with the Secretary of State for each of the offices, except the names of candidates for the State Senate and Assembly when they are to be voted for within more than one county, and the names of candidates for the county central committee, filed in the office of the county clerk. He shall also publish the title of each nonpartisan office, together with the names and addresses of all persons for whom nomination papers have been filed for each nonpartisan office, either in the office of the Secretary of State or in the office of the county clerk, and shall state that candidates for nonpartisan offices may be voted for at the primary election by any voter of the county, whether registered as intending to affiliate with any political party or not. He shall also publish the date of the primary election and the hours during which the polls will be open.

In order

6586. In publishing the names and addresses of all candidates, the county clerk shall publish the names in the order in which they will appear upon the ballot in the Assembly district in the county, which is the lowest in numerical order.

Form of list and notice of election

6587. The list of candidates and notice of election published by the county clerk shall be in substantially the following form:

NOTICE BY COUNTY CLERK OF TIME AND PLACE OF PRIMARY ELECTION, POLITICAL PARTIES ENTITLED TO PARTICIPATE THEREIN, OFFICES FOR WHICH CANDIDATES ARE TO BE NOMINATED OR ELECTED, AND NAMES AND ADDRESSES OF CANDIDATES.

Notice is hereby given that a primary election is to be held in the County of _____ on the _____ day of _____, 19___, and that hereinafter under the designation of each of the political parties entitled to participate therein there is stated the title of each office to be voted on, and the name and address of each person for whom a nomination paper has been filed for each office and who is entitled to be voted for in this county, the name of each person being stated under the name of the party or principle he represents.

_____ PARTY

STATE (AND DISTRICT) OFFICES

(Title of office)	(Name of candidate)	(Post office address of candidate)
_____	_____	_____
_____	_____	_____
_____	_____	_____

_____ District

CONGRESSIONAL OFFICES

_____	_____	_____
_____	_____	_____

_____ District

LEGISLATIVE OFFICES

_____	_____	_____
_____	_____	_____

_____ District

MEMBERS OF COUNTY CENTRAL COMMITTEE

_____	_____	_____
Member of County Central Committee _____ District. _____ to be elected.		
	_____	_____
	_____	_____

Member of County
Central Committee

_____
_____ District.
_____ to be elected.

_____ _____
_____ _____

_____ PARTY

STATE (AND DISTRICT) OFFICES

Notice is also hereby given that following are the nonpartisan offices for which candidates are to be nominated at the primary election, together with the names and addresses of all persons for whom nomination papers have been filed for each office, and that candidates for these offices may be voted for, at the primary election, by any voter of this county, whether registered as intending to affiliate with any political party or not.

NONPARTISAN OFFICES

JUDICIAL OFFICES

(Title of office)	(Name of candidate)	(Post office address of candidate)
_____District		

SCHOOL OFFICES

COUNTY OFFICES

_____ Supervisor District		

Notice is also hereby given that at the primary election the polls will be open from the hour of 7 o'clock a.m. to the hour of 7 o'clock p.m. on the day thereof.

Dated this _____ day of _____ 19___.

_____County Clerk

6588. The county clerk shall publish the list of candidates and notice of election once each week for two successive weeks prior to a direct primary election. Frequency of publication

Number of newspapers

6589. Every publication of the list of candidates and notice of election shall be made in not more than two newspapers of general circulation published in the county.

Article 7. Nominated Candidates

Party nominee

6610. The person who receives the highest number of votes at a primary election as the candidate of a political party for the nomination to an office is the nominee of that party at the ensuing general election.

Unsuccessful candidate's ineligibility

6611. A candidate who fails to receive the highest number of votes for the nomination of the political party with which he was registered as affiliated on the date his declaration of candidacy or declaration of acceptance of nomination was filed with the county clerk cannot be the candidate of any other political party.

Nonpartisan candidates. Runoff

6612. Where no candidate has been elected to a nonpartisan office pursuant to Section $2\frac{3}{4}$ of Article II of the State Constitution, or where the number of candidates elected to a nonpartisan office at a primary election is less than the total number to be elected to that office, the candidates not elected, equal in number to twice the number remaining to be elected to that nonpartisan office, or less, if the total number of candidates not elected is less, who receive the highest number of votes cast on all the ballots of all the voters participating in the primary election for nomination to that office, shall be the candidates for that office at the ensuing election, and their names as candidates for that office shall be placed on the official ballot voted at the ensuing election.

Election at primary

6613. Where a candidate has been elected to a nonpartisan office pursuant to Section $2\frac{3}{4}$ of Article II of the State Constitution, that office shall not appear on the ballot at the ensuing general election, notwithstanding the death, resignation or other disqualification of the candidate at a time subsequent to the primary election.

Manner of printing ballot

6614. If the number of candidates elected at a primary election to any nonpartisan office is less than the number of persons to be elected to that office, there shall be printed on the ballot, in a group, only the names of the other candidates receiving the next highest number of votes for nomination to that office as may equal twice the number of persons remaining to be elected to that office (or a smaller number if the list of candidates be exhausted). This group shall be preceded by the designation of the office and the words "vote for _____," the blank being filled by a number equal to the number of persons remaining to be elected to that office.

Tie vote

6615. In case of a tie vote, the names of all candidates for nonpartisan office receiving the same number of votes shall appear on the ballot in that group which would have contained any one of them had no tie occurred, whether or not the inclusion of the names of those candidates in any group would cause the group to contain more names than prescribed

in this article. In no case shall the candidates determine the tie by lot.

County central committee

6616. The candidates for election to membership on the county central committee, equal in number to the number to be elected, receiving the highest number of votes in their supervisorial district or assembly district, as the case may be, shall be declared elected.

Certificate of nomination or election

6617. It is the duty of the officers charged with the canvass of the returns of any primary election in any county or city to issue:

(a) Certificates of election to each member elected to a county central committee.

(b) Certificates of nomination to candidates nominated for nonpartisan offices voted for wholly within one county.

Time of issuance

6618. Certificates of nomination or election issued by county or municipal officers shall be issued immediately upon the completion of the canvass of the returns at the primary election.

Nomination certificate issued by Secretary of State

6619. The Secretary of State shall issue certificates of nomination to candidates nominated for Representatives in Congress, Members of the State Senate and Assembly, members of the State Board of Equalization, and for all officers voted for in more than one county.

Certificate showing nominated candidates

6620. Not less than 39 days before the general election, the Secretary of State shall deliver to the county clerk of each county a certificate showing:

(a) The name of every person entitled to receive votes within that county at the general election who has received the nomination as a candidate for public office pursuant to the provisions of this chapter.

(b) For each nominee the name of the party which has nominated him, if any.

(c) The designation of the public office for which he has been nominated.

(Amended by Stats. 1961, Ch. 835.)

[ORIGINAL SECTION]

6620. Not less than 39 days before the general election, the Secretary of State shall deliver to the county clerk of each county a certificate showing

(a) The name of every person entitled to receive votes within that county at the general election who has received the nomination as a candidate for public office pursuant to the provisions of this chapter.

(b) For each nominee the name of the party which has nominated him, if any.

(c) The designation of the public office for which he has been nominated.

Arrangement

6621. The Secretary of State shall certify and transmit the list of candidates for each office according to assembly districts, in the order of arrangement prescribed by Article 1 (commencing at Section 10200), Chapter 2, Division 7. In the

case of each county containing more than one assembly district, he shall transmit separate lists for each assembly district.

Form of certificate of candidates nominated

6622. The certificate of the Secretary of State showing candidates nominated at a primary election shall be substantially in the following form:

CERTIFICATE OF SECRETARY OF STATE SHOWING CANDIDATES NOMINATED AT PRIMARY ELECTION

DEPARTMENT OF STATE

To the County Clerk of _____ County:

I, _____, Secretary of State, do hereby certify that hereinafter are stated the names of those persons entitled to receive votes within your county at the general election who have received nominations as candidates for office at the primary election. These nominations are evidenced by the compilation and statement required to be made by me and filed in my office. Set opposite their respective names there is shown the candidate's designation of his office, profession, vocation or occupation, and there is also shown separately and respectively for each nominee the name of the political party or organization, if any, which has nominated him and the designation of the public office for which he is so nominated.

STATE (AND DISTRICT) OFFICES

(Name of candidate)	(Candidate's designation of office, occupation, etc.)	(Party)	(Office)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

_____ District

CONGRESSIONAL OFFICES

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

_____ District

LEGISLATIVE OFFICES

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

_____ District

JUDICIAL OFFICES

(Name)	(Candidate's designation of office, occupation, etc.)	(Office)
_____	_____	_____
_____	_____	_____
_____	_____	_____

_____ District

SCHOOL OFFICES

_____	_____	_____
_____	_____	_____
_____	_____	_____

I also certify that at the state conventions which met, according to law, at the State Capitol on the _____ day of _____, 19___, the following persons were nominated as electors of President and Vice President of the United States, for the parties respectively hereinafter placed at the head of the column containing their respective names, and you are hereby directed to print the names of the candidates for President and Vice President for whom those electors have pledged themselves to vote, upon the official ballots to be used at the general election, as representing the candidates of their respective parties for that office.

PRESIDENTIAL ELECTORS

_____ Party	_____ Party
_____ President	_____ President
_____ Vice President	_____ Vice President
1 _____	1 _____
2 _____	2 _____
3 _____	3 _____
etc.	etc.

Dated at Sacramento, California, this _____ day of _____, 19___.

(SEAL) _____

Secretary of State

Article 8. Withdrawal of Candidates. Vacancies

From primary

6650. No candidate whose declaration of candidacy or declaration of acceptance of nomination by sponsors has been filed for any primary election may withdraw as a candidate at that primary election.

From general election

6651. No candidate nominated at any primary election may withdraw as a candidate at the ensuing general election except those candidates permitted to withdraw by this article.

Filling vacancy for general election

6651.5. Any person nominated by a party at the direct primary election for the office of State Senator or Member of the Assembly may be appointed to fill a vacancy on the general election ballot for the office of Member of the House of Representatives, as provided in Section 6655, and in such case his

appointment shall constitute a vacancy on the general election ballot for the office for which he was nominated. The vacancy thus arising shall be filled in the manner prescribed in Section 6655.

(Added by Stats 1961, Ch. 1899.)

Nonfiling nominee

6652. When, as a result of any primary election, a person has received a nomination to any office without first having filed a declaration certificate, and having his name printed on the primary election ballot, he may at least 50 days before the day of election cause his name to be withdrawn from nomination by filing in the office where he would have filed his declaration certificate had he been a candidate for nomination, his request to withdraw, in writing, signed and acknowledged by him. When this section has been complied with, the name of the candidate shall not be printed on the election ballot for the ensuing general election as a candidate for that office.

Filling vacancy for general election

6653. No vacancy on the ballot for a general election shall be filled except by reason of the death of a candidate occurring at least 40 days before the date of the next ensuing general election.

Vacancy caused by death

6654. Whenever a candidate for nomination for a partisan office at a primary election dies on or before the day of the election, and a sufficient number of ballots are marked as being voted for him to entitle him to nomination if he had lived until after the election, a vacancy exists on the general election ballot which shall be filled in the manner provided in Section 6655 for filling a vacancy caused by the death of a candidate.

Partisan offices

6655. Vacancies permitted to be filled may, in the case of legislative offices, be filled by the newly elected county central committee or committees of the party in which the vacancy occurs, in the county or counties comprising the legislative district of the deceased candidate. In the case of all other district or state offices requiring party nomination, except congressional offices, the vacancies may be filled by the newly selected state central committee of the party.

Congressional offices

Vacancies permitted to be filled may, in the case of congressional offices, be filled by those members of the newly selected state central committee of the party, who reside in the congressional district in which the vacancy occurs, and who were registered to vote in that district at the time the vacancy occurred, acting together with the newly elected members of the county central committee or committees of the party residing in that congressional district.

(Amended by Stats. 1961, Ch 1899.)

[ORIGINAL SECTION]

6655. Vacancies permitted to be filled may, in the case of legislative offices, be filled by the newly elected county central committee or committees of the party in which the vacancy occurs, in the county or counties comprising the legislative district of the deceased candidate. In the case of all other district or state offices requiring party nomination, except congressional offices, the vacancies may be filled by the newly selected state central committee of the party.

Vacancies permitted to be filled may, in the case of congressional offices, be filled by those members of the newly selected state central committee of the party, who reside in the congressional district in which the vacancy occurs, acting together with the newly elected members of the county central committee or committees of the party residing in that congressional district.

Nonpartisan office

6656. If the vacancy occurs among candidates chosen at the direct primary to go on the ballot for the succeeding general election for a nonpartisan office, the name of that candidate receiving at the primary election the next highest number of votes shall go upon the ballot to fill the vacancy.

Time for filling vacancies

6657. A vacancy authorized to be filled because of the death of a candidate shall be filled, and the name of the person named to fill the vacancy shall be certified to the officer charged with the duty of printing the ballots, 40 days before the day of election.

Names to be printed on primary ballot

6658. Whenever anyone has declared or accepted a candidacy for a primary election, his name shall be printed upon the ballot for the primary election, unless he has died and that fact has been ascertained by the officer charged with the duty of printing the ballot, at least 40 days before the day of election.

Names to be printed on ballot for general election

6659. Whenever a candidate has been nominated at any primary election after having a declaration certificate filed, the name of the candidate shall be printed upon the ballot for the ensuing general election unless the candidate has died and that fact has been ascertained by the officer charged with the duty of printing the ballots, at least 40 days before the day of election.

Certificate of filling of vacancy

6660. Whenever, upon the death of any candidate, the vacancy created is filled by a party committee, a certificate to that effect shall be filed with the officer with whom a declaration certificate for such office may be filed, and, upon payment of the filing fee applicable to the office, shall be accepted and acted upon by that officer as in the case of an original declaration certificate.

Write-in candidate at primary election

6661. No person whose name has been written in upon a ballot for an office at the direct primary may have his name placed upon the ballot as a candidate for that office for the ensuing general election unless one of the following statements is true:

(a) At that direct primary he received for that office votes equal in number to 1 percent of all votes cast for the office at the last preceding general election at which the office was filled.

(b) He is an independent nominee pursuant to Chapter 3 (commencing at Section 6800) of this division.

(c) He has been designated by a party central committee to fill a vacancy on the ballot for the general election.

CHAPTER 3. INDEPENDENT NOMINATIONS

Article 1. General Provisions

Scope of chapter

6800. A candidate for any public office, including that of presidential elector, for which no nonpartisan candidate has been nominated or elected at any primary election, may be nominated subsequent to or in lieu of a primary election pursuant to this chapter.

Defeated candidate ineligible

6801. A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his party nomination at the primary election, is ineligible for nomination as an independent candidate.

Provisions of code applicable

6802. For the purposes of this chapter, the provisions of Chapter 2 (commencing at Section 6400) of Division 5, so far as consistent with this chapter, shall apply to all offices for which nominations are made at the presidential primary and direct primary elections, as well as to elections for any other office to which Chapter 2 (commencing at Section 6400) of Division 5 would not ordinarily apply.

Group nomination of presidential electors

6803. Whenever a group of candidates for presidential electors, equal in number to the number of presidential electors to which this State is entitled, files a nomination paper with the Secretary of State pursuant to this chapter, the

Nomination paper may contain names of candidates

nomination paper may contain the name of the candidate for President of the United States and the name of the candidate for Vice President of the United States for whom all of those candidates for presidential electors pledge themselves to vote.

Same: Printing on ballot

6804. When a group of candidates for presidential electors designates the presidential and vice presidential candidates for whom all of the group pledge themselves to vote, the names of the presidential candidate and vice presidential candidate designated by that group shall be printed on the ballot pursuant to Article 1 (commencing at Section 10200) of Chapter 2 of Division 7.

Article 2. Nomination Papers

Content of nomination papers

6830. Each candidate or group of candidates shall file a nomination paper which shall contain:

(a) The name and residence address of each candidate, including the name of the county in which he resides.

(b) A designation of the office for which the candidate or group seeks nomination.

(c) A statement that the candidate and each signer of his nomination paper did not vote at the immediately preceding primary election at which a candidate was nominated for the office mentioned in the nomination paper. The statement required in this subdivision shall be omitted when no candidate was nominated for the office at the preceding primary election.

Signatures

6831. Nomination papers shall be signed by voters of the area for which the candidate is to be nominated, not less in number than 5 percent nor more than 6 percent of the entire

vote cast in the area at the preceding general election. Nomination papers for Representative in Congress, State Senator or Assemblyman, to be voted for at a special election to fill a vacancy, shall be signed by voters in the district not less in number than 500 or 1 percent of the entire vote cast in the area at the preceding general election, whichever is less, nor more than 1,000.

Maximum number of signatures

6832. When a nomination paper or sections of a nomination paper have been received which contain the number of signatures required in Section 6831, the officer with whom those papers are required to be filed shall not receive or file additional sections of the nomination paper for the candidate named in it.

Excess signatures

If, through miscalculation or otherwise, more signatures are secured than the number required, all sections of the nomination paper containing excess signatures shall be sent to the candidate. Before any nomination paper is filed pursuant to this chapter, the candidate shall notify each signer whose name appears on an excess section that his name has not been used In the affidavit required to be filed in Section 6920, the affiant shall state that he has complied with this section.

Filing

6833. Nomination papers required to be filed with the Secretary of State or with the county clerk shall be filed not more than 65 nor less than 40 days before the day of the election, but shall be prepared, circulated, signed, verified and left with the county clerk for examination, or for examination and filing, no earlier than 70 days before the election and no later than 45 days before the election.

The nomination papers shall not be left with the county clerk for examination after 5 p m. on the 45th day before the day of election unless that day is a Saturday, in which case the nomination papers shall not be filed after 12 o'clock noon. In counties where the office of the county clerk is legally closed on Saturday, the final day for filing shall be the preceding day at 5 o'clock p.m.

Signer's statement

6834. Each signer of a nomination paper shall sign but one paper for the same office, except that in case two or more persons are to be elected to the same office at the same election, an elector may sign the nomination papers of as many persons as there are persons to be elected to the office, and such act on the part of an elector shall not be deemed in conflict with the signer's statement prescribed in this chapter.

Contents

The signer shall declare his intention to support the candidate for nomination, and shall add his place of residence, giving his street and number, if any. His election precinct shall also appear on the paper just preceding his name, and he shall write the date of his signature at the end of the line just after his residence.

Sections

6835. Any nomination paper may be presented in sections, but each section shall contain the name of the candidate and the name of the office for which he is proposed for nomination.

Each section shall bear the name of the city or town, if any, and the name of the county in which it is circulated.

Affidavit of verification deputy

6836. Each section shall be prepared with the lines for signatures numbered, and shall have attached to it the affidavit of the verification deputy who obtained signatures to it, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief, each signature to the section is the genuine signature of the person whose name it purports to be. No other affidavit shall be required. The affidavit of any verification deputy obtaining signatures under this chapter shall be verified free of charge by any officer authorized to administer oaths.

Prima facie evidence

6837. A verified nomination paper is prima facie evidence that the signatures to it are genuine and that the persons signing it are voters unless it is otherwise proven by comparison of the signatures with the affidavits of registration in the office of the county clerk.

Form of nomination paper

6838. Each section of a nomination paper shall be substantially as follows:

County of _____, City (or Town) of _____ (if any).

Nomination paper of _____, candidate for the office of _____.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, undersigned, am a voter of the City (or Town) of _____, County of _____, State of California. I hereby nominate _____, who resides at No. _____, _____ Street, City of _____, County of _____, State of California, as a candidate for the office of _____ to be voted for at the election to be held on the _____ day of _____, 19___. I have not signed the nomination paper of any other candidate for the same office, and I further declare that I intend to support for election the candidate named herein.

No.	Precinct	Signature	Residence	Date
1	_____	_____	_____	_____
2	_____	_____	_____	_____
3	_____	_____	_____	_____
4	_____	_____	_____	_____
5	_____	_____	_____	_____
Etc.	_____	_____	_____	_____

VERIFICATION DEPUTY'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of _____ as candidate for the office of _____; that all the signatures on this section of the nomination paper, numbered from 1 to _____ inclusive, were made in my presence, and that, to the best of my knowledge and belief, each signature is the genuine signature of the person whose name it purports to be.

(Signed) _____
Verification Deputy

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

(SEAL) _____
Notary Public (or other official)

Article 3. Verification Deputies

Appointment

6860. A candidate shall appoint verification deputies to serve within the county in which the deputies reside in securing signatures to his nomination paper. The verification deputies thus appointed are the duly authorized verification deputies to secure signatures to the nomination paper of the candidate in that county. The document in which verification deputies are appointed shall be filed with the county clerk of the county in which the verification deputies reside, at or before the time the nomination paper of the candidate is left with the county clerk for filing or for examination.

Filing of document of appointment

Additional deputies

6861. Additional verification deputies may be appointed in the same manner as the original verification deputies were appointed.

Obtaining of signatures

6862. Signatures to a nomination paper shall not be obtained by the candidate, any county clerk, any of the deputies in the office of the county clerk, nor within 100 feet of any election booth, polling place, or any place where registration of electors is being conducted.

Form for appointment

6863. Verification deputies may be appointed by the candidate on a form which shall be substantially as follows:

I, the undersigned, a candidate for the office of _____, which office is to be voted on at the _____ election to be held on the _____ day of _____, 19___, do hereby appoint the following voters of the _____ of _____, as verification deputies to obtain signatures in that _____ to a nomination paper placing me in nomination as a candidate for that office.

VERIFICATION DEPUTIES

Name	Residence
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Signature) _____
(Residence) _____

Filed in the office of the county clerk of _____ County this _____ day of _____, 19___.

_____, County Clerk
By_____, Deputy

Obtaining signatures

6864. Verification deputies appointed to obtain signatures to the nomination paper of any candidate may, at any time not more than 70 nor less than 45 days prior to the election, obtain signatures to the nomination paper of the candidate.

Article 4. Arrangement and Examination of Nomination Papers

Arrangement of sections

6890. Each section of a nomination paper, after being verified, shall be returned by the verification deputy who circulated it to the candidate by whom the verification deputy was appointed. All the sections circulated in any area shall be collected by the candidate and shall be arranged for filing and examination.

Numbering and fastening

6891. Prior to the filing of a nomination paper for any candidate, the sections of the nomination paper shall be numbered in order and fastened together by cities or towns or portions of the county not included in cities or towns, substantially in the manner required for the binding of affidavits of registration.

Index of precincts

6892. The sections of the nomination paper may be preceded by an index of precincts, arranged as follows:

(a) The precinct numbers or names shall be grouped by cities or outside territory.

(b) Within each group of precinct numbers or names, the numbers or names of the precincts shall be arranged numerically or alphabetically.

(c) Opposite each precinct number or name shall appear the numbers of the sections on which the names of the voters registered in that precinct appear, and after the number of each section shall appear in parentheses the number of voters registered in that precinct whose names are on that section.

6893. The index of precincts shall be in substantially the following form: Form of index

City of _____

No. of Precinct	Numbers of sections containing voters of precinct
1_____	1 (3 times) 2 (5 times) 3 (7 times) etc.
2_____	1 (4 times) 2 (0 times) 3 (6 times) etc.
etc._____	etc.

Town of _____
etc.

OUTSIDE TERRITORY
etc.

6894. For all nominations of candidates to be voted for in more than one county or throughout the State, the nomination papers, properly assembled, may be fastened together by counties, but in no case shall nomination papers signed by voters of different counties be fastened together. Fastening by counties

6895. Nomination papers left with the county clerk for examination shall be delivered to him at least five days prior to the date upon which they are required to be filed with him, with the Secretary of State, or with the clerk or secretary of the legislative body of any city or district, as the case may be. Delivery to county clerk

6896. The county clerk shall examine all nomination papers left with him for filing or for examination and shall disregard and mark "not sufficient" any name appearing on them which does not appear in the same handwriting on an affidavit of registration in his office made on or before the date when the name was signed. Examination by county clerk

6897. Within five days after any nomination papers are filed with him or left for examination, the county clerk shall examine them and affix to them a certificate reciting that he has examined them, and stating the number of names which have not been marked "not sufficient." All nomination papers which are required to be filed in the office of the Secretary of State shall be forwarded by the county clerk to the Secretary of State, who shall receive and file them. All nomination papers which are required to be filed in the office of the city clerk or secretary of the legislative body of any city shall, within five days after being so left, be forwarded by the county clerk to the city clerk or secretary of the legislative body of the city, who shall receive and file them. Verification by county clerk

Article 5. Affidavit of Candidate

Contents of affidavit

6920. Each candidate, at least 40 days prior to the election, shall file with the officer with whom his nomination papers are required to be filed an affidavit which shall state:

(a) His residence, with street and number, if any.

(b) His election precinct.

(c) That he is a voter in the precinct in which he resides.

(d) The name of the office for which he is a candidate.

(e) That he will not withdraw as a candidate before the election.

(f) That, if elected, he will qualify for the office.

(g) That if there were any signatures to his nomination papers in excess of the number required, he has notified each signer whose name was not used that his name has not been used.

The name of a candidate shall not be placed on the ballot unless the affidavit provided for in this section has been properly filed.

CHAPTER 4. NOMINATION PAPERS, GENERALLY

Preservation of nomination papers

7100. The Secretary of State, the county clerk, and the clerk or secretary of the legislative body of any city shall preserve for a period of two years in their respective offices all nomination papers filed therein under this code. They shall thereafter destroy the papers unless they have been introduced in evidence in some action or proceeding then pending.

Bribery

7101. Every person is guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars ($25) nor more than three hundred dollars ($300), or by imprisonment for not less than 10 nor more than 120 days, or by both such fine and imprisonment, who:

(a) To induce a voter to sign a nomination paper, offers, or knowingly permits another for his benefit to offer, a bribe.

(b) Either before or after signing a nomination paper, as consideration therefor, accepts any bribe or any promise of gain in the nature of a bribe.

Wrongful suppression etc. of nomination paper

7102. Every person is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or by imprisonment for not less than 30 days nor more than six months, or by both such fine and imprisonment, who wrongfully suppresses, neglects, or fails to file at the proper time and in the proper place any nomination paper in his possession, entitled to be filed under the provisions of this code.

False making, etc.

7103. A person shall not falsely make, or fraudulently deface or destroy, all or any part of a nomination paper.

Filing false paper

7104. A person shall not file a nomination paper if he knows that it or any part of it has been falsely made.

Suppression

7105. A person shall not suppress all or any part of a nomination paper which has been duly filed.

DIVISION 6. POLITICAL PARTIES

CHAPTER 1. STATE CONVENTIONS

Party convention to promulgate platform

8000. Party conventions of delegates chosen as provided in this chapter may be held in this State for the purpose of promulgating platforms and transacting such other business of the party as is not inconsistent with the provisions of this division or Chapter 2 (commencing at Section 6400) of Division 5 of this code.

Delegates to state convention

8001. The State convention of each political party shall consist of one delegate for each of the following elective officials, and the total number of delegates shall be the aggregate number of the following officers:

(a) Governor.
(b) Lieutenant Governor.
(c) Treasurer.
(d) Controller.
(e) Attorney General.
(f) Secretary of State.
(g) All members of the State Board of Equalization.
(h) All Senators and Representatives of Congress from California.
(i) All members of the State Legislature.

Convention dates: Party of less than 3,000,000

8002. The state convention of each political party with which are affiliated less than 3,000,000 registered voters shall meet at Sacramento at 10 o'clock of the morning of the first Saturday in August next following the date upon which the direct primary election is held and shall be composed of the following delegates:

(a) Each officer named in Section 8001 who was nominated and elected as a candidate of the party and whose term of office extends beyond the eighth day of January next following the direct primary election, or the appointee or successor appointed, elected, or otherwise designated by law to fill a vacancy in the office of any such officer. These delegates are "hold-over delegates."

(b) Each candidate of the party in whose behalf nomination papers were filed and who was nominated at the direct primary election by that party. These delegates are "nominee delegates."

(c) One delegate appointed for each of the officers named in Section 8001, not represented by a "hold-over delegate" nor by a "nominee delegate" of the party. These delegates shall be chosen and appointed in the manner provided in this chapter for filling vacancies in the state convention. These delegates are "appointive delegates."

Same: Party of more than 3,000,000

8003. The state convention of each political party with which are affiliated more than 3,000,000 registered voters shall meet annually at Sacramento at 10 o'clock of the morning of a Saturday in August designated by the chairman of the state central committee of the party. The chairman shall notify

the Secretary of State of the Saturday selected by him no later than the first day of July immediately preceding the holding of the convention The convention shall be composed of delegates selected in the manner prescribed in Section 8002.

(Amended by Stats. 1961, Ch. 2224.)

[ORIGINAL SECTION]

8003. The state convention of each political party with which are affiliated more than 3,000,000 registered voters shall meet at Sacramento at 10 o'clock of the morning of the Saturday designated by the chairman of the state central committee of the party, which shall be no earlier than the eighth or later than the twelfth Saturday following each direct primary election. The chairman shall notify the Secretary of State of the Saturday selected by him no later than the sixth Saturday after that election. The convention shall be composed of delegates selected in the manner prescribed in Section 8002.

Write-in candidates

8004. Membership in the state convention shall not be granted to any party nominee for a congressional office, state office, or office of Senator or Assemblyman who has not had his name printed on the direct primary ballot following the filing of a nomination paper by himself or in his behalf.

Vacancy in membership

8005. A vacancy exists in the membership of a State convention:

(a) When there is no "hold-over delegate" nor "nominee delegate" of the party.

(b) When any nominee is disqualified for membership under the provisions of Section 8004 or for any other reason stated in this division.

(c) When no nomination for an elective office has been made.

(d) When a delegate dies prior to the convention.

Filling vacancies

8006. Delegates shall be appointed to fill vacancies in the membership of party state conventions as follows:

(a) If the vacancy occurs in a senatorial or assembly district situated wholly within the limits of a single county, by appointment by the county central committee of the party in the county. Whenever such a vacancy occurs by virtue of the failure to nominate a person affiliated with the party, no person shall be chosen to fill the vacancy who does not reside in the senatorial or assembly district involved.

(b) If the vacancy occurs in a senatorial or assembly district comprising two or more counties, by appointment by the county central committee of the party in the county in which the disqualified or deceased delegate resided, if the vacancy is caused by disqualification or death, or in which the "hold-over delegate" or "nominee delegate" of the opposing party resides, if the vacancy is due to any other cause.

(c) If the vacancy occurs as to a delegate for a United States Senator from California or as to a delegate for any of the state officers named in Section 8001, by appointment by the state central committee of the party.

(d) If the vacancy occurs as to a delegate for any Representative in Congress from California, by appointment by the

state central committee of the party of a voter who resides within the congressional district to be represented.

Same

8007. A county central committee may authorize its chairman to appoint delegates to fill vacancies in the membership of party state conventions which the county central committee has power to fill.

Presentment of credentials

8008. Each delegate appointed pursuant to Section 8006 shall file with the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immediately preceding the day on which the convention is to convene:

(a) His credentials signed by the chairman and the secretary of the committee which has the power to make the appointment.

(b) His written appointment of three members of the state central committee, signed and acknowledged before an officer authorized to administer oaths. The appointments shall be made in the form prescribed in this chapter and when so made shall be absolute.

Roll of delegates

8009. The Secretary of State shall prepare, for each state convention, an alphabetical roll of the holdover delegates, the nominee delegates, and the appointive delegates who have filed their credentials in the manner and time provided in Section 8008.

Delivery of credentials and roll

8010. On the convening of the convention the Secretary of State shall deliver to the retiring chairman of the state central committee or, in the absence of the retiring chairman, to the acting presiding officer of the convention:

(a) The appointive delegates' credentials.

(b) The alphabetical roll of the delegates to the convention.

List of delegates

8011. As soon as practicable after the direct primary election, the Secretary of State shall prepare a list of the names of all delegates to the convention qualified under the provisions of this chapter. He shall thereupon send a notice by mail to each delegate which shall inform the delegate that:

Notice to delegates

(a) He is a delegate to the state convention.

(b) The convention meets at Sacramento and the date of the meeting.

(c) The delegate shall appoint three voters to be members of the state central committee.

(d) The appointment of three members of the state central committee shall be made in writing in the form prescribed in this chapter, signed and acknowledged before a notary public or other officer authorized to administer oaths in this State and shall be filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immediately preceding the Saturday on which the convention is to convene.

(e) The delegate shall send a notice by mail to each of the three appointees, which shall inform him that:

(1) He is a member of the committee.

(2) The committee will meet at Sacramento on the day following the convention and the date of the meeting.

(3) The meeting may be attended either in person or by proxy.

(4) Every proxy shall be filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the day preceding the meeting of the committee.

(5) The proxy shall be in writing signed and acknowledged before a notary public or other officer authorized to administer oaths.

(f) Four forms of proxy are enclosed, one of which he may use himself, and the others he shall send with the notices of appointment to the state central committee.

Form of appointment of member of state central committee

8012. The Secretary of State shall enclose with the notice one copy of the following form for appointment of members of the state central committee:

APPOINTMENT OF MEMBERS OF THE STATE CENTRAL COMMITTEE MEETING AT SACRAMENTO IN THE YEAR 19____

I _____, duly qualified as a delegate to the state convention at Sacramento in the year 19___ by virtue of my (appointment by the _____ central committee) (nomination) (election to the office of _____) (strike out part inapplicable) on the _____ day of _____ 19___ upon the _____ (party) ticket, do hereby appoint the following three voters, who shall be members of the state central committee to meet at Sacramento on the day following the meeting of the state convention, in the year 19___, to wit:

_____	_____
Name	Post office address
_____	_____
Name	Post office address
_____	_____
Name	Post office address

In witness whereof I have hereunto set my hand this _____ day of _____, 19___.

_____
(Delegate)

Signed and acknowledged before me this _____ day of _____.

_____
Notary Public

State central committee

8013. The Secretary of State shall also enclose with the notice four copies of the following form of proxy for attendance at the meeting of the state central committee:

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

I, _____, duly qualified to sit as a member of the state central committee meeting at Sacramento in the year 19___

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

In witness whereof I have hereunto set my hand this _____ day of _____, 19___.

_____, Member

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

_____, Notary Public

Sex of appointees

8014. Each delegate to the state convention shall appoint to membership on the state central committee one voter of the same sex as the delegate and two voters of the opposite sex, which appointments when so made shall be absolute, except that a "holdover" delegate to the state convention or a nominee delegate from a district represented by an incumbent officeholder affiliated with the same party as the nominee delegate may appoint two additional voters to membership on the state central committee.

All appointments to the state central committee shall expire annually, and new appointments shall be made in accordance with this section.

(Amended by Stats. 1961, Ch. 2223.)

[ORIGINAL SECTION]

8014. Each delegate to the state convention shall appoint to membership on the state central committee one voter of the same sex as the delegate and two voters of the opposite sex, which appointments when so made shall be absolute.

Party affiliation of appointee

8015. A person is not eligible for appointment to the state central committee if he is not registered as affiliated with the party at the time of his appointment.

Form of appointment

8016. Appointments of members to the state central committee shall be made in writing signed and acknowledged by the delegate before a notary public or other officer authorized to administer oaths and delivered to the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immediately preceding the day on which the convention is to convene.

Notice to appointees

8017. Each delegate to the state convention shall send a notice by mail to each person whom he has appointed as a member of the state central committee which will inform him that:

(a) He is a member of the committee.

(b) The committee will meet in Sacramento on the day following the convention.

(c) The meeting may be attended either in person or by proxy.

(d) Every proxy shall be filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the day preceding the meeting of the committee.

(e) The proxy shall be in writing signed and acknowledged before a notary public or other officer authorized to administer oaths.

Each delegate shall enclose with each notice one copy of the form of proxy sent to that delegate by the Secretary of State.

Delivery of appointments to convention chairmen

8018. The Secretary of State shall deliver the delegates' appointments received by him to the permanent chairman of the state convention on the day the state convention meets, and he shall require the chairman's receipt for them.

Meeting of convention

Temporary officers

8019. The convention shall be called to order by the retiring chairman of the state central committee at 10 o'clock of the morning of the Saturday upon which it is to be held. It shall at once proceed to the election of a temporary chairman by roll call read from the alphabetical roll submitted by the Secretary of State. The convention shall elect such other temporary officers as the convention may determine.

Committee on credentials

8020. The temporary chairman shall appoint a committee consisting of one delegate from each congressional district, which shall serve as the committee on credentials of the convention, and he shall appoint such other committees as the convention may direct.

State platform to be adopted

8021. The convention, upon election of permanent officers, shall adopt a state platform for its party, which platform shall be made public not later than 6 o'clock in the afternoon of the following day.

Candidates for presidential electors

8022. In each year of the general election at which electors of President and Vice President of the United States are to be chosen, the convention shall also nominate as the candidates of its party as many electors of President and Vice President of the United States as the State is then entitled to and shall certify the name of each elector nominated, his residence, and his business address to the Secretary of State. The Secretary of State shall notify each candidate for elector of his nomination by the convention. The Secretary of State shall cause the names of the candidates for President and Vice President of the several political parties to be placed upon the ballot for the ensuing general election. The names of the candidates for electors of President and Vice President shall not be printed upon the ballot. The votes cast for candidates for President and Vice President of each party shall be counted for the candidates for presidential electors of the presidential candidate's party.

Convention to determine membership of committee

8023. Upon receipt by the chairman of the convention from the Secretary of State of the appointments of members of the state central committee, the convention shall determine the membership of the state central committee in accordance with

the provisions of this division. If the convention finds that any delegate to the convention has failed to file his appointment of members of the state central committee with the Secretary of State within the time prescribed, the convention shall make appointments of the requisite number of electors residing within the district represented by the delinquent delegate. Appointment by convention

8024. The secretary of the convention shall immediately notify, by mail or telegraph, members appointed by the convention to the state central committee. Notice of appointment

8025. The secretary of the convention shall certify the names of all of the members of the state central committee, as determined by the convention, to the Secretary of State within six hours after the convening of the convention. Certification of members

8026. The permanent chairman of the convention shall return the appointments of members of the state central committee, receipted for by him, to the Secretary of State within six hours after the convening of the convention. The appointments shall be kept and filed by the Secretary of State and shall be open to public inspection. Return of appointments to Secretary of State

8027. The proceedings at the convention shall be governed by any manual of parliamentary procedure designated by the convention. Parliamentary procedure

8028. The vote on any issue at the convention, including the election of officers, may be by rollcall or such other method as may be prescribed by the convention. Voting

(Added by Stats. 1961, Ch. 1140.)

CHAPTER 2. STATE CENTRAL COMMITTEE

Article 1. Membership and Meetings

8200. The new state central committee shall consist of: New state central committee

(a) All delegates to the state convention.

(b) The chairman of each county central committee of the party.

(c) Members appointed pursuant to this division.

(d) The national committeeman and national committeewoman of the party.

8201. The immediate past chairman and the immediate past northern and southern section chairmen of the state central committee of a political party with which are affiliated more than 3,000,000 voters shall be members of the state central committee of that party. Same Members

8202. The new state central committee shall convene at Sacramento at 10 o'clock a.m. of the day following the meeting of the state convention. Same· Meeting

8203. Any member of a state central committee who desires to attend the first meeting of the committee by proxy shall designate his proxy in the form prescribed in this division. The appointment shall be signed and acknowledged before an officer authorized to administer oaths and shall be delivered to the Secretary of State not later than 5 o'clock of the afternoon of the day preceding the first meeting of the committee. Attendance by proxy

Form of proxy

8204. Proxies to be recognized by the Secretary of State and by the committee on proxies and credentials shall be signed and acknowledged before an officer authorized to administer oaths and shall be in the form prescribed in this division.

Revocation of proxy

8205. Revocation or change of proxies shall be recognized by the committee on proxies and credentials only upon a personal request made by the member before the committee.

Filing of proxies

8206. No proxy shall be recognized prior to election of a permanent chairman unless filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the day preceding the state committee meeting.

List of members to be delivered to committee chairman

8207. The Secretary of State shall deliver to the retiring chairman of the state central committee as soon as possible on the day of the first meeting of the new state central committee a certified, alphabetical list of the names of the members of the state central committee, and a certified alphabetical list of the names of the persons duly designated as proxies by members of the new committee, together with all proxies received by him prior to 5 o'clock of the afternoon of the preceding day. He shall require the retiring chairman's receipt for the proxies.

First meeting

8208. The retiring chairman of the state central committee shall call the committee to order at 10 o'clock of the morning of the first meeting and as soon as practicable thereafter shall cause the roll to be called from the list of members and proxies certified by the Secretary of State. The next business in order shall be the election of a temporary chairman, which may be by acclamation, unless there is a contest, in which event the roll shall be called.

Committee on proxies and credentials

8209. The temporary chairman, upon election, shall appoint at once a committee on proxies and credentials consisting of one member from each congressional district, selected from among the members of the committee certified by the Secretary of State.

Chairmanship

8210. The chairman of the state central committee shall not succeed himself, and the chairmanship shall alternate each biennium between the northern and southern territories.

Parliamentary procedure

8211. The proceedings at all meetings of the state central committee shall be governed by any manual of parliamentary procedure designated by the central committee.

Quorum

8212. A quorum of the state central committee is a majority of the entire membership, represented either in person or by proxy.

Officers

8213. Each state central committee shall choose its officers by rollcall vote, poll of congressional district delegations, or such other method as may be prescribed by the committee. Its officers shall have the power usually exercised by such committees and the officers thereof insofar as may be consistent with this chapter.

(Amended by Stats. 1961, Ch. 1140.)

[ORIGINAL SECTION]

8213. Each state central committee shall choose its officers by rollcall vote, except that in each case where there is no contest for the office, the officer may be elected by acclamation. Its officers shall have the power usually exercised by such committees and the officers thereof insofar as may be consistent with this chapter.

Article 2. Powers and Duties

Executive committee

8230. Each state central committee may select from its membership an executive committee to which it may grant all or any portion of its powers and duties.

Party campaigns

8231. Each state central committee shall conduct party campaigns for the party to which it belongs and in behalf of the candidates of its party. It shall appoint committees and appoint and employ campaign directors and perfect whatever campaign organizations it deems suitable or desirable and for the best interest of the party.

Article 3. Vacancies

Removal of members

8260. Each state central committee may remove any appointive member who during his term of membership affiliates with or registers as a member of another party or who gives support to or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by the party which that member represents.

Filling of vacancies

8261. Should a member of a state central committee appointed to membership pursuant to Section 8014 cease to be a member for any of the reasons specified in Section 8262, the vacancy shall be filled by the person who appointed him, unless that person is himself no longer a member of the committee or indicates that he does not wish to fill the vacancy, in which instances the committee shall do so.

Notice shall be given by the committee to a person entitled to fill a vacancy under this section as soon as possible after the occurrence of the vacancy.

Vacancy in membership

8262. In the event of the appointment of an ineligible person to the state central committee, or whenever any member of the committee dies, resigns, or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of the committee's party, a vacancy exists which shall be filled in the manner prescribed in Section 8261.

Chapter 3. County Central Committees

Article 1. Membership and Meetings

County central committee

8400. At every direct primary there shall be elected in each county a county central committee for each political party.

Membership: City and county

8401. In any city and county the county central committee of each party shall be elected by assembly districts and

shall consist of five members elected from each assembly district in the city and county.

Twenty or more assembly districts

8402. In each county, except a city and county, containing 20 or more assembly districts the county central committee shall consist of seven members elected from each assembly district.

Five to 19 assembly districts

8403. In any county containing more than four and less than 20 assembly districts, the county central committee shall be elected from assembly districts and shall consist of six members elected from each assembly district.

(Amended by Stats. 1961, Ch. 412.)

[ORIGINAL SECTION]

8403. In any county containing more than five and less than 20 assembly districts, the county central committee shall be elected from assembly districts and shall consist of five members elected from each assembly district.

Four assembly districts

8404. In counties containing four assembly districts, the county central committee shall be elected by supervisor districts and shall consist of five members elected from each district.

Less than four assembly districts

8405. In counties containing less than four assembly districts, the county central committee shall be elected by supervisor districts, and the number to be elected from any supervisor district shall be determined as follows: There shall be taken the number of votes cast in the supervisor district at the last gubernatorial election for that party's candidate for Governor, or, if the party had no candidate for Governor, for the candidate of the party voted on throughout the State who received the greatest number of votes and who was the candidate of that party alone. This number shall be divided by one-twentieth of the number of votes cast in that county for Governor or, where the party had no candidate for Governor, for the candidate mentioned above. The integer next larger than the quotient obtained by such division shall constitute the number of members of the county central committee to be elected by that party in that supervisor district.

The county central committees in counties containing less than four assembly districts shall be composed of not less than 21 members. If the procedure outlined above would result in less than 21 members being elected for any county central committee, the number of votes cast for that party's candidate in each supervisor district shall be divided by an amount sufficiently smaller than one-twentieth of the votes cast for Governor in that county as to give a membership in the county central committee equal to or the nearest amount which is greater than 21 members.

Ex officio members

8406. In each county the nominee of the party for State Senator or the incumbent State Senator, the nominees of the party for the Assembly, and any person elected to either the Senate or Assembly at a special election to fill a vacancy in that house shall be ex officio members of the county central

committee. If the person elected from one party at the special election for an Assembly or Senate seat shall be other than the nominee of that party for the same office at the prior election, the ex officio membership of the nominee shall expire immediately upon certification by the Secretary of State of the election. Ex officio members shall be entitled to all the rights and privileges, including the right to vote, and shall have the same standing in every way as other members of the county central committee.

Computation of members

8407. The county clerk, between the first Monday and the second Monday of March next preceding the direct primary, shall compute the number of members of the county central committee allotted to each assembly district or supervisor district, as the case may be, pursuant to this article.

Nomination papers required

8408. In each county the name of each candidate for member of a county central committee shall appear upon the ballot only upon the filing of a nomination paper pursuant to Articles 4 (commencing at Section 6490) and 5 (commencing at Section 6550) of Chapter 2 (commencing at Section 6400) of Division 5 of this code, signed in his behalf by the voters of the assembly or supervisorial district in which he is a candidate.

Election

8409. In each county the number of candidates for membership in a county central committee to which each party is entitled in each assembly or supervisorial district who receive the highest number of votes shall be declared elected. However, a candidate for county central committeeman shall not be declared elected unless he has received votes equal in number to the minimum number of signatures to the nomination paper which would have been required to place his name on the direct primary ballot as a candidate for member of the county central committee.

Oath

8410. Each member of a county central committee, before he enters upon the duties of his office, shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution.

The oath or affirmation required by this section may be taken before any officer authorized to administer oaths and no fee shall be charged by any person before whom the oath is taken or subscribed.

Chairman

8411. In each county the county clerk, within 10 days after the county central committee meets as provided for in Section 8412, shall ascertain who is the newly elected chairman of the county central committee and shall mail a certificate to that effect to the Secretary of State.

Organization meeting

8412. Each county central committee shall meet in the courthouse at its county seat, upon call which shall be given by the county clerk of the county and in quarters to be arranged or provided for by the county clerk of the county, on the second Tuesday in July following the direct primary, except that in any year in which a national political party shall have set the national convention of the party to include

that date, the existing executive committee of the county central committee of that party shall set the date of the meeting, not to exceed 30 days after the date above specified. At such meeting the county central committee shall organize by selecting a chairman, a secretary, and such other officers and committees as it deems necessary for carrying on the campaign of the party.

Meeting called by members

8413. If the chairman of a county central committee refuses to call a meeting, a meeting may be called upon five days notice by a majority of the members of the county central committee.

Eligibility

8414. A person shall not be eligible for appointment or election to the county central committee of any party who is not registered as affiliated with that party at the time of his appointment or election.

Article 2. Powers and Duties

Powers

8440. The county central committee shall have charge of the party campaign under general direction of the state central committee or of the executive committee selected by the state central committee.

Rules and regulations

8441. Each county central committee may make rules and regulations providing:

(a) How officers of the committee may be removed.

(b) How meetings may be called, and any provisions so made shall supersede anything in this chapter to the contrary.

(c) Whether or not proxies may be used and the conditions under which they may be used.

Validation of rules

Any such rule adopted prior to statutory authorization by any county central committee by majority vote of the members elected to the committee is hereby validated and made of the same effect as if subsequently adopted.

Duties

8442. County central committees shall perform such other duties and services for their political party as seem to be for the benefit of the party. County central committees shall continue to function and exist until the election at the succeeding direct primary and qualification of the members of the new county central committees.

Article 3. Vacancies

Filling of vacancies

8470. In the event of the appointment or election to a county central committee of an ineligible person, or whenever any member of the committee dies, resigns or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of the committee's party, a vacancy exists which shall be filled by appointment by the committee in which the ineligibility or vacancy occurs. A vacancy shall also exist on a committee when a member is removed from the committee pursuant to Section 8472.

Same

8471. In the event that the candidates elected to a county central committee from a district do not equal the number of party committeemen to which such district is entitled to be represented under provisions of this code, a vacancy or vacancies exist to the extent of the difference between the number of elected committeemen and the number of committeemen by which the district is entitled to be represented. When such vacancy or vacancies exist they shall be filled by the committee to which insufficient members were elected, in the manner provided for in Section 8470 of this code.

Removal of members

8472. Any member, other than an ex officio member, of a county central committee who misses more than three consecutive regularly called meetings may be removed by a vote of the committee concerned, unless his absence is caused by illness or temporary absence from the county on the date of the meeting.

Removal from district

8473. The removal of residence by an elected or appointed member of the county central committee from the assembly district or supervisor district from which he has been elected or appointed a member of the county central committee shall constitute his automatic resignation from the county central committee.

Change of political affiliation

8474. A county central committee may remove any member, other than an ex officio member, who during his term of membership affiliates with, or registers as a member of another party or who gives support or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by the party which that member represents.

DIVISION 7. BALLOTS

CHAPTER 1. PREPARATION AND DISTRIBUTION OF BALLOTS. ELECTION EXPENSES

Election expenses

10000. All expenses, authorized and necessarily incurred in the preparation for and conduct of elections as provided in this code, shall be paid from the several county treasuries, except that when an election is called by the governing body of a city, the expenses shall be paid from the treasury of the city. All payments shall be made in the same manner as other county or city expenditures are made.

Ballot paper

10001. The Secretary of State shall obtain and keep on hand a sufficient supply of tinted paper for ballots, to be furnished, in quantities ordered, to any county clerk, or clerk or secretary of the legislative body of any city, upon payment of the cost of the paper.

Watermarked

10002. Ballot paper supplied by the Secretary of State shall be watermarked with a design, to be furnished by the Secretary of State, so that the watermark shall be plainly discernible on the outside of the ballot when folded according to law. The design shall be kept secret, until the day of election, from all persons not engaged in the preparation, printing, or

distribution of the paper or ballots. The design shall be changed for each general election, and the same design shall not be used again at any general election within the space of five years. At any special or local election paper marked with the design used at the previous election may be used.

Use or disclosure of watermark

10003. No person shall make, use, keep or furnish to others, any paper watermarked in imitation of ballot paper. Nor shall any person disclose the watermark to any person not engaged in making, printing or distributing ballot paper or ballots

Fund for purchase of ballot paper

10004. The revolving fund for the purchase of ballot paper, in the amount of ninety thousand dollars ($90,000), created by Chapter 545 of the Statutes of 1913, as amended, is continued in existence. The fund shall be used for the purchase of ballot paper as provided in this chapter and shall be reimbursed by the receipts from the county or city obtaining the paper in accordance with this chapter. The fund shall at all times be intact and represented either by cash in the State Treasury, ballot paper in the custody of the Secretary of State, or accounts receivable representing ballot paper sales.

Ballot provided by county clerk

10005. Each county clerk shall provide ballots for all elections, except city elections, in which the voters within the county participate, and shall cause to be printed in the appropriate ballot the name of every candidate whose name has been certified to or filed with the county clerk pursuant to law, together with the names certified by the Secretary of State to be entitled to a place on the appropriate ballot.

Separate ballots City and county elections

10006. The county clerk of any city and county shall provide separate ballots for every city and county election in which the voters of the city and county participate, and shall cause to be printed on them the name of every candidate for a city and county office whose name has been filed with the proper officer pursuant to law.

For cities

10007. The clerk or secretary of the legislative body of any city shall provide separate ballots for every city election in which the voters of the city participate, and shall cause to be printed on them the name of every candidate whose name has been filed with the clerk or secretary pursuant to law.

Non-conforming ballot

10008. Ballots not printed in accordance with this chapter shall not be cast nor counted at any election.

Sample ballots

10009. At least 25 days before the direct primary or before the presidential primary, each county clerk shall prepare separate sample ballots for each political party and a separate sample nonpartisan ballot, placing thereon in each case in the order provided in Article 3 (commencing at Section 10290) of Chapter 2 of Division 7 of this code, and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him or have been certified to him by the Secretary of State to be voted for in his county at the primary election. The sample ballots shall be printed on paper of a different texture from the paper to be used for the official ballot. One sample ballot of the party

to which the voter belongs, as evidenced by his registration, shall be mailed to each voter entitled to vote at the direct primary or the presidential primary, as the case may be, not more than 40 nor less than five days before the election. A nonpartisan sample ballot shall be so mailed to each voter who is not registered as intending to affiliate with any of the parties participating in the primary election.

List of candidates for delegate

10010. At the time the county clerk prepares sample ballots for each political party at the presidential primary, he shall also prepare a list of candidates for delegates for each political party. The list shall be printed upon a sheet of paper separate from the sample ballot. The names of the candidates for delegates of any political party shall be arranged upon the list of candidates for delegates of that party in parallel columns under their preference for President. The order of groups on the list shall be the same as the order in which the names of the persons they prefer appear upon the ballot Each column shall be headed in heavy-face 10-point, gothic type as follows: "The following delegates are pledged to _____." (The blank being filled in with the name of that candidate for presidential nominee for whom the members of the group have expressed a preference.) The names of the candidates for delegates shall be printed in eight-point, roman capital type.

One copy of the list of candidates for delegates of the party to which the voter belongs shall be mailed, together with the sample ballot, to each voter entitled to vote at the presidential primary. Copies of the list of candidates for delegates of each party shall also be submitted by the county clerk to the chairman of the county central committee of that party, and the county clerk shall post a copy of each list in a conspicuous place in his office.

Posting

Submission of sample ballot

10011. The county clerk shall forthwith submit the sample ballot of each political party to the chairman of the county central committee of that party and shall mail a copy to each candidate for whom nomination papers have been filed in his office or whose name has been certified to him by the Secretary of State, to the post office address as given in the nomination paper or certification, and he shall post a copy of each sample ballot in a conspicuous place in his office.

Posting

Sample ballots for other elections

10012. Each county clerk or, in case of separate city elections, the clerk or secretary of the legislative body of the city, for each election other than a direct primary or a presidential primary, shall cause to be printed, on plain white paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there are voters in the precinct. These copies shall be designated "sample ballot" upon their face. The county clerk or clerk or secretary shall commence to mail one sample ballot, postage prepaid, to each voter not more than 40 nor less than 15 days before the day fixed by law for the election. The mailing of

the sample ballots shall be completed at least 10 whole days before the election.

Number of sample ballots

For any general election the number of sample ballots printed shall not exceed the total registration by more than 15 percent. The county clerk, or clerk or secretary shall also enclose in the envelope with each of the ballots a card stating the location of the precinct polling place of each voter or, in lieu of a card, the county clerk, in any county except a city and county in which voting machines are used, may cause that information to be printed on the left-hand side of the face of the envelope. Only official matter shall be sent in the envelope.

Number of ballots

10013. The clerk shall provide one official ballot for each voter in the precinct, and for absentee and emergency purposes shall provide such additional number of ballots as may be necessary.

Party ballots

The number of party ballots to be furnished to any precinct for a primary election shall be computed from the number of voters registered in that precinct as intending to affiliate with a party, and the number of nonpartisan ballots to be furnished to any precinct shall be computed from the number of voters registered in that precinct without statement of intention to affiliate with any of the parties participating in the primary election.

Nonpartisan ballots

10014. At a primary election only a nonpartisan ballot shall be furnished to each voter who is not registered as intending to affiliate with any one of the political parties participating in the primary election; and to any voter registered as intending to affiliate with a political party participating in a primary election, there shall be furnished only a ballot of the political party with which he is registered as intending to affiliate.

Stub books
Record

10015. When printed all ballots shall be bound in stub books, of such size as the clerk may determine. A record of the number of ballots printed shall be kept by the officer authorizing the printing.

Correction of record by court

10016. Whenever it appears by affidavit of a voter that an error or omission has occurred in the publication of the name or description of the candidates or in the printing of the ballots, the superior court of the county shall, upon application of the affiant, by order, require the county clerk to correct the error or to show cause why the error should not be corrected.

Delivery of ballots to precinct board

10017. Before the opening of the polls at any election within any county, the county clerk shall cause to be delivered to the precinct board in each precinct in which the election is to be held the proper number of ballots of the kind to be used in the precinct. The ballots shall be delivered in sealed packages with marks on the outside clearly designating the precinct or polling place for which they are intended, and the number of ballots enclosed. In the case of a city and county, the proper number of municipal ballots shall be delivered. The clerk or

secretary of any city shall in like manner cause to be delivered the proper number of municipal ballots.

(Amended by Stats. 1961, Ch. 340.)

[ORIGINAL SECTION]

10017. Before the opening of the polls at any election within any county, the county clerk shall cause to be delivered to the precinct board at the polling place in each precinct in which the election is to be held the proper number of ballots of the kind to be used in the precinct The ballots shall be delivered in sealed packages with marks on the outside clearly designating the precinct or polling place for which they are intended, and the number of ballots enclosed. In the case of a city and county, the proper number of municipal ballots shall be delivered The clerk or secretary of any city shall in like manner cause to be delivered the proper number of municipal ballots.

Receipt for ballots

10018. The county clerk, or clerk or secretary of any city, shall prepare a receipt for each polling place, enumerating the packages and stating the time and date when they were delivered to the precinct board inspectors. The inspectors shall sign the receipt upon receipt of the packages, which receipt shall forthwith be returned and filed. The county clerk, or clerk or secretary, may employ messengers to insure the safe and expeditious delivery of the ballots to the precinct board inspectors and shall fix a reasonable compensation for the services of those messengers, to be paid as other election expenses are paid.

Employment of messengers

Loss or destruction of ballots

10019. In case of the prevention of an election in any precinct by the loss or destruction of the ballots intended for that precinct, the inspector or other precinct officer for that precinct shall make an affidavit setting forth the fact and transmit it to the Governor. Upon receipt of the affidavit, the Governor may, and upon the application of any candidate for any office to be voted for by the voters of that precinct the Governor shall, order a new election in that precinct.

CHAPTER 2. FORMS OF BALLOTS

Article 1. Generally

Contents

10200. There shall be provided at each polling place, at each election at which public officers are voted for, but one form of ballot for all the candidates for public office. Every ballot shall contain:

Names of candidates

(a) The names of all the candidates whose nominations for any office specified on the ballot have been duly made and not withdrawn, except:

(1) Candidates for presidential electors who have been nominated by the respective state conventions of their political parties.

(2) Candidates for presidential electors who have designated pursuant to Article 1 (commencing at Section 6800) of Chapter 3 of Division 5, the names of those candidates for President and Vice President of the United States for whom they pledged themselves to vote.

Title of officer

(b) The title of each office arranged to conform as nearly as practicable to the plan set forth in this chapter.

Order of listing officers

10201. The order in which the list of offices shall appear on the ballot, as to state offices and district offices when the district includes more than one county, shall be determined by the Secretary of State, and shall be, as nearly as may be practicable, the same for all counties. The order in which the list of county offices or district offices embracing one county or less shall appear on the ballot shall be determined by the county clerk.

Order of names

10202. The name of the incumbent shall appear first upon a list of all candidates for any office, and if two or more positions are to be filled at the same time and more than one incumbent is running, the name of each of the incumbents shall appear in alphabetical order for that assembly district which is lowest in numerical order of the assembly districts in which the candidates are to be voted on. Thereafter, for each succeeding assembly district in which the candidates are to be voted on, the name appearing first for that office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

Vote throughout State

10203 If the office is an office the candidates for which are to be voted on throughout the entire State, including United States Senator, the Secretary of State shall arrange the names of all candidates other than the incumbent for such office in alphabetical order for the First Assembly District, and thereafter for each succeeding assembly district the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

Presidential electors

10204. The names of those candidates for the office of presidential elector who have either been nominated by the state conventions of their respective political parties or who have designated pursuant to Article 1 (commencing at Section 6800) of Chapter 3 of Division 5 the names of the candidates for whom they pledged themselves to vote, shall not appear upon the ballot. In lieu thereof, the names of the candidates of their respective parties for President and Vice President of the United States shall be printed together in pairs upon the ballot under the title, "Presidential Electors." The Secretary of State shall arrange these pairs for the First Assembly District in the alphabetical order of the names of the candidates for President, and thereafter for each succeeding assembly district, the pair appearing first shall be placed last, the order of the other pairs remaining unchanged

Voting square for presidential electors

10205. At the right of the names of the candidates for President and Vice President of each party shall be printed their party name or political appellation. At the right of that party name or appellation there shall be a square of sufficient size for the stamping of a cross (+). Every cross (+) stamped within that square shall be counted as a vote for each candidate for presidential elector of that party.

Vote in more than one county

10206. If the office is that of Representative in Congress, or is an office the candidates for nomination to which are to be voted on in more than one county, but not throughout the State, except the office of State Senator or Assemblyman, the Secretary of State shall arrange the names of all candidates other than incumbents for that office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which the candidates are to be voted on. Thereafter for each succeeding assembly district in which the candidates are to be voted on, the name appearing first for that office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

In assembly district

10207. Except for the office of State Senator or Assemblyman, the order in which the names so certified shall appear upon the ballot shall be for each assembly district the order as determined by the Secretary of State in accordance with the provisions of this article and as certified and transmitted by him to each county clerk.

Vote wholly within county

10208. If the office is an office to be voted on wholly within one county, except the office of Representative in Congress or State Senator or Assemblyman, and there is but one assembly district in the county, the county clerk of that county shall arrange the names of all candidates for the office, other than incumbents, in alphabetical order, which order shall be the order of names upon the ballots. If there is more than one assembly district in the county, the county clerk shall arrange the names of all candidates for the office, other than incumbents, in alphabetical order for that assembly district in the county which is lowest in numerical order, and thereafter for each succeeding assembly district in the county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

State Senator or Assemblyman

10209. If the office is that of State Senator or Assemblyman, the names of all candidates for the office, other than the incumbent, shall be placed upon the ballot in alphabetical order.

Municipal officer

10210. If the office is a municipal office in any city whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for that office, other than incumbents, shall be placed upon the ballot in alphabetical order.

Late filing

10211. If the nomination of a candidate for any partisan office is made by petition, filed within the time and manner provided by law, but subsequent to the determination of the order in which names of candidates shall appear on the ballot, the name of that candidate with the word "Independent" printed to the right of the name, shall be placed on the ballot next below the names of the other candidates for the office.

Order of measures

10212. The order in which all measures which are to be submitted to the voters shall appear upon the ballot is as follows:

(a) Legislative proposals in the order determined by the Secretary of State.

(b) Initiative measures in the order in which they qualify.

(c) Referendum measures in the order in which they qualify.

Ballot size

10213. A ballot shall not exceed 24 inches in length, and shall be three inches in width and as many times that width as may be necessary to contain all of the names of candidates nominated, with proper blank spaces to allow the voter to write in names not printed on the ballot. The ballot shall also contain a separate column or columns of sufficient width for statements of all measures submitted to the voters.

Type and form

10214. Except as provided in Article VI, Section 26 of the Constitution, each group of candidates to be voted on shall be headed by the designation of the office and the words "Vote for One" or "Vote for Two" or more, according to the number to be elected to that office. The designation of the office and of the number of candidates to be voted for shall be printed in heavy-faced gothic type, not smaller than 10-point. The word designating the office shall be printed flush with the left-hand margin and the words "Vote for One" or "Vote for Two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line. The names of the candidates for each office shall be printed in eight-point roman type (capitals) in proper order below the designation of the office.

Designation of office

Number of candidates to be voted

Names

Partisan office

If the office is a partisan office, in the same line in which the name of the candidate is printed and at the right of the name, or immediately below the name if there is not sufficient space to the right of the name, there shall be printed in eight-point roman type (lowercase) the designation of the political party or parties, which shall not be abbreviated, by or on behalf of which the candidate has been nominated, the first political party so designated being the party with which the candidate was affiliated on the date his nomination papers were filed, as ascertained by the Secretary of State from the candidate's affidavit of registration.

"Independent"

10215. When a candidate for a partisan office has been nominated by petition, the word "Independent," shall be printed to the right of his name.

Name and party to be boxed

10216. The name of the candidate and the designation of the political party or parties by which he has been nominated shall be printed in a space three-eighths of an inch in depth, which space shall be defined by light horizontal ruled lines, with a blank space on the right thereof three-eighths of an inch square, which blank space (called the voting square) shall be used by the voter to designate, by stamping a cross (+)

Voting square

therein and after the name of the candidate, his choice of candidates.

Provisions mandatory

10217. The provisions of this article relating to the form and size of the ballot, including the size of the type on the ballot, are mandatory. Any officer whose duty it is to supply those ballots who fails to supply ballots in compliance with the provisions of this article is guilty of a misdemeanor.

Penalty

Separation of names

10218. The names of the candidates for an office shall not be separated from each other on the ballot by names of candidates for any other office, and the list of candidates for each office shall be separated from the lists of candidates for other offices by a double rule above and below that list. Each series of the lists of candidates for the several offices shall be headed by the word "State," "Congressional," "State Legislature," "County," "Municipal," or other proper general classification, as the case may be, printed in heavy-faced gothic capital type, not smaller than 12-point, each word being separated from the names of the candidates beneath by a three-point line.

Classification

Designation under candidate's name

10219. Except in cases provided for by Section 26 of Article VI of the Constitution, immediately under the name of each candidate and not separated from the name by any line, may appear, at the option of the candidate, one of the following designations:

Office

(a) Words designating the city, county, district, federal, or state office which the candidate then holds.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature" or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Incumbent

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent."

Occupation

(c) Words designating the profession, vocation or occupation of the candidate, which shall not exceed three in number. The profession, vocation or occupation designated shall be the the same as appears in the affidavit of registration of the candidate. If upon checking the nomination paper, the officer in charge of the election finds the wording to be different than that upon the registration affidavit, he shall notify the candidate by registered mail, return receipt requested. The candidate, within three days from the date of mailing, shall appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days, the officer shall leave the designation under his name blank (no designation).

No candidate shall assume a designation which would mislead the voters.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

Determination of incumbent following reapportionment

10219.5. At the first elections for Representative in Congress, State Senator, and Assemblyman in each congressional, senatorial, and assembly district following reapportionment acts of the Legislature redefining the boundaries of the congressional, senatorial, and assembly districts pursuant to Sections 6 and 27 of Article IV of the Constitution, that candidate who shall be deemed the incumbent in a given district for purposes of the election shall be:

(1) That candidate who is running for the same office which he then holds and who is running for re-election in a district which has the identical boundaries and number as the district from which he was last elected.

(2) In the event there is no candidate to whom the provisions of subdivision (1) apply, the incumbent shall be that candidate who is running for the same office which he then holds and who is running for re-election in a district which has the identical boundaries as the district from which he was last elected, but which has a different number.

(3) In the event there is no candidate to whom the provisions of subdivisions (1) or (2) apply, the incumbent shall be that candidate who is running for the same office which he then holds and who is running for re-election in a district which has the identical number as the district from which he was last elected; provided, however, that a candidate for the office of Member of the Assembly shall be considered the incumbent in such case only if the district bearing the same number is located in the same county as the district which previously bore that number.

(4) In the event there is no candidate to whom the provisions of subdivisions (1), (2), or (3) apply, the incumbent shall be that candidate who is running for the same office which he then holds and who is running for re-election in a district which contains some portion of the territory previously contained within the district from which he was last elected; provided, that in a new district which contains portions of the territory of more than one former district the incumbent shall be that candidate the greater portion of the territory of whose former district is included within the new district.

If there is no candidate in a given district to which any of the above provisions apply, the incumbent shall be any person who is a candidate for the same office which he then holds who fulfills the residential requirements of law for candidacy within the district.

(Added by Stats. 1961, Ch. 1238).

Lines

10220 The left hand side of each column of names on the ballot and the right hand side of each column of voting squares shall be bordered by a broad printed line one-twelfth of an inch wide. Except as provided in Section 26 of Article VI of the Constitution, the ballot shall be printed so as to give each voter a clear opportunity to designate his choice of particular candidates by stamping a cross (+) in a blank enclosed space, designated as the voting square, on the right of and after the name of each candidate whose name is printed on the ballot.

Ballot stubs

10221. The binding or stitching of each package of ballots shall be on the left side of the package. The ballot shall be printed on the same leaf with a stub not over one and one-half inches in width and separated from the ballot by a perforated line from top to bottom, one-half inch to the left of the broad printed line along the left border of the ballot. Upon this stub shall be printed only the number of the ballot.

Perforated lines

Numbers

10222. On each ballot a perforated line shall extend across the top of the ballot not less than one inch from the top of it. The same number as appears on the stub shall be printed above the perforated line within two inches of the perforated line on the left hand side of the ballot, and above this number shall be printed in parentheses, in small type, as follows: (This number shall be torn off by inspector and handed to the voter). One-half inch to the right of the ballot number there shall be a short perforated line extended from the perforated line along the top of the ballot to the top edge of the ballot.

Instruction Folding ballot

Marking ballot

10223. Immediately above the perforated line shall be printed in blackface lowercase type at least 12-point in size, and enclosed in parentheses, the following, "Fold ballot to this perforated line, leaving top margin exposed." Above this printed direction and midway between it and the top edge of the ballot shall be printed in blackface capital type at least 12-point in size, with the four middle words underlined or otherwise made prominent, the following:

"Mark crosses (+) on Ballot ONLY WITH RUBBER STAMP; Never with Pen or Pencil."

Same

Below this direction and midway between it and the next line shall be printed in blackface capital type at least 12-point in size, enclosed in parentheses, and with the first two and the last five words underlined or otherwise made prominent, the following:

(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL.)

(Amended by Stats. 1961, Ch. 835.)

[ORIGINAL SECTION]

10223. Immediately above the perforated line shall be printed in blackface lowercase type at least 12-point in size, and enclosed in a parentheses, the following, "Fold ballot to this perforated line, leaving top margin exposed." Above this printed direction and midway between it and the top edge of the ballot shall be printed in blackface capital type at least 12-point in size, with the four middle words underlined or otherwise made prominent, the following:

"Mark crosses (+) on Ballot ONLY WITH RUBBER STAMP; Never with Pen or Pencil."

Below this direction and midway between it and the next line shall be printed in blackface capital type at least 12-point in size, enclosed in a parenrheses, and with the first two and the last five words underlined or otherwise made prominent, the following.

(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL.)

Ballot numbers

10224. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county, or the ballots and stubs may be numbered consecutively within political subdivisions in each county. All ballots printed by county clerks, except those printed for a city and county, shall have printed immediately below the perforated line along the top of the ballot and above the instructions to voters, in capital type at least 12-point in size, the words "GENERAL BALLOT," followed by the number of the congressional, senatorial, and assembly district, or the name of the county in which the ballot is to be voted and the date of the election. All ballots printed by the registrar of voters of a city and county and all ballots printed by the clerk or other officer of any city shall have printed below the perforated line the words "Municipal Ballot." All municipal ballots shall be printed upon paper of a different tint from that of the general ballot.

"General Ballot"

"Municipal Ballot"

Ballots to be identical

10225. All ballots of the same sort prepared by any county clerk, clerk or secretary of a legislative body, or other person having charge of preparing ballots for the same polling place shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that without the numbers on the stubs it is impossible to distinguish any one of the ballots from the other ballots of the same sort. The names of all candidates printed upon the ballot shall be in type of the same size and character.

Filling vacant terms

10226. If two or more officers are to be elected for the same office for different terms, the terms for which each candidate for the office is nominated shall be printed on the ballot as a part of the title of the office. If at a general election an office is to be filled for a full term and also for a vacancy in another term, the list of candidates for the full term shall be placed

on the ballot under the designation of the office with the words "Full Term" printed immediately after that designation, and the list of candidates to fill the vacancy shall be placed on the ballot under the designation of the office with the words "Short Term" printed immediately after that designation. "Full term" "Short term"

10227. Whenever any measure is to be submitted to the voters, there shall be printed at the right of the last column of names of candidates another column or columns of sufficient width, with voting squares, in which the measure shall be designated by the title prepared for it, and opposite the measure to be voted on shall be printed, in separate lines, the words "Yes" and "No." If a voter stamps a cross (+) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the measure; if he stamps a cross (+) after the printed word "No," his vote shall be counted against the adoption of the measure. Measures

10228. On the top of the face of the ballot shall be printed, in substantially the following form, such of the following directions as are applicable to the ballot: Instructions to voters

INSTRUCTIONS TO VOTERS

To vote for a candidate of your selection for (here name the office on the ballot covered by the provisions of Section 26 of Article VI of the Constitution) stamp a cross (+) in the voting square after the word "Yes," to the right of the name of the candidate. To vote against that candidate, stamp a cross (+) in the voting square after the word "No," to the right of the name of that candidate.

To vote for any other candidate of your selection, stamp a cross (+) in the voting square next to the right of the name of that candidate. Where two or more candidates for the same office are to be elected, stamp a cross (+) after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for a person not on the ballot, write his name under the title of the office in the blank space left for that purpose.

To vote on any measure, stamp a cross (+) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (+) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void.

If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

On absent voter ballots mark a cross (+) with pen or pencil.

10229. In elections when electors of President and Vice President of the United States are to be chosen, there shall be placed upon the ballot, in addition to the instructions to voters as provided in this article, an instruction as follows: "To vote Instructions for voting for presidential electors

for all of the electors of a party, stamp a cross (+) in the square opposite the names of the presidential and vice presidential candidates of that party. A cross (+) stamped in the square opposite the name of a party and its presidential and vice presidential candidate, is a vote for all of the electors of that party, but for no other candidates." This instruction shall appear immediately before the words: "To vote for a person not on the ballot."

If a group of candidates for electors has been nominated under the provisions of Chapter 3 (commencing at Section 6800) of Division 5, and has under the provisions of Article 1 (commencing at Section 6800) of that chapter designated the names of the candidates for President and Vice President of the United States for whom those candidates have pledged themselves to vote, the instructions to voters shall also contain the following:

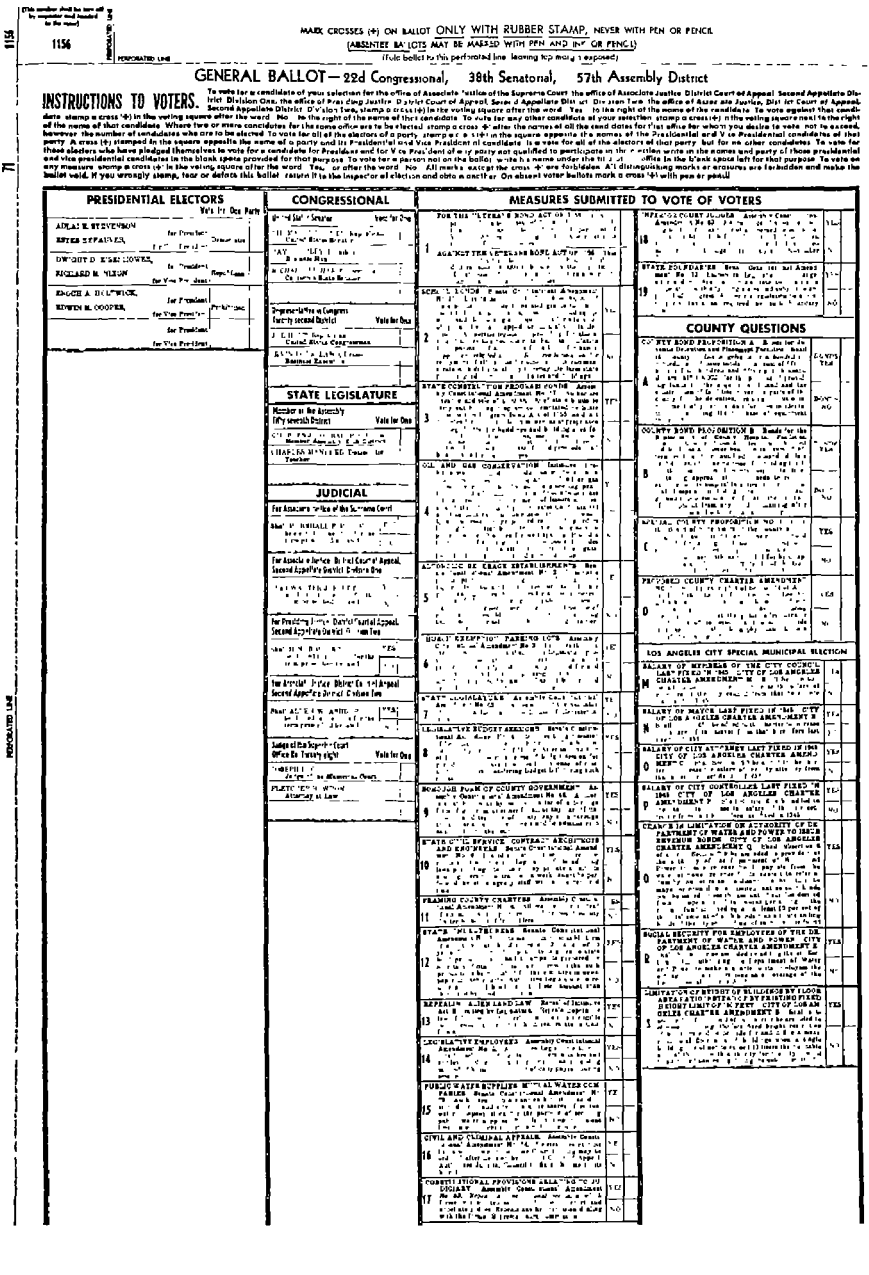
"To vote for those electors who have pledged themselves to vote for a candidate for President and Vice President not supported by any particular party stamp a cross (+) in the square opposite the names of those presidential and vice presidential candidates."

If a group of candidates for electors has been nominated by a party not qualified to participate in the election, the instructions to voters shall also contain the following:

"To vote for those electors who have pledged themselves to vote for a candidate for President and for Vice President of any party not qualified to participate in the election write in the names and party of those presidential and vice presidential candidates in the blank space provided for that purpose."

The names of presidential and vice presidential candidates and a list of presidential electors of nonqualified political parties shall be filed with the Secretary of State at least 60 days prior to the election.

10230. Except as to the order of the names of candidates, the ballots shall be printed substantially in the following form: Ballot form



1156

(This number shall be torn off by inspector and headed to the voter)

1156

PERFORATED LINE

MARK CROSSES (+) ON BALLOT ONLY WITH RUBBER STAMP, NEVER WITH PEN OR PENCIL

(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL)

(Fold ballot to this perforated line leaving top margin exposed)

GENERAL BALLOT—22d Congressional, 38th Senatorial, 57th Assembly District

INSTRUCTIONS TO VOTERS. To vote for a candidate of your selection for the office of Associate Justice of the Supreme Court, the office of Associate Justice, District Court of Appeal, Second Appellate District, Division One, the office of Presiding Justice, District Court of Appeal, Second Appellate District, Division Two, the office of Associate Justice, District Court of Appeal, Second Appellate District, Division Two, stamp a cross (+) in the voting square after the word "Yes" to the right of the name of the candidate. To vote against that candidate, stamp a cross (+) in the voting square after the word "No" to the right of the name of that candidate. To vote for any other candidate of your selection, stamp a cross (+) in the voting square next to the right of the name of that candidate. Where two or more candidates for the same office are to be elected, stamp a cross (+) after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for all of the electors of a party, stamp a cross (+) in the square opposite the names of the Presidential and Vice Presidential candidates of that party. A cross (+) stamped in the square opposite the name of a party and its Presidential and Vice Presidential candidate is a vote for all of the electors of that party, but for no other candidates. To vote for those electors who have pledged themselves to vote for a candidate for President and for Vice President of any party not qualified to participate in the election write in the names and party of those presidential and vice presidential candidates in the blank space provided for that purpose. To vote for a person not on the ballot, write his name under the title of the office in the blank space left for that purpose. To vote on any measure, stamp a cross (+) in the voting square after the word "Yes," or after the word "No." All marks except the cross (+) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another. On absent voter ballots mark a cross (+) with pen or pencil.

PRESIDENTIAL ELECTORS

Vote for One Party

ADLAI E. STEVENSON, ESTES KEFAUVER,	for President, for Vice President	Democratic
DWIGHT D. EISENHOWER, RICHARD M. NIXON	for President, for Vice President	Republican
ENOCH A. HOLTWICK, EDWIN M. COOPER,	for President, for Vice President	Prohibition
	for President, for Vice President	

CONGRESSIONAL

United States Senator — Vote for One

[illegible] United States Senator

[illegible] Business Man

[illegible] Congressional State Senator

Representative in Congress, Twenty-second District — Vote for One

[illegible] United States Congressman

[illegible] Business Executive

STATE LEGISLATURE

Member of the Assembly, Fifty-seventh District — Vote for One

[illegible] Member Assembly, Fifth District

CHARLES MANFRED, Teacher

JUDICIAL

For Associate Justice of the Supreme Court

Shall [illegible]

For Associate Justice, District Court of Appeal, Second Appellate District, Division One

[illegible]

For Presiding Justice, District Court of Appeal, Second Appellate District, Division Two

Shall [illegible] — YES

For Associate Justice, District Court of Appeal, Second Appellate District, Division Two

Shall [illegible] — YES

Judge of the Superior Court, Office No. Twenty-eight — Vote for One

JOSEPH [illegible] Judge of the Municipal Court

PLETCHER [illegible] Attorney at Law

MEASURES SUBMITTED TO VOTE OF VOTERS

1 FOR THE VETERANS BOND ACT OF 1956 [illegible]

AGAINST THE VETERANS BOND ACT OF 1956 [illegible]

2 SCHOOL BONDS. Senate Constitutional Amendment [illegible] — YES / NO

3 STATE CONSTRUCTION PROGRAM BONDS. Assembly Constitutional Amendment No. [illegible] — YES / NO

4 OIL AND GAS CONSERVATION. Initiative [illegible] — YES / NO

5 ALCOHOLIC BEVERAGE ESTABLISHMENTS. Senate Constitutional Amendment No. [illegible] — YES / NO

6 CHURCH EXEMPTION PARKING LOTS. Assembly Constitutional Amendment No. [illegible] — YES / NO

7 STATE LEGISLATURE. Assembly Constitutional Amendment No. [illegible] — YES / NO

8 LEGISLATIVE BUDGET SESSIONS. Senate Constitutional Amendment No. [illegible] — YES / NO

9 BOROUGH FORM OF COUNTY GOVERNMENT. Assembly Constitutional Amendment No. [illegible] — YES / NO

10 STATE CIVIL SERVICE, CONTRACT ARCHITECTS AND ENGINEERS. Senate Constitutional Amendment No. [illegible] — YES / NO

11 FRAMING COUNTY CHARTERS. Assembly Constitutional Amendment No. [illegible] — YES / NO

12 STATE INDEBTEDNESS. Senate Constitutional Amendment No. [illegible] — YES / NO

13 REPEALING ALIEN LAND LAW. Repeal of Initiative Act [illegible] — YES / NO

14 LEGISLATIVE EMPLOYEES. Assembly Constitutional Amendment No. [illegible] — YES / NO

15 PUBLIC WATER SUPPLIES, MUTUAL WATER COMPANIES. Senate Constitutional Amendment No. [illegible] — YES / NO

16 CIVIL AND CRIMINAL APPEALS. Assembly Constitutional Amendment No. [illegible] — YES / NO

17 CONSTITUTIONAL PROVISIONS RELATING TO JUDICIARY. Assembly Constitutional Amendment No. [illegible] — YES / NO

18 INFERIOR COURT JUDGES. Assembly Constitutional Amendment No. [illegible] — YES / NO

19 STATE BOUNDARIES. Senate Constitutional Amendment No. [illegible] — YES / NO

COUNTY QUESTIONS

A COUNTY BOND PROPOSITION A. Bonds for Juvenile Detention and Placement Facilities. Shall [illegible] — BONDS YES / BONDS NO

B COUNTY BOND PROPOSITION B. Bonds for the Replacement of County Hospital Facilities. [illegible] — BONDS YES / BONDS NO

C SPECIAL COUNTY PROPOSITION NO. [illegible] — YES / NO

D PROPOSED COUNTY CHARTER AMENDMENT NO. [illegible] — YES / NO

LOS ANGELES CITY SPECIAL MUNICIPAL ELECTION

M SALARY OF MEMBERS OF THE CITY COUNCIL LAST FIXED IN 1945. CITY OF LOS ANGELES CHARTER AMENDMENT M. [illegible] — YES / NO

N SALARY OF MAYOR LAST FIXED IN 1945. CITY OF LOS ANGELES CHARTER AMENDMENT N. [illegible] — YES / NO

O SALARY OF CITY ATTORNEY LAST FIXED IN 1945. CITY OF LOS ANGELES CHARTER AMENDMENT O. [illegible] — YES / NO

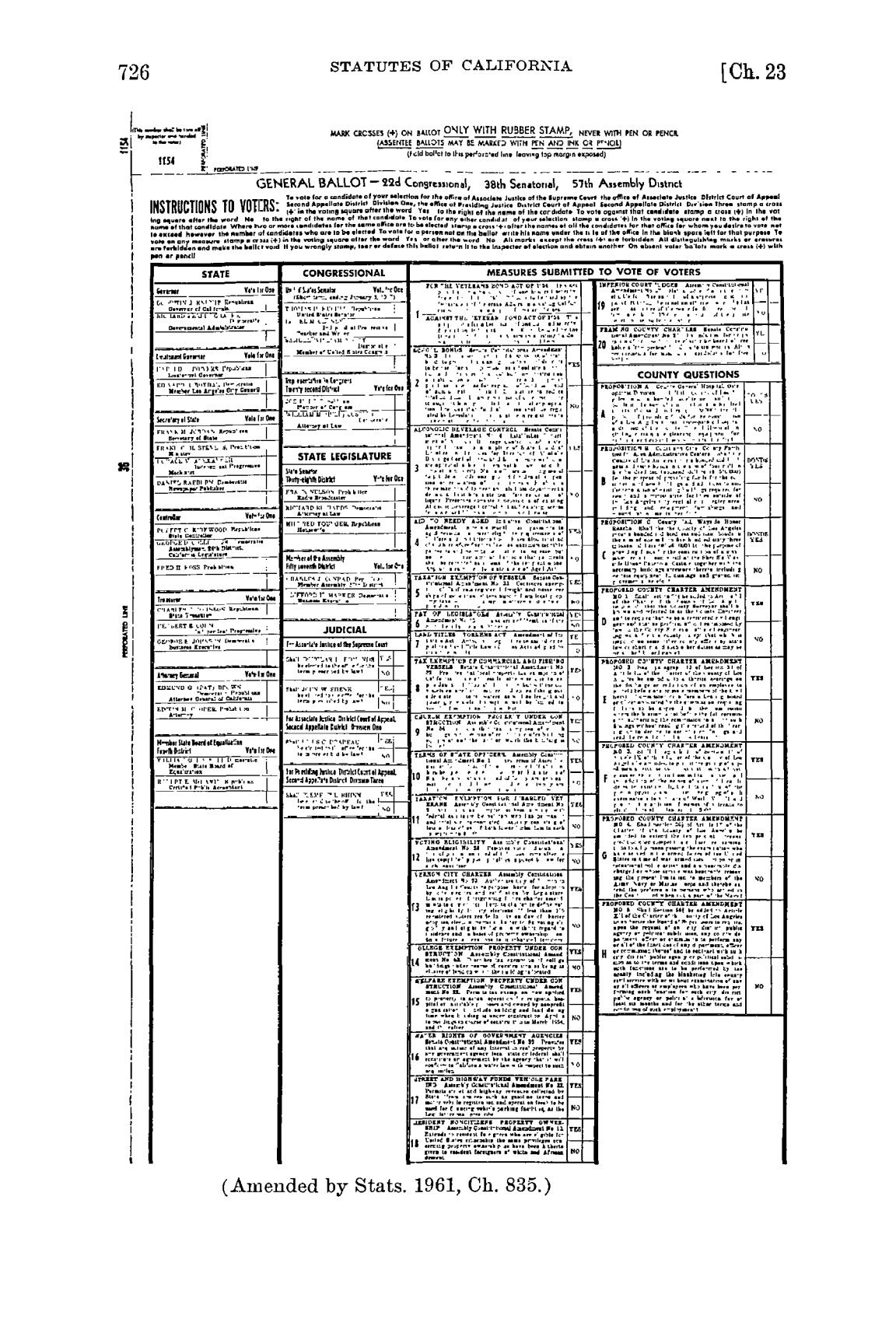
P SALARY OF CITY CONTROLLER LAST FIXED IN 1945. CITY OF LOS ANGELES CHARTER AMENDMENT P. [illegible] — YES / NO

Q CHANGE IN LIMITATION ON AUTHORITY OF DEPARTMENT OF WATER AND POWER TO ISSUE REVENUE BONDS. CITY OF LOS ANGELES CHARTER AMENDMENT Q. [illegible] — YES / NO

R SOCIAL SECURITY FOR EMPLOYEES OF THE DEPARTMENT OF WATER AND POWER. CITY OF LOS ANGELES CHARTER AMENDMENT R. [illegible] — YES / NO

S LIMITATION OF HEIGHT OF BUILDINGS BY FLOOR AREA RATIO INSTEAD OF BY FRISTING FIXED HEIGHT LIMIT OF 1[illegible] FEET. CITY OF LOS ANGELES CHARTER AMENDMENT S. [illegible] — YES / NO

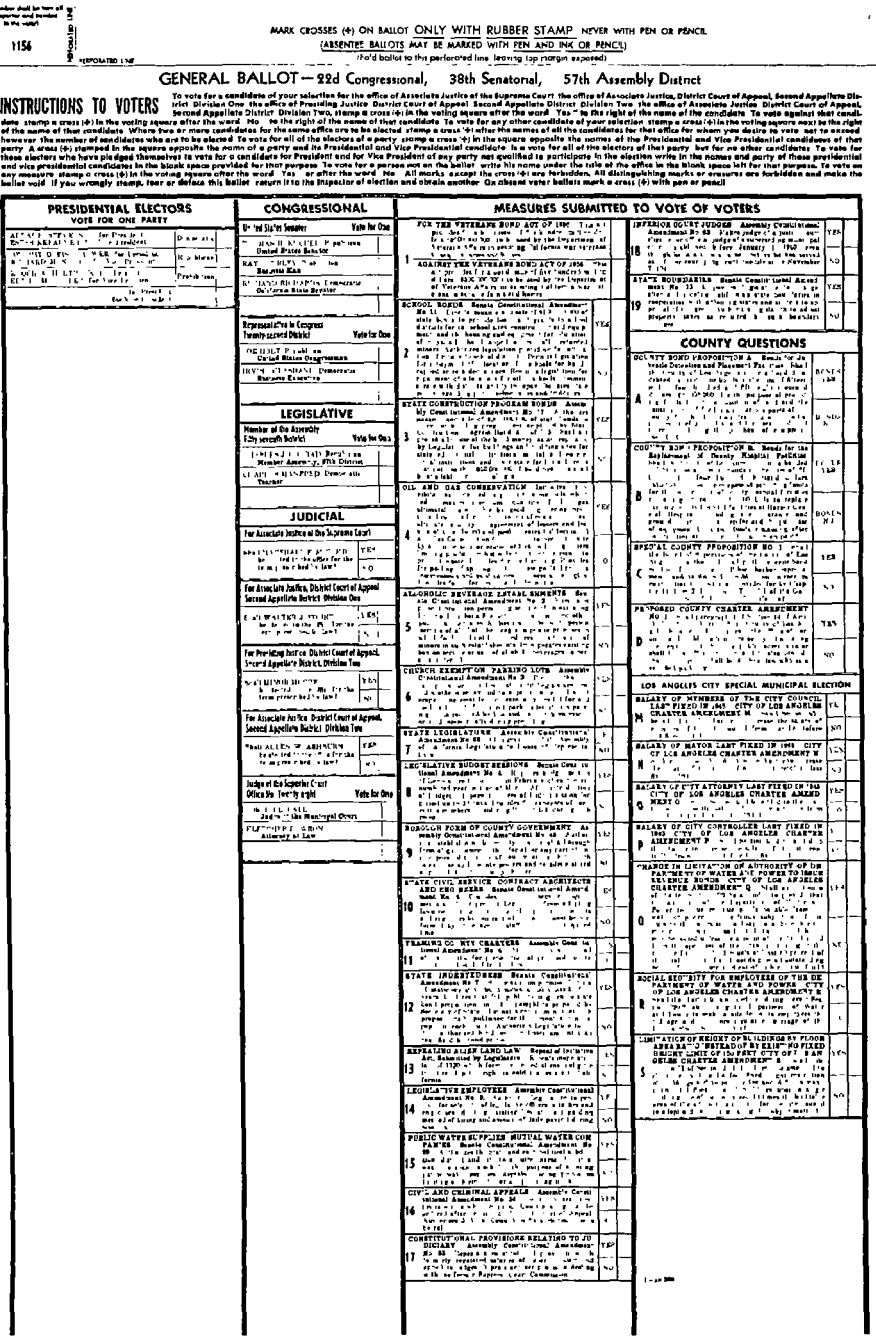
PERFORATED LINE



(Amended by Stats. 1961, Ch. 835.)

[ORIGINAL SECTION]

10230. Except as to the order of names of candidates, the ballots shall be printed substantially in the following form:



(This number shall be torn off by inspector and handed to the voter)

1154

PERFORATED LINE

MARK CROSSES (+) ON BALLOT ONLY WITH RUBBER STAMP, NEVER WITH PEN OR PENCIL
(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL)
(Fold ballot to this perforated line, leaving top margin exposed)

GENERAL BALLOT—22d Congressional, 38th Senatorial, 57th Assembly District

INSTRUCTIONS TO VOTERS. To vote for a candidate of your selection for the office of Associate Justice of the Supreme Court the office of Associate Justice District Court of Appeal, Second Appellate District Division One the office of Presiding Justice District Court of Appeal Second Appellate District Division Three, stamp a cross (+) in the voting square after the word Yes, to the right of the name of the candidate To vote against that candidate stamp a cross (+) in the voting square after the word No, to the right of the name of that candidate To vote for any other candidate of your election stamp a cross (+) in the voting square next to the right of the name of that candidate Where two or more candidates for the same office are to be elected stamp a cross (+) after the names of all the candidates for that office for whom you desire to vote not to exceed however the number of candidates who are to be elected To vote for a person not on the ballot write his name under the title of the office in the blank space left for that purpose To vote on any measure stamp a cross (+) in the voting square after the word Yes or after the word No All marks except the cross (+) are forbidden All distinguishing marks or erasures are forbidden and make the ballot void If you wrongly stamp tear or deface this ballot return it to the inspector of election and obtain another On absent voter ballots mark a cross (+) with pen or pencil

STATE

Governor — Vote for One
- EDMUND G. BROWN, Democratic, Governor of California
- RICHARD PERRY NEVINS, Republican, Governmental Administrator

Lieutenant Governor — Vote for One
- HAROLD J. POWERS, Republican, Legislative Counsel
- EDWARD R. ROYBAL, Democratic, Member Los Angeles City Council

Secretary of State — Vote for One
- FRANK M. JORDAN, Republican, Secretary of State
- [illegible], Democratic, Member
- CHARLES W. SLEEPER, Progressive, Rancher

Controller — Vote for One
- ROBERT C. [illegible], Republican, State Controller
- [illegible], Democratic, Assemblyman, 54th District, California Legislature
- FRED H. [illegible], Prohibition

Treasurer — Vote for One
- CHARLES G. JOHNSON, Republican, State Treasurer
- HERBERT E. COHN, Independent, Progressive
- GEORGE F. JOY, Democratic, Business Executive

Attorney General — Vote for One
- EDMUND G. BROWN, Democratic, Attorney General of California
- EDWIN M. COOPER, Prohibition, Attorney

Member State Board of Equalization Fourth District — Vote for One
- WILLIAM M. BENNETT, Republican, Member, State Board of Equalization
- ROBERT E. McDAVID, Republican, Certified Public Accountant

CONGRESSIONAL

United States Senator (Short term, ending January 3, 1957) — Vote for One
- THOMAS H. KUCHEL, Republican, United States Senator
- [illegible], Democratic, Progressive, Teacher and Writer
- SAMUEL [illegible], Republican, Member of United States Congress

Representative in Congress Twenty-second District — Vote for One
- JOE [illegible], Republican, Member of Congress
- WILLIAM [illegible], Democratic, Attorney at Law

LEGISLATIVE

State Senator Thirty-eighth District — Vote for One
- FRANK NEELY, Democratic, Radio Broadcaster
- [illegible], Republican, Attorney at Law
- PHILIP [illegible], Republican, Housewife

Member of the Assembly Fifty-seventh District — Vote for One
- JAMES DONALD [illegible], Democratic, Member Assembly, 57th District
- [illegible], Republican, Member, State Board of Equalization

JUDICIAL

For Associate Justice of the Supreme Court
- Shall WILLIAM O. DOUGLAS be elected to the office of Associate Justice of the Supreme Court for the term prescribed by law? YES / NO
- Shall JAMES WM. SHINN be elected to the office of Associate Justice of the Supreme Court for the term prescribed by law? YES / NO

For Associate Justice District Court of Appeal, Second Appellate District Division One
- Shall RAYMOND L. PEARSON be elected to the office of Associate Justice of the District Court of Appeal, Second Appellate District, Division One for the term prescribed by law? YES / NO

For Presiding Justice District Court of Appeal, Second Appellate District Division Three
- Shall CLEMENT L. SHINN be elected to the office of Presiding Justice of the District Court of Appeal, Second Appellate District, Division Three for the term prescribed by law? YES / NO

MEASURES SUBMITTED TO VOTE OF VOTERS

1 — FOR THE VETERANS BOND ACT OF 1924. This act provides for the issuance of [illegible] bonds of the State of California in the sum of [illegible] dollars for the purpose of providing farms and homes for veterans of the World War, and all money derived from the sale of said bonds is appropriated for said purpose. YES / NO

1 — AGAINST THE VETERANS BOND ACT OF 1924. This act provides for the issuance of [illegible] bonds of the State of California in the sum of [illegible] dollars for the purpose of providing farms and homes for veterans of the World War, and all money derived from the sale of said bonds is appropriated for said purpose. YES / NO

2 — SCHOOL BONDS. Senate Constitutional Amendment No. 3. [illegible] YES / NO

3 — ALCOHOLIC LIVERAGE CONTROL. Senate Constitutional Amendment No. 4. [illegible] YES / NO

4 — AID TO NEEDY AGED. Initiative Constitutional Amendment. [illegible] YES / NO

5 — TAXATION EXEMPTION OF VESSELS. Senate Constitutional Amendment No. 33. [illegible] YES / NO

6 — PAY OF LEGISLATORS. Assembly Constitutional Amendment No. 13. [illegible] YES / NO

7 — LAND TITLES TORRENS ACT. Amendment of Initiative Act. [illegible] YES / NO

8 — TAX EXEMPTION OF COMMERCIAL AND FISHING VESSELS. Senate Constitutional Amendment No. 25. [illegible] YES / NO

9 — CHURCH EXEMPTION PROPERTY UNDER CONSTRUCTION. Assembly Constitutional Amendment No. 54. [illegible] YES / NO

10 — TERMS OF STATE OFFICERS. Assembly Constitutional Amendment No. 1. [illegible] YES / NO

11 — TAXATION EXEMPTION FOR DISABLED VETERANS. Assembly Constitutional Amendment No. 2. [illegible] YES / NO

12 — VOTING ELIGIBILITY. Assembly Constitutional Amendment No. 28. [illegible] YES / NO

13 — VERNON CITY CHARTER. Assembly Constitutional Amendment No. 29. [illegible] YES / NO

14 — COLLEGE EXEMPTION PROPERTY UNDER CONSTRUCTION. Assembly Constitutional Amendment No. 53. [illegible] YES / NO

15 — WELFARE EXEMPTION PROPERTY UNDER CONSTRUCTION. Assembly Constitutional Amendment No. 29. [illegible] YES / NO

16 — WATER RIGHTS OF GOVERNMENT AGENCIES. Senate Constitutional Amendment No. 20. [illegible] YES / NO

17 — STREET AND HIGHWAY PUBLIC VEHICLE PARKING. Assembly Constitutional Amendment No. 35. [illegible] YES / NO

18 — RESIDENT NONCITIZEN PROPERTY OWNERSHIP. Assembly Constitutional Amendment No. 10. [illegible] YES / NO

19 — IMPELLOR COURT JUDGES. Assembly Constitutional Amendment No. 8. [illegible] YES / NO

20 — FRAMING COUNTY CHARTERS. Senate Constitutional Amendment No. 5. [illegible] YES / NO

COUNTY QUESTIONS

PROPOSITION A. County General Hospital, Obstetrical Service. [illegible] BONDS YES / NO

PROPOSITION B. Court and Office County Facilities for Los Angeles. [illegible] BONDS YES / NO

PROPOSITION C. County Jail, Watts-Rose Bureau. [illegible] BONDS YES / NO

PROPOSITION D. Proposed County Charter Amendment No. 1. [illegible] YES / NO

PROPOSITION E. Proposed County Charter Amendment No. 2. [illegible] YES / NO

PROPOSITION F. Proposed County Charter Amendment No. 3. [illegible] YES / NO

PROPOSITION G. Proposed County Charter Amendment No. 4. [illegible] YES / NO

PROPOSITION H. Proposed County Charter Amendment No. 5. [illegible] YES / NO

36

PERFORATED LINE

Designation of state and local measures on ballot

10231. In a general election at which state, county, city, or other local measures are submitted to a vote of the voters, all state measures shall be numbered in numerical order, as provided in Section 10212 and shown in Section 10230, and all county, city, or other local measures shall be designated by a letter, instead of a figure, printed on the left margin of the square containing the description of the measure, commencing with the letter "a" and continuing in alphabetical order, one letter for each such measure appearing on the ballot.

Special ballot for nonpartisan offices and local measures

10232 If the election board of a county determines that due to the number of candidates and measures that must be printed on the general election ballot, the ballot will be larger than may be conveniently handled, the board may order nonpartisan offices and local measures omitted from the general election ballot and printed on a separate ballot in a form substantially the same as provided for the general election ballot. If the board so orders, each voter shall receive both ballots, and the procedure prescribed for the handling and canvassing of ballots shall be modified to the extent necessary to permit the use of two ballots by a voter. The board may, in such case, order the second ballot to be printed on paper of a different tint and assign to those ballots numbers higher than those assigned to the ballots containing partisan offices and statewide ballot measures.

Change of name

10233. If a candidate changes his name within one year of any election, his new name shall not appear upon the ballot unless that change was made by:

(a) Marriage

(b) Decree of any court of competent jurisdiction.

Article 2. Presidential Primary

Provisions of code applicable

10260. The ballot to be used at the presidential primary shall conform to the provisions of this article and to the consistent provisions of Article 3 (commencing at Section 10290) of this chapter.

Arrangement of ballot

10261. The names of the candidates for delegates of any political party shall not appear upon the ballot. In lieu thereof the names of the persons preferred for President by each group of candidates, or the name of the chairman of each group that has designated no preference, shall be arranged upon the ballot of the party in a column 2½ inches wide. The person preferred by that group of candidates, or the chairman of a group expressing no preference, which files its nomination paper with the Secretary of State first shall be entitled to the first or top space; the person preferred by the group which next files its nomination paper shall be entitled to the second space; and similarly for all other persons or chairmen preferred by other groups.

(Amended by Stats. 1961, Ch. 542.)

[ORIGINAL SECTION]

10261. The names of the candidates for delegates of any political party shall not appear upon the ballot. In lieu thereof the names of the persons preferred for President by each group of candidates shall be arranged upon the ballot of the party in a column 2½ inches wide. The person preferred by that group of candidates which files its nomination paper with the Secretary of State first shall be entitled to the first or top space; the person preferred by the group which next files its nomination paper shall be entitled to the second space; and similarly for all other persons preferred by other groups.

Voting square

10262. At the right of the name of the person preferred for President by each group or the name of the chairman of each group expressing no preference, there shall be a voting square three-eighths of an inch square.

(Amended by Stats. 1961, Ch. 542.)

[ORIGINAL SECTION]

10262. At the right of the name of the person preferred for President by each group, there shall be a voting square three-eighths of an inch square.

Instructions at top of ballot

10263. At the top of the ballot shall be printed "Official presidential primary election ballot," and the instructions to voters shall be as follows: "To vote for the group of candidates preferring a person whose name appears on the ballot, stamp a cross (+) in the square opposite the name of the person preferred. To vote for a group of candidates not expressing a preference for a particular candidate, stamp a cross (+) in the square opposite the name of the chairman of the group."

(Amended by Stats. 1961, Ch. 542.)

[ORIGINAL SECTION]

10263. At the top of the ballot shall be printed "Official presidential primary election ballot," and the instructions to voters shall be as follows: "To vote for the group of candidates preferring a person whose name appears on the ballot, stamp a cross (+) in the square opposite the name of the person preferred.

Instructions above names

10264. There shall be printed in heavy-face 12-point, gothic type, across the page above the names of the persons preferred by the groups of candidates for delegates, the words, "For delegates to national convention. Vote for one group only."

Ballot form

10265. The ballot shall be printed substantially in the following form:

OFFICIAL PRESIDENTIAL PRIMARY
ELECTION BALLOT

REPUBLICAN PARTY
FIFTY-SEVENTH ASSEMBLY DISTRICT,
June ___, 19___

To vote for the group of candidates preferring a person whose name appears on the ballot, stamp a cross (+) in the square opposite the name of the person preferred. To vote for

a group of candidates not expressing a preference for a particular candidate, stamp a cross (+) in the square opposite the name of the chairman of the group.

FOR DELEGATES TO NATIONAL CONVENTION	Vote for one group only
Candidates preferring JOHN P. MONROE	
Candidates preferring WILLIAM ADAMS	
Candidates preferring HENRY JACKSON	
Candidates preferring JOE BLACK	
Candidates expressing no preference John White (Chairman)	
Candidates expressing no preference Robert Jones (Chairman)	

(Amended by Stats. 1961, Ch. 542.)

[ORIGINAL SECTION]

10265. The ballot shall be printed substantially in the following form:

OFFICIAL PRESIDENTIAL PRIMARY ELECTION BALLOT
REPUBLICAN PARTY
FIFTY-SEVENTH ASSEMBLY DISTRICT,
June __, 19__

To vote for the group of candidates preferring a person whose name appears on the ballot, stamp a cross (+) in the square opposite the name of the person preferred.

FOR DELEGATES TO NATIONAL CONVENTION	Vote for one group only
Candidates preferring JOHN P. MONROE	
Candidates preferring WILLIAM ADAMS	
Candidates preferring HENRY JACKSON	
Candidates preferring JOE BLACK	

Article 3. Direct Primary

10290. All voting at primary elections shall be by ballot. A separate ballot for each political party shall be printed and provided for use at each voting precinct, but all party ballots shall be alike in the designation of candidates for nonpartisan

Separate ballot for each party

Tint or color

offices. The ballots shall have a different tint or color for each of the political parties participating in the primary election.

Nonpartisan ballot

There shall also be printed and provided a nonpartisan ballot of a different tint and color from all the others (or white, if all the others are color), which shall contain only, but in like manner, the names of all the candidates for nonpartisan offices to be voted for at the primary election

Names of candidates

The names of all candidates for the respective offices for whom the prescribed nomination papers have been duly filed shall be printed on the ballot.

"Official primary election ballot"

10291. Across the top of the ballot shall be printed in heavy-faced gothic capital type, not smaller than 48-point, the words: "Official primary election ballot"; except that on a nonpartisan ballot the words may be printed in gothic capital type not smaller than 24-point. Beneath this heading shall be printed in heavy-faced gothic capital type, not smaller than 24-point, the party designation if it be a party ballot or, in the case of a ballot containing only the names of candidates for a nonpartisan office, the words "Nonpartisan ballot." Beneath the party designation or the words "Nonpartisan ballot," there shall be printed, in blackfaced type as large as the width of the ballot makes possible, the number of the congressional, senatorial, or assembly district or the name of the county in which the ballot is to be voted and the date of the election. In the case of ballots to be used at any primary election held for the nomination of candidates other than those to be voted for at a general election, and on which the names of candidates may be printed in a single column or in two parallel columns, as the case may be, the words "Official primary election ballot" shall be printed on the ballots in heavy-faced gothic capital type, not smaller than 24-point. The party or nonpartisan designation shall be printed in heavy-faced gothic capital type, not smaller than 18-point. The instructions to voters shall be printed in 10-point gothic type.

Type

Instructions to voters

10292. At least three-eighths of an inch below the district designation shall be printed in 10-point gothic type, double leaded, the following instructions to voters: "To vote for a person whose name appears on the ballot, stamp a cross (+) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another. On absent voter ballots mark a cross (+) with pen or pencil." The instructions to voters shall be separated by one light and one heavy line of rule from the lists of candidates and the designation of the several offices for which nominations are to be made.

"Partisan Offices"

10293. On the partisan ballot, immediately below the instructions to voters, there shall be a box one-half inch high enclosed by a heavy ruled line the same as the border line.

This box shall be as long as there are columns for the partisan ballot and shall set directly above these columns. Within the box shall be printed in heavy-faced gothic capital type of 24-point the words "Partisan Offices."

"Nonpartisan Offices"

The same style of box shall appear over the columns of the nonpartisan part of the ballot and within the box in the same style and point size of type shall be printed "Nonpartisan Offices."

Size of ballots

10294. Ballots used at any primary election for the nomination of candidates to be voted for at any general election shall be as long as required for captions, headings, party designations, directions to voters and lists of names of candidates prescribed in this chapter, properly subdivided according to the several offices for which nominations are to be made. No primary election ballots shall be less than six and one-half inches wide.

Columns

10295. The names of the candidates and the respective offices shall be printed on the ballot in parallel columns, each 2½ inches wide. The parallel columns shall be divided on the ballot for partisan and nonpartisan offices by a solid black line, extending down from the printed lines separating the instructions to voters from the list of names of candidates to the bottom margin of the ballot.

Precedence on ballot where state officers nominated

10296. In the case of a primary election for the nomination of candidates to be voted for at a general election, the order of precedence shall be as follows: Beginning in the column to the left, under the heading State, shall be printed the groups of names of candidates for state offices, except judicial and school offices, and for members of the State Board of Equalization. Under the heading Congressional shall be printed the groups of names for United States Senator, if any, and for Representative in Congress. Next, under the heading State Legislature shall be printed the groups of names for State Senator, if any, and for Member of the Assembly. Finally, under the heading County Committee, shall be printed the names of the candidates for election to membership in the county central committee of the party. As many columns as needed shall be used to accommodate the offices to be filled.

At a presidential primary the names of the persons preferred for President by each group of candidates shall appear first in the column to the left, followed by the sequence of offices as prescribed above.

Same, where state officers not nominated

10297. In the case of primary elections where state officers are not to be nominated, at the left of the solid black dividing line, there may be only one column. In the parallel columns to the right of the solid black dividing line shall be printed the groups of names of candidates for nomination to nonpartisan offices in the following order: Under the heading Judicial shall be printed the names of candidates for judicial offices in the following order:

(a) Judge of superior court.

(b) Judge of inferior court.

Next, under the heading School, shall be printed the names of candidates for school offices in the following order:

(a) State Superintendent of Instruction.

(b) Superintendent of schools.

(c) School district officers, if any.

Next, under the heading County, shall be printed the groups of candidates for county offices except judicial or school offices.

County officers not nominated

10298. In the case of primary elections where county officers are not to be nominated, at the right of the solid black dividing line there may be only one column. As to offices and names of candidates, the nonpartisan ballot shall be identical to that portion of the party ballot which is printed to the right of the solid black dividing line.

City primaries

10299. In the case of primary elections for the nomination of candidates for city offices only, the groups of names of candidates may be printed in two parallel columns, and the order of precedence shall be determined by the legislative body of the city or by the election board of any city and county.

Party affiliation

10300. On the direct primary ballots of each political party, in the same line in which the name of a candidate for any partisan office is printed and at the right of the name, or immediately below the name if there is not sufficient space to the right thereof, shall be printed the name of the political party with which the candidate is affiliated as shown in the affidavit of registration of the candidate. The name of such political party may be abbreviated by printing not less than the first three letters of the name of such political party. If the names of two or more political parties qualified to participate in the primary commence with the same first three letters sufficient additional letters of each such names shall be printed so that each party will be clearly identified.

Designation: Under name

10301. Immediately under the name of each candidate and not separated from the name by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the city, county, district, federal, or state office which the candidate then holds.

Office

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature" or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent." Incumbent

(c) Words designating the profession, vocation or occupation of the candidate which shall not exceed three in number. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of the candidate. If upon checking the nomination paper the officer in charge of the election finds the wording to be different than that upon the registration affidavit of the candidate, he shall notify the candidate by registered mail, return receipt requested. The candidate shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days the officer shall leave the designation under his name blank (no designation). Occupation

No candidate shall assume a designation which would mislead the voters. The designation shall remain the same for all purposes of both primary and general elections unless the candidate, prior to the closing date of nominations for the general election, requests in writing a different designation which he then has the option to use under Section 10219. Not to mislead Request for change

Any candidate at the direct primary election who is elected at a special election held to fill a vacancy in the office for which he is a candidate or in any other office, and who receives his certificate of election and takes his oath of office, may use any appropriate designation as set forth in Section 10219 on the general election ballot, regardless of the designation he may have used on the direct primary election ballot. Who may use designation

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

10301.5. At the first elections for Representative in Congress, State Senator, and Assemblyman in each congressional, senatorial, and assembly district following reapportionment acts of the Legislature redefining the boundaries of the congressional, senatorial, and assembly districts pursuant to Sections 6 and 27 of Article IV of the Constitution, that candidate who shall be deemed the incumbent in a given district for purposes of the election shall be: Determination of incumbent following reapportionment

(1) That candidate who is running for the same office which he then holds and who is running for re-election in a district which has the identical boundaries and number as the district from which he was last elected.

(2) In the event there is no candidate to whom the provisions of subdivision (1) apply, the incumbent shall be that candidate who is running for the same office which he then holds and who is running for re-election in a district which has the identical boundaries as the district from which he was last elected, but which has a different number.

(3) In the event there is no candidate to whom the provisions of subdivisions (1) or (2) apply, the incumbent shall be

that candidate who is running for the same office which he then holds and who is running for re-election in a district which has the identical number as the district from which he was last elected; provided, however, that a candidate for the office of Member of the Assembly shall be considered the incumbent in such case only if the district bearing the same number is located in the same county as the district which previously bore that number.

(4) In the event there is no candidate to whom the provisions of subdivisions (1), (2), or (3) apply, the incumbent shall be that candidate who is running for the same office which he then holds and who is running for re-election in a district which contains some portion of the territory previously contained within the district from which he was last elected; provided, that in a new district which contains portions of the territory of more than one former district the incumbent shall be that candidate the greater portion of the territory of whose former district is included within the new district.

If there is no candidate in a given district to which any of the above provisions apply, the incumbent shall be any person who is a candidate for the same office which he then holds who fulfills the residential requirements of law for candidacy within the district.

(Added by Stats. 1961, Ch. 1238.)

Partisan and nonpartisan offices

10302. The group of names of candidates for nomination to any nonpartisan office shall include all the names receiving the requisite number of signatures on a nomination paper for the office, and shall be identical on the primary election ballots of each political party participating at the primary election; but the groups of names of candidates for all other offices on the ballots of each political party shall comprise only the names of the candidates for nomination by that party.

Order of names on ballot

10303. The order in which the list of candidates for any office, except that of member of county central committee, shall appear upon the primary election ballot shall be determined as follows:

Incumbent

(a) The name of the incumbent shall appear first upon a list of candidates for any office. If two or more positions are to be filled at the same time and more than one incumbent is running, the name of each of the incumbents shall appear in alphabetical order for that assembly district which is lowest in numerical order of any assembly districts in which the candidates are to be voted on. Thereafter, for each succeeding assembly district in which the candidates are to be voted on, the name appearing first for that office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

Candidates other than incumbents

(b) If the office is an office the candidates for which are to be voted on throughout the State, including United States Senator, the Secretary of State shall arrange the names of

candidates for the office, other than incumbents, in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged. If the office is that of Representative in Congress, or is an office the candidates for nomination to which are to be voted on in more than one county but not throughout the State, except the office of State Senator or Assemblyman, the Secretary of State shall arrange the names of candidates for the office, other than incumbents, in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for each succeeding assembly district in which the candidates are to be voted on, the name appearing first for the office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

10304. Except for the office of State Senator or Assemblyman, the order in which the names filed with the Secretary of State shall appear upon the ballot shall be for each assembly district the order as determined by the Secretary of State in accordance with the provisions in Section 10303 and as certified and transmitted by him to each county clerk.

Voted on within one county

10305. If the office is an office to be voted on throughout, but wholly within, one county, except the office of Representative in Congress or State Senator or Assemblyman, and there are not more than five assembly districts in the county, the county clerk of the county shall arrange the names of all candidates for the office in alphabetical order for the first supervisorial district; and thereafter for each supervisorial district, the name appearing first for each office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged. If there are more than five assembly districts in the county, the county clerk shall arrange the order of names of all candidates for office so that they shall appear in alphabetical order for that assembly district which is lowest in numerical order, and thereafter for each succeeding assembly district in the county the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

State Senator or Assemblyman

10306. If the office is that of State Senator or Assemblyman, or any office to be voted on wholly within any county but not throughout the county, except the Office of Representative in Congress or member of a county central committee, the names of all candidates for the office shall be placed upon the ballot in alphabetical order.

County central committee

10307. If the office is that of a member of a county central committee, the names of all candidates, including incumbents, shall be arranged upon the ballot in the order determined as follows:

At 10 a.m. on the second Monday following the last day on which declarations of candidacy may be left with the county clerk for examination, the county clerk shall hold a public drawing to determine the order of names on the ballot. The name of each candidate shall be written on a separate and identical slip of paper which shall then be folded to conceal the name and deposited in a box. After all slips have been deposited, the box shall be shaken to mix the slips thoroughly. The slips shall then be withdrawn by the clerk and the names of the candidates listed in the order of their withdrawal. This order shall determine the order in which the names of the candidates shall be printed on the ballot.

The drawings for each party's candidates shall be held in the order which the parties rank in the county according to the size of their membership as shown by the registration of voters.

Municipal office

10308. If the office is a municipal office in any city whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for the office, other than incumbents, shall be placed upon the ballot in alphabetical order.

Designation of office and number of candidates to be nominated

10309. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and the words "vote for one" or "vote for two" or more according to the number to be elected to the office at the ensuing election. The designation of the office for which nominations are to be made and of the number of candidates to be nominated shall be printed in heavy-faced gothic type, not smaller than 10-point. The designation of the office shall be printed flush with the left-hand margin and the words, "vote for one" or "vote for two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line.

Printing of names

10310. The names of the candidates shall be printed on the ballot, without indentation, in roman capital type not smaller than eight-point, between light lines or rules three-eighths of an inch apart.

Box

10311. Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules three-eighths of an inch apart, as there are to be candidates nominated for the office. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three-eighths of an inch square.

Voting square

Groups of names

10312. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series of groups shall be headed by the word "State," "Congressional," "State Legislature," "County" or "Municipal" or other proper general classification, as the case may be, printed in heavy-faced gothic capital type, not smaller than 12-point.

Border

10313. The left-hand side of the first column of names on the ballot and the right-hand side of the last column of voting squares on the ballot shall be bordered by a broad printed line one-twelfth of an inch wide.

Binding of packages of ballots

The binding or stitching of each package of ballots shall be on its left side.

Ballot stub

10314. The ballots shall be printed on the same leaf with a stub not over one and one-half inches in width and separated from the ballot by a perforated line from top to bottom one-half inch to the left of the broad printed line along the left border of the ballot. Upon this stub shall be printed only the number of the ballot.

Perforated line

10315. On each ballot a perforated line shall extend across the top of the ballot one inch from its top. The same number as appears on the stub shall be printed above the perforated line within two inches of the perforated line on the left side of the ballot, and above this number shall be printed in parentheses in small type as follows: "(This number shall be torn off by inspector and handed to the voter)." One-half inch to the right of the ballot number there shall be a short perforated line extending from the perforated line along the top of the ballot to the top edge of the ballot. Immediately above this perforated line shall be printed in blackface lowercase type, at least 12-point in size, and enclosed in parentheses, the following: "Fold ballot to this perforated line, leaving top margin exposed." Above this printed direction and midway between it and the top edge of the ballot shall be printed in blackface capital type, at least 12-point in size, if possible, and with the four middle words underlined or otherwise made prominent, the following: "Mark crosses (+) on ballot only with rubber stamp; never with pen or pencil."

Number

Folding ballot

Marking ballot

Below this direction and midway between it and the next line shall be printed in blackface capital type at least 12-point in size, enclosed in parentheses, and with the first two and the last five words underlined or otherwise made prominent, the following:

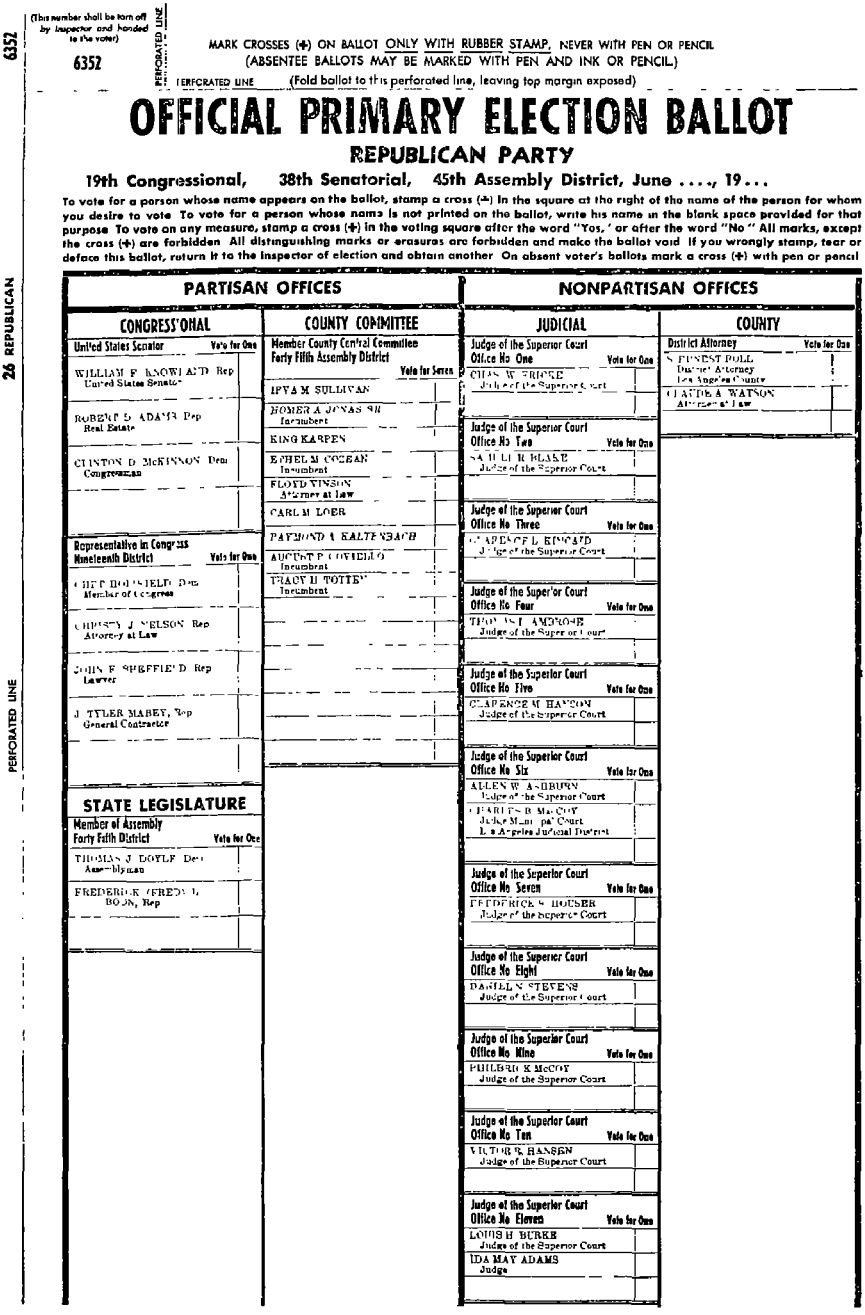
(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL.)

Corresponding number on ballot and stub

10316. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county, or the ballots and stubs may be numbered consecutively within political subdivisions in each county. The sequence of numbers on the official ballots and stubs for each party shall begin with the number one.

Ballot form

10317. Except as to the order of the names of candidates the ballot shall be printed in substantially the following form:



(This number shall be torn off by inspector and handed to the voter)

6352

6352

PERFORATED LINE

MARK CROSSES (+) ON BALLOT ONLY WITH RUBBER STAMP, NEVER WITH PEN OR PENCIL
(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL)

PERFORATED LINE (Fold ballot to this perforated line, leaving top margin exposed)

OFFICIAL PRIMARY ELECTION BALLOT

REPUBLICAN PARTY

19th Congressional, 38th Senatorial, 45th Assembly District, June ...., 19...

To vote for a person whose name appears on the ballot, stamp a cross (+) in the square at the right of the name of the person for whom you desire to vote To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose To vote on any measure, stamp a cross (+) in the voting square after the word "Yes," or after the word "No" All marks, except the cross (+) are forbidden All distinguishing marks or erasures are forbidden and make the ballot void If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another On absent voter's ballots mark a cross (+) with pen or pencil

26 REPUBLICAN

PERFORATED LINE

PARTISAN OFFICES

CONGRESSIONAL

United States Senator — Vote for One

WILLIAM F KNOWLAND Rep
United States Senator

ROBERT D ADAMS Rep
Real Estate

CLINTON D McKINNON Dem
Congressman

Representative in Congress
Nineteenth District — Vote for One

CHET HOLIFIELD Dem
Member of Congress

CHRISTY J NELSON Rep
Attorney at Law

JOHN F SHEFFIELD Rep
Lawyer

J TYLER MABEY, Rep
General Contractor

STATE LEGISLATURE

Member of Assembly
Forty Fifth District — Vote for One

THOMAS J DOYLE Dem
Assemblyman

FREDERICK (FRED) L BOSS, Rep

COUNTY COMMITTEE

Member County Central Committee
Forty Fifth Assembly District — Vote for Seven

IRVAM SULLIVAN

HOMER A JONAS SR
Incumbent

KING KARPEN

ETHEL M COCEAN
Incumbent

FLOYD VINSON
Attorney at Law

CARL M LOER

RAYMOND A KALTENBACH

AUGUST F COVIELLO
Incumbent

TRACY H TOTTEN
Incumbent

NONPARTISAN OFFICES

JUDICIAL

Judge of the Superior Court
Office No One — Vote for One

CHAS W FRICKE
Judge of the Superior Court

Judge of the Superior Court
Office No Two — Vote for One

SAMUEL R BLAKE
Judge of the Superior Court

Judge of the Superior Court
Office No Three — Vote for One

CLARENCE L KINCAID
Judge of the Superior Court

Judge of the Superior Court
Office No Four — Vote for One

THOMAS L AMBROSE
Judge of the Superior Court

Judge of the Superior Court
Office No Five — Vote for One

CLARENCE M HAWSON
Judge of the Superior Court

Judge of the Superior Court
Office No Six — Vote for One

ALLEN W ASHBURN
Judge of the Superior Court

CHARLES B MacCOY
Judge Municipal Court
Los Angeles Judicial District

Judge of the Superior Court
Office No Seven — Vote for One

FREDERICK S HOUSER
Judge of the Superior Court

Judge of the Superior Court
Office No Eight — Vote for One

DANIEL N STEVENS
Judge of the Superior Court

Judge of the Superior Court
Office No Nine — Vote for One

PHILBRICK McCOY
Judge of the Superior Court

Judge of the Superior Court
Office No Ten — Vote for One

VICTOR R HANSEN
Judge of the Superior Court

Judge of the Superior Court
Office No Eleven — Vote for One

LOUIS H BURKE
Judge of the Superior Court

IDA MAY ADAMS
Judge

COUNTY

District Attorney — Vote for One

S ERNEST POLL
District Attorney
Los Angeles County

CHARLES A WATSON
Attorney at Law

6352

(This number shall be torn off by inspector and handed to the voter)

6352

PERFORATED LINE

MARK CROSSES (+) ON BALLOT ONLY WITH RUBBER STAMP, NEVER WITH PEN OR PENCIL

(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL.)

(Fold ballot to this perforated line, leaving PERFORATED LINE top margin exposed)

OFFICIAL PRIMARY ELECTION BALLOT

NONPARTISAN BALLOT

18th Congressional, 38th Senatorial,

44th Assembly District, June , 19...

To vote for a person whose name appears on the ballot, stamp a cross (+) in the square at the right of the name of the person for *whom you desire to vote. To vote for a person whose name is not* printed on the ballot, write his name in the blank space provided for that purpose To vote on any measure, stamp a cross (+) in the voting square after the word "Yes," or after the word "No" All marks, except the cross (+) are forbidden All distinguishing marks or erasures are forbidden and make the ballot void If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another On absent voter's ballots mark a cross (+) with pen or pencil.

22 NONPARTISAN

PERFORATED LINE

JUDICIAL

Judge of the Superior Court
Office No One — Vote for One

CHAS W FRICKE
Judge of the Superior Court

Judge of the Superior Court
Office No Two — Vote for One

SAMUEL R BLAKE
Judge of the Superior Court

Judge of the Superior Court
Office No Three — Vote for One

CLARENCE L KINCAID
Judge of the Superior Court

Judge of the Superior Court
Office No Four — Vote for One

THOMAS L AMBROSE
Judge of the Superior Court

Judge of the Superior Court
Office No Five — Vote for One

CLARENCE M HANSON
Judge of the Superior Court

Judge of the Superior Court
Office No Six — Vote for One

ALLEN W ASHBURN
Judge of the Superior Court

CHARLES D MACGOY
Judge Municipal Court,
Los Angeles Judicial District

Judge of the Superior Court
Office No Seven — Vote for One

FREDERICK F HOUSER
Judge of the Superior Court

Judge of the Superior Court
Office No Eight — Vote for One

DANIEL N STEVENS
Judge of the Superior Court

Judge of the Superior Court
Office No Nine — Vote for One

PHILBRICK McGOY
Judge of the Superior Court

Judge of the Superior Court
Office No Ten — Vote for One

VICTOR R HANSEN
Judge of the Superior Court

Judge of the Superior Court
Office No Eleven — Vote for One

LOUIS H BURKE
Judge of the Superior Court

IDA MAY ADAMS
Judge

COUNTY

District Attorney — Vote for One

ERNEST ROLL
District Attorney
Los Angeles County

CLAUDE A WATSON
Attorney at Law

Supervisor
Fourth District — Vote for One

RAYMOND V DARBY
Supervisor Fourth District
Los Angeles County

GLENN M ANDERSON
Business Man

GRAYDON F BEEKS
Public Relations Counselor

HAROLD HARBY
Councilman City of
Los Angeles

ARTHUR E HILL
Insurance Executive

LEONARD J McMULLEN
Auditor

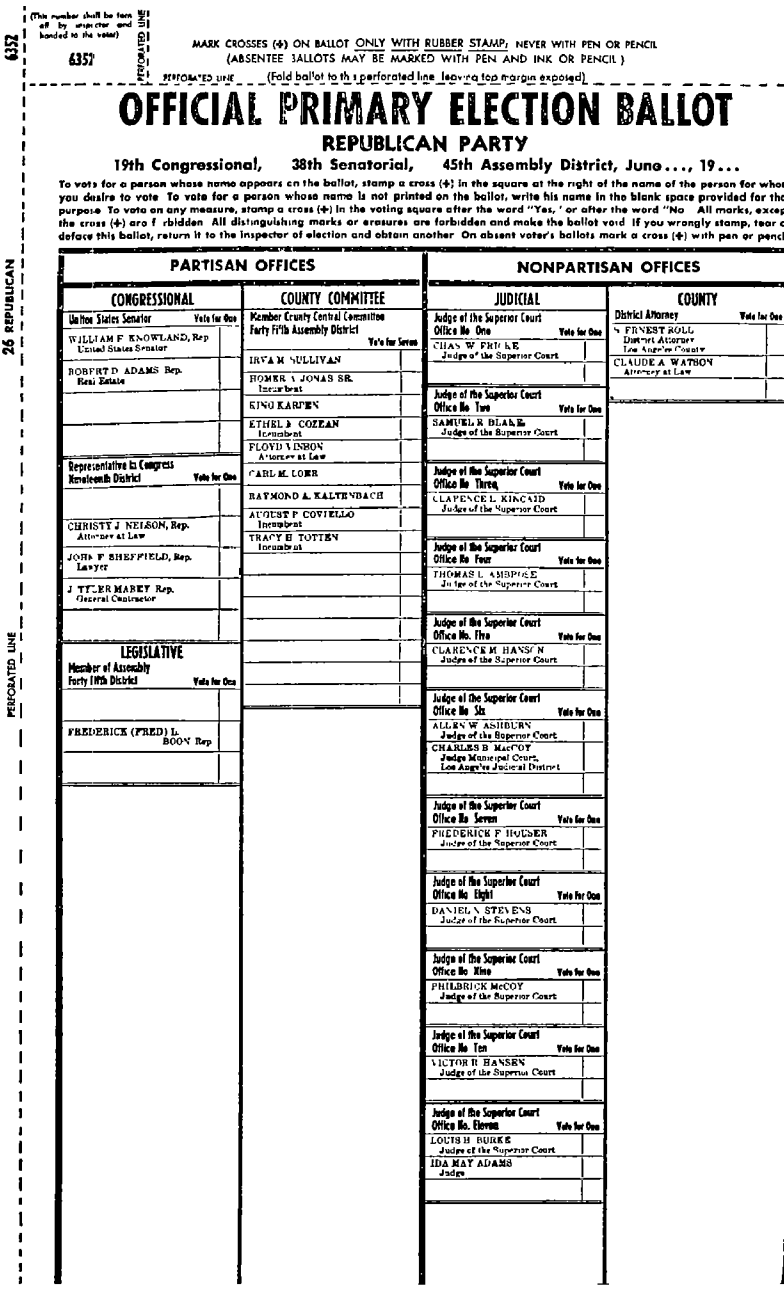
ERNEST A STEWART
Tax Economist

ERIK WHITE
Automobile Dealer

(Amended by Stats. 1961, Ch. 835.)

[ORIGINAL SECTION]

10317. Except as to the order of the names of candidates the ballot shall be printed in substantially the following form:



(This number shall be torn off by inspector and handed to the voter)

6352

6352

PERFORATED LINE

MARK CROSSES (+) ON BALLOT ONLY WITH RUBBER STAMP; NEVER WITH PEN OR PENCIL
(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL)

PERFORATED LINE (Fold ballot to this perforated line leaving top margin exposed)

OFFICIAL PRIMARY ELECTION BALLOT

REPUBLICAN PARTY

19th Congressional, 38th Senatorial, 45th Assembly District, June..., 19...

To vote for a person whose name appears on the ballot, stamp a cross (+) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose. To vote on any measure, stamp a cross (+) in the voting square after the word "Yes," or after the word "No." All marks, except the cross (+) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another. On absent voter's ballots mark a cross (+) with pen or pencil.

26 REPUBLICAN

PERFORATED LINE

PARTISAN OFFICES

CONGRESSIONAL

United States Senator — Vote for One

WILLIAM F. KNOWLAND, Rep
United States Senator

ROBERT D. ADAMS Rep.
Real Estate

**Representative in Congress
Nineteenth District** — Vote for One

CHRISTY J. NELSON, Rep.
Attorney at Law

JOHN F. SHEFFIELD, Rep.
Lawyer

J. TYLER MABEY Rep.
General Contractor

LEGISLATIVE

**Member of Assembly
Forty Fifth District** — Vote for One

FREDERICK (FRED) L. BOON Rep

COUNTY COMMITTEE

**Member County Central Committee
Forty Fifth Assembly District** — Vote for Seven

IRVAN SULLIVAN

HOMER V. JONAS SR.
Incumbent

KING KARFEN

ETHEL B. COZEAN
Incumbent

FLOYD VINSON
Attorney at Law

CARL M. LOHR

RAYMOND A. KALTENBACH

AUGUST F. COVIELLO
Incumbent

TRACY H. TOTTEN
Incumbent

NONPARTISAN OFFICES

JUDICIAL

**Judge of the Superior Court
Office No. One** — Vote for One

CHAS. W. FRICKE
Judge of the Superior Court

**Judge of the Superior Court
Office No. Two** — Vote for One

SAMUEL R. BLAKE
Judge of the Superior Court

**Judge of the Superior Court
Office No. Three** — Vote for One

CLARENCE L. KINCAID
Judge of the Superior Court

**Judge of the Superior Court
Office No. Four** — Vote for One

THOMAS L. AMBROSE
Judge of the Superior Court

**Judge of the Superior Court
Office No. Five** — Vote for One

CLARENCE M. HANSON
Judge of the Superior Court

**Judge of the Superior Court
Office No. Six** — Vote for One

ALLEN W. ASHBURN
Judge of the Superior Court

CHARLES B. McCOY
Judge Municipal Court,
Los Angeles Judicial District

**Judge of the Superior Court
Office No. Seven** — Vote for One

FREDERICK F. HOLSER
Judge of the Superior Court

**Judge of the Superior Court
Office No. Eight** — Vote for One

DANIEL N. STEVENS
Judge of the Superior Court

**Judge of the Superior Court
Office No. Nine** — Vote for One

PHILBRICK McCOY
Judge of the Superior Court

**Judge of the Superior Court
Office No. Ten** — Vote for One

VICTOR B. HANSEN
Judge of the Superior Court

**Judge of the Superior Court
Office No. Eleven** — Vote for One

LOUIS H. BURKE
Judge of the Superior Court

IDA MAY ADAMS
Judge

COUNTY

District Attorney — Vote for One

S. ERNEST ROLL
District Attorney
Los Angeles County

CLAUDE A. WATSON
Attorney at Law

6352

(This number shall be torn off by inspector and handed to the voter)

6352

PERFORATED LINE

MARK CROSSES (+) ON BALLOT
ONLY WITH RUBBER STAMP;
NEVER WITH PEN OR PENCIL

(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL)

(Fold ballot to this perforated line leaving PERFORATED LINE top margin exposed)

OFFICIAL PRIMARY ELECTION BALLOT

NONPARTISAN BALLOT

18th Congressional, 38th Senatorial, 44th Assembly District, June . . . , 19 . . .

To vote for a person whose name appears on the ballot, stamp a cross (+) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose. To vote on any measure, stamp a cross (+) in the voting square after the word "Yes," or after the word "No." All marks, except the cross (+) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another. On absent voter's ballots mark a cross (+) with pen or pencil.

22 NONPARTISAN

PERFORATED LINE

JUDICIAL

Judge of the Superior Court
Office No. One — Vote for One

- CHAS. W. FRICKE
  Judge of the Superior Court

Judge of the Superior Court
Office No. Two — Vote for One

- SAMUEL R. BLAKE
  Judge of the Superior Court

Judge of the Superior Court
Office No. Three — Vote for One

- CLARENCE L. KINCAID
  Judge of the Superior Court

Judge of the Superior Court
Office No. Four — Vote for One

- THOMAS L. AMBROSE
  Judge of the Superior Court

Judge of the Superior Court
Office No. Five — Vote for One

- CLARENCE M. HANSON
  Judge of the Superior Court

Judge of the Superior Court
Office No. Six — Vote for One

- ALLEN W. ASHBURN
  Judge of the Superior Court
- CHARLES B. McCOY
  Judge Municipal Court,
  Los Angeles Judicial District

Judge of the Superior Court
Office No. Seven — Vote for One

- FREDERICK F. HOUSER
  Judge of the Superior Court

Judge of the Superior Court
Office No. Eight — Vote for One

- DANIEL N. STEVENS
  Judge of the Superior Court

Judge of the Superior Court
Office No. Nine — Vote for One

- PHILBRICK McCOY
  Judge of the Superior Court

Judge of the Superior Court
Office No. Ten — Vote for One

- VICTOR E. HANSEN
  Judge of the Superior Court

Judge of the Superior Court
Office No. Eleven — Vote for One

- LOUIS H. BURKE
  Judge of the Superior Court
- IDA MAY ADAMS
  Judge

COUNTY

District Attorney — Vote for One

- S. ERNEST ROLL
  District Attorney
  Los Angeles County
- CLAUDE A. WATSON
  Attorney at Law

Supervisor
Fourth District — Vote for One

- RAYMOND V. DARBY
  Supervisor Fourth District,
  Los Angeles County
- GLENN M. ANDERSON
  Business Man
- GRAYDON F. SEEKS
  Public Relations Counselor
- HAROLD HARBY
  Councilman City of
  Los Angeles
- ARTHUR E. HILL
  Insurance Executive
- LEONARD J. McMULLEN
  Auditor
- ERNEST A. STEWART
  Tax Economist
- KIRK WHITE
  Automobile Dealer

Nonpartisan ballot

10318. If the election board of a county determines that due to the number of candidates and measures that must be printed on the direct primary ballot the ballot will be larger than may be conveniently handled, the board may provide that a nonpartisan ballot shall be given to each partisan voter, together with his partisan ballot, and that the material appearing under the heading "Nonpartisan Offices" on partisan ballots, as well as the heading itself, shall be omitted from the partisan ballots. If the board so provides, the procedure prescribed for the handling and canvassing of ballots shall be modified to the extent necessary to permit the use of two ballots by partisan voters.

Article 4. Similar Names

Statement filed with county clerk

10340. Whenever any person who is a candidate for any office believes that some other person with a name which is so similar that it may be confused with his name has filed or will file a nomination paper for the same office, he may, at the time of filing his nomination paper or within five days after the time for filing nomination papers has expired, file with the county clerk a statement which shall be in substance as follows:

"I, _____, believe that some other person, whose name is so similar to mine that it may be confused with mine, has filed or will file a nomination paper for the same office for which I have filed a nomination paper, and I therefore request and direct that number _____ be printed with my name on the ballot as a distinguishing mark.

_____
Name

Candidate for the office of _____"

Distinguishing number

10341. The distinguishing mark, which may be designated by the candidate pursuant to Section 10340, shall be a number. The distinguishing number shall be printed in large blackface type at the left of the name on the ballot.

Same number

10342. If two or more candidates for the same office designate the same distinguishing number, the first candidate who filed his nomination papers shall have the number and the other candidates who designated the same number may file papers designating other distinguishing numbers.

Use on ballot

10343. The designated number shall be placed upon the ballot by the county clerk. No distinguishing number shall be printed on the ballot unless there are two or more candidates for the same office with names so similar as to cause probable confusion.

DIVISION 8. ELECTION CAMPAIGNS

CHAPTER 1. EXPENDITURES FOR CANDIDATES

Article 1. Definitions

Definitions

11500. Unless the context otherwise clearly requires, the definitions set forth in this article shall govern the construction of this chapter.

"Candidate"

11501. "Candidate" means any person who seeks nomination or election to a federal, state, county, judicial, or hospital district office, or to a municipal office in a general law or chartered city, at any election or primary conducted within this State. "Candidate" also includes persons seeking election to a county central committee at the direct primary election.

"Committee"

11502. "Committee" means a committee or group of persons organized for the purpose or charged with the duty of conducting the election campaign of any political party or of any candidate or group of candidates.

"Campaign statement"

11503. "Campaign statement" means an itemized statement prepared in duplicate by a candidate and by the treasurer of a committee showing under each of the subdivisions of Section 11504:

(a) In detail all moneys paid, loaned, contributed, or otherwise furnished, directly or indirectly, to the candidate or treasurer or for use of the candidate or treasurer, in aid of the candidate's nomination or election.

(b) All money contributed, loaned, or expended, directly or indirectly, by the candidate or treasurer or through any other person, in aid of the candidate's nomination or election.

(c) The names of all persons who paid, loaned, contributed, or otherwise furnished such money in aid of the candidate's nomination or election.

(d) The names of all persons to whom such money was contributed, loaned or paid.

(e) The specific nature of each item.

(f) The service performed and by whom any services were performed.

(g) The purpose for which the money was expended, contributed or loaned.

Lawful expenses

11504. Lawful expenses are expenses for the following purposes only:

(a) For the preparing, printing, circulating, and verifying of nomination papers and for the candidate's official filing fee

(b) For the personal traveling expenses of the candidate and of campaign personnel

(c) For rent, furnishing and maintaining headquarters and halls and rooms for public meetings, including light, heat, and telephone.

(d) For payment of the following personnel:
1. Campaign managers.
2. Advertising agencies and publicity agents.
3. Stenographers and clerks.
4. Precinct workers.
5. Speakers.
6. Entertainers.

(e) For the preparing, printing, and posting of billboards, signs and posters.

(f) For the preparing, printing, and distribution of literature by direct mail, including postage, throwaways, and handbills.

(g) For newspaper advertising.

(h) For radio and television advertising and speech time.

(i) For office supplies, precinct lists, postage other than that provided for in subdivision (f), expressage, and telegraphing relative to candidacy.

(j) For making canvasses of voters and public opinion surveys.

(k) For conveying voters to and from the polls.

(*l*) For supervising the registration of voters.

(m) For watching the polling and counting of votes cast.

(n) For photographs, mats, cuts, art work, and displays.

(o) For petty cash items relative to candidacy.

Article 2. Committees

Treasurer

11530. Each committee shall appoint a treasurer who shall receive, disburse, and keep a true account of all money contributed and disbursed for campaign purposes, and who shall, in the same manner and on the same type of forms as required of candidates, file a campaign statement. The county clerk, upon request, shall furnish the treasurer with the necessary forms for submitting the campaign statement required of him by this section.

Candidate as treasurer

11531. A candidate may act as the campaign treasurer of his committee but may not act as treasurer for another candidate. When acting as a campaign treasurer, the candidate may sign the campaign statement of the committee.

Article 3. Campaign Statements

Filing

11560. Except as provided in Section 11561, each candidate and the treasurer of each committee shall make and file a campaign statement following the election or primary, as the case may be.

A campaign statement filed with respect to a primary election shall be verified. The verification shall state that the candidate or treasurer has used all reasonable diligence in its preparation, and that it is true and is as full and explicit as he is able to make it.

Municipal office, hospital district

11561. A candidate or nominee for a municipal office or for election to the office of director of a hospital district need not file a campaign statement if the lawful receipts and expenses of his campaign do not exceed two hundred dollars ($200). However, elected candidates or candidates nominated at a primary election shall file a written declaration to that effect if their campaign receipts and expenses do not exceed two hundred dollars ($200).

(Amended by Stats. 1961, Ch 1732.)

[ORIGINAL SECTION]

11561. A candidate or nominee for a municipal office or for election to the office of director of a hospital district need not file a campaign statement if the lawful receipts and expenses of his campaign do not exceed two hundred dollars ($200).

Illegal payments

11562. If a candidate at any election other than a primary seeks to avoid the responsibility of any illegal payment made by any other person in his behalf, he shall set out that illegal payment in the campaign statement and disclaim responsibility for it.

Time for filing

11563. All candidates for either nomination or election and the treasurer of each committee shall file their campaign statements within 35 days after the election or primary, or not later than the day preceding the day upon which the candidate takes office, whichever first occurs.

(Amended by Stats. 1961, Ch. 1732.)

[ORIGINAL SECTION]

11563 All candidates for either nomination or election and the treasurer of each campaign committee shall file their campaign statements within 35 days after the election or primary.

Place for filing

11564. Candidates for office to be filled by the voters of the State or of any political division greater than a county, for Members of the Senate or Assembly, Representative in Congress, members of the State Board of Equalization, or judge of the superior court, and treasurers of committees for such candidates, shall file one copy of their campaign statements in the office of the Secretary of State and one copy with the clerk of the county in which the candidate resides.

Secretary of State

Candidates for all other offices, except municipal and hospital district offices, and treasurers of committees for those candidates, shall file one copy of their campaign statements in the office of the clerk of the county wherein the election is held.

County clerk

(Amended by Stats. 1961, Ch. 1732.)

[ORIGINAL SECTION]

11564. Candidates for office to be filled by the voters of the State or of any political division greater than a county, for members of the Senate or Assembly, Representative in Congress, members of the State Board of Equalization, or judge of the superior court, and treasurers of committees for such candidates, shall file one copy of their campaign statements in the office of the Secretary of State and one copy with the clerk of the county in which the candidate resides.

Candidates for all other offices, and treasurers of committees for those candidates, shall file one copy of their campaign statements in the office of the clerk of the county wherein the election is held

Certificate of nomination

11565. No officer shall issue any certificate of nomination or election to any person until his campaign statement or the written declaration required in Section 11561 has been filed. No other statement of expenses shall be required. The officer with whom campaign statements or written declarations must be filed pursuant to Sections 11564, 11568, or 11569 shall send to the candidate, not more than three days after the election, the necessary forms for submitting his campaign statement.

(Amended by Stats. 1961, Ch. 1732.)

[ORIGINAL SECTION]

11565. No officer shall issue any certificate of nomination or election to any person until his campaign statement has been filed. No other statement of expenses shall be required. The officer with whom campaign statements must be filed pursuant to Section 11564 shall send to the candidate, not more than three days after the election, the necessary forms for submitting his campaign statement.

Fee

11566. No fee or charge shall be made or collected by any officer for the verifying, filing, or recording of any campaign statement.

Statements

11567. Campaign statements shall be held by the officer with whom they are filed during the term of office for which they are filed and for four years after the expiration of the term. Thereafter they may be destroyed by that officer.

11568. Candidates for municipal offices and treasurers of committees for those candidates shall file one copy of their campaign statements, or written declarations as required in Section 11561, in the office of the clerk of the city in which the election is held.

(Added by Stats. 1961, Ch. 1732.)

11569. Candidates for hospital district offices and treasurers of committees for those candidates shall file one copy of their campaign statements, or written declarations as required in Section 11561, in the office of the secretary of the district in which the election is held

(Added by Stats. 1961, Ch. 1732.)

Article 4. Lawful Expenses

Expenditures

11590. Neither a candidate nor committee nor any body of superior authority to which the committee is subject, whether before, during or after an election or primary, may directly or indirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for lawful expenses.

Rental of premises where alcoholic beverages are sold

11591. No payment of money shall be made by a committee or candidate for the rent of any premises to be used as a committee room or headquarters, for holding a meeting, for the purpose of promoting the election or nomination of a candidate, or on account of or in respect to the conduct or management of an election, where alcoholic beverages are sold for consumption on the premises or are supplied to members of any club, society or association.

Nothing in this section applies to any part of the premises which is ordinarily let for the purposes of offices or for holding public meetings, if that part has a separate entrance and no direct communication with any part of the premises on which any alcoholic beverages are sold or supplied.

(Amended by Stats 1961, Ch. 835.)

[ORIGINAL SECTION]

11591. No payment of money shall be made by a committee or candidate for the rent of any premises to be used as a committee room or headquarters, for holding a meeting, for the purpose of promoting the election or nomination of a candidate, or on account of or in respect to the conduct or management of an election, where alcoholic beverages are sold for consumption on the premises or are supplied to members of any club, society or association.

Nothing in this section applies to any part of the premises which is ordinarily let for the purposes of offices for holding public meetings, if that part has a separate entrance and no direct communication with any part of the premises on which any alcoholic beverages are sold or supplied.

Printed matter

11592. Every bill, placard, poster, pamphlet or other printed matter having reference to an election or to any candidate shall bear upon its face the name and address of the printer and publisher.

No payment therefor shall be made or allowed unless the name and address is so printed.

Article 5. Presentment and Payment of Claims

Presentment to committee

11620. Every claim payable by a committee on account of or in respect to any expense incurred in the conduct and management of an election held within this State or on behalf of the candidates of the political party, organized assemblage, or body which the committee represents shall be presented to the committee within 15 days after the election. If not so presented, the claim shall not be paid, and no action shall be commenced or maintained on it.

Payment

11621. All expenses incurred by and properly presented to a committee shall be paid within 25 days after the election and not otherwise.

Presentment to candidate

11622. Every claim for expenses incurred by or on behalf of a candidate for the conduct or management of an election held within this State shall be presented to the candidate within 10 days after the day of election. If not so presented the claim shall not be paid, and no action shall be commenced or maintained on it.

Payment

11623. All expenses incurred by and properly presented to a candidate shall be paid within 25 days after the day of election and not otherwise.

Misdemeanor

11624. Any person who makes a payment in contravention of this article is guilty of a misdemeanor.

Proceedings in superior court

11625. The superior court of the county in which a campaign statement is filed or is required to be filed may, on the completion of proper proceedings by either the committee or candidate or a creditor of either, allow:

(a) A campaign statement to be filed after the time limits specified in this chapter.

(b) An incorrect campaign statement to be corrected.

(c) Any claim to be presented and paid after the time limits prescribed by this article

Application by creditor

11626. If the application is made by a creditor, the court may, under like conditions and upon a like showing, order the claim to be paid. A creditor is entitled to his costs.

Joinder of creditors

11627. The claims of one or more creditors may be united in the same application, but the amount and specific nature of each claim shall be fully stated.

Grounds for obtaining relief

11628. A person may obtain from the superior court the relief specified in Section 11625 if he shows by competent evidence that the failure to comply with this article was occasioned not by any want of good faith on the part of the applicant but by:

(a) The absence, illness or death of the candidate.

(b) The absence, illness or death of the treasurer of the campaign committee.

(c) The misconduct of any person other than the applicant.

(d) Inadvertence or excusable neglect.

(e) Any other reasonable cause.

11629. Proper proceedings, as used in this article, consist of:

(a) The filing of an application in the office of the clerk of the superior court showing facts sufficient to entitle the applicant to relief.

(b) Such notice of the application as the court may require.

(c) Satisfactory proof by competent evidence of the allegations of the application.

Effect of order

11630. An order of the superior court relieves the applicant from any liability or consequences under this chapter in respect of the matters excused by the order.

Filing after order

11631. After an order by a superior court allowing a claim to be paid, and after payment, the committee or candidate shall file in the same office as the original campaign statement of the committee or candidate was filed:

(a) An amended campaign statement in the same form and containing the same information, as supplemented, as the original campaign statement.

(b) A certificate of its allowance.

CHAPTER 2. EXPENDITURE MADE FOR OR AGAINST MEASURES

Article 1. Definitions

Definitions

11800. Unless the context otherwise clearly requires, the definitions set forth in this article shall govern the construction of this chapter.

"Association"

11801. "Association" means any person, committee, firm, association, public or private corporation, or other group of persons, whether incorporated or not, that for the payment of expenses in a campaign to influence the action of the voters for or against the adoption of any measure voted upon at a statewide election does either or both of the following:

(a) Collects, raises, or receives money or promises of money aggregating from all sources more than one thousand dollars ($1,000).

(b) Expends more than one thousand dollars ($1,000) of its own money or funds.

"Expenses"

11802. "Expenses" means the cost of:

(a) Securing signatures to initiative or referendum petitions.

(b) Circulating initiative or referendum petitions.

(c) Holding and conducting public meetings.

(d) Printing and circulating prior to an election:

(1) Specimen ballots.

(2) Handbills.

(3) Cards.

(4) Other papers.

(e) Advertising.

(f) Postage.

(g) Expressage.

(h) Telegraphing.

(i) Telephoning.

(j) All salaries and expenses of:

(1) Campaign managers.

(2) Lecturers.

(3) Solicitors.

(4) Agents.

(5) All persons employed in transacting business at headquarters or branch offices.

(k) Maintaining headquarters and branch offices.

(l) Renting of rooms for the transaction of the business of an association.

"Treasurer"

11803. "Treasurer" means the treasurer, manager, secretary, agent, board of trustees, board of directors or other person who is charged with the work, duty, or responsibility of collecting, managing or expending the funds of an association.

Article 2. Filing of Statements

Forty days prior to election

11830. Not more than 45 days nor less than 40 days prior to an election, every association shall file a statement of receipts and expenses.

Itemized statement filed in triplicate

11831. Every statement of receipts and expenses required to be filed under this article shall be filed in triplicate in the office of the Secretary of State and shall be itemized, detailed, and verified.

Contents of statement

11832. Every statement of receipts and expenses required to be filed under this article shall show:

(a) The name and address of each person, firm or corporation that has contributed, promised, loaned or advanced to the association filing the statement or for its use directly or indirectly any money or the equivalent of money aggregating in value the sum of twenty-five ($25) or more dollars and the amount or sum contributed, promised, loaned or advanced by each.

(b) The total sum contributed, promised, loaned or advanced directly or indirectly in amounts of less than twenty-five dollars ($25) to the filing association or for its use.

(c) The total sum contributed, promised, loaned or advanced by the filing association from its own funds or money, or contributed, promised, loaned or advanced directly or indirectly from all sources, regardless of the amount of single or individual contributions or for the use of the filing association.

(d) The name and address of each person, firm or corporation to whom or to which the association has contributed, disbursed, distributed, loaned, advanced, or promised any sum of money or the equivalent of money in the amount of ten dollars ($10) or more and the amount so contributed, disbursed, distributed, loaned, advanced or promised in each instance.

(e) The total sum contributed, disbursed, distributed, loaned, advanced or promised by the association to any person, firm or corporation in amounts of less than ten dollars ($10) each.

(f) The total sum contributed, disbursed, distributed, loaned, advanced or promised by the association to any and all persons for any and all expenses whatsoever.

Seven days prior to election

11833. Not more than 12 nor less than seven days prior to an election, every association shall file a statement of receipts and expenses:

(a) Showing, as of the date of filing, all information not included in the previous statement.

(b) Containing and including a recapitulation showing the totals of the various receipts and expenses.

Thirty days succeeding election

11834. Within 30 days next succeeding the date of the election, each association shall file a statement of receipts and expenses:

(a) Showing, as of the date of filing, all information not included in either previous statement.

(b) Containing and including a recapitulation showing the totals of the various receipts and expenses.

Article 3. Disposition of Statements by Secretary of State

11860. Upon the filing in triplicate of the respective statements required by this chapter, the Secretary of State shall forthwith transmit one of the triplicate copies to the county clerk of Los Angeles County and one of the triplicate copies to the county clerk of the City and County of San Francisco. Copies to Los Angeles and San Francisco

As used in this section "county clerk" does not mean registrar of voters.

11861. The Secretary of State shall furnish like copies of the statements required by this chapter to any other county clerk upon demand. Copies to county clerks

11862 The copies of statements furnished to county clerks as provided in this article shall be kept on file and shall be open to public inspection. Open to public inspection

(Amended and renumbered by Stats. 1961, Ch. 835.)

[ORIGINAL SECTION]

11863. *The copies of statements furnished to county clerks as provided* in this article shall be kept on file and shall be open to public inspection

Article 4. Civil Penalties

11890. In addition to any other penalties prescribed, each association, whether an individual or a group of persons, incorporated or unincorporated, and each treasurer, managing or disbursing officer or agent of an association that violates any provision of this chapter is liable to a penalty of one thousand dollars ($1,000) to be recovered in a civil action brought by any citizen of the State. Civil penalty

11891. Not more than one civil penalty may be recovered for a single offense. Single offense

11892. No statute of limitations applies to the bringing of an action under this article. No statute of limitations

CHAPTER 3. PENAL PROVISIONS

Article 1. Felonies

12000. A person shall not directly or through any other person receive, agree, or contract for, before or during an election, any money, gift, loan, or other valuable consideration, office, place, or employment for himself or any other person for either: Receiving or contracting for money etc., for voting or not voting

(a) Voting or agreeing to vote.

(b) Coming or agreeing to come to the polls.

(c) Refraining or agreeing to refrain from voting.

(d) Voting or agreeing to vote for any particular person.

(e) Refraining or agreeing to refrain from voting for any particular person.

Receiving money or thing of value for having voted or refrained from voting or inducing another to vote or refrain

12001. A person shall not directly or through any other person receive any money or other valuable thing, during or after an election, because he or any other person:

(a) Voted or refrained from voting for any particular person.

(b) Came to the polls or remained away from the polls.

(c) Induced any other person to:

(1) Vote or refrain from voting.

(2) Vote or refrain from voting for any particular person.

(3) Come to or remain away from the polls.

Nominee or candidate of public convention

12002. A person shall not directly or through any other person receive any money or other valuable thing, before, during, or after an election, because he or any other person:

(a) Voted to secure the election or indorsement of any other person as the nominee or candidate of any convention, organized assemblage of delegates, or other body representing, or claiming to represent, a political party or principle, or any club, society, or association.

(b) Aided in securing the selection or indorsement of any other person as a nominee or candidate as provided in subdivision (a).

Making payments, etc., as inducement or reward to voter

12003. A person shall not directly or through any other person pay, lend, or contribute, or offer or promise to pay, lend, or contribute, any money or other valuable consideration to or for any voter or to or for any other person to:

(a) Induce the voter to:

(1) Vote or refrain from voting at any election.

(2) Vote or refrain from voting at an election for any particular person.

(3) Come to the polls at an election.

(4) Remain away from the polls at an election.

(b) Reward the voter for having:

(1) Voted.

(2) Refrained from voting.

(3) Voted for any particular person.

(4) Refrained from voting for any particular person.

(5) Come to the polls at an election.

(6) Remained away from the polls at an election.

Employment, or offer to procure, as inducement to voter

12004. A person shall not directly or through another person give, offer, or promise any office, place, or employment, or promise to procure or endeavor to procure any office, place, or employment to or for any voter, or to or for any other person, in order to induce that voter at any election to:

(a) Vote.

(b) Refrain from voting.

(c) Vote for any particular person.

(d) Refrain from voting for any particular person.

Making gift, etc., to procure election or vote

12005. A person shall not directly or through any other person make any gift, loan, promise, offer, procurement, or agreement to, for, or with any person, in order to induce that person to procure or endeavor to procure the election of any person or the vote of any voter at any election.

Procuring election or vote for gift, etc

12006. A person shall not directly or through any other person procure, engage, promise, or endeavor to procure, in consequence of any gift, loan, offer, promise, procurement, or agreement, the election of any person or the vote of any voter at an election.

Bribery

12007. A person shall not directly or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that it, or any part thereof, shall be used in bribery at any election; or knowingly pay or cause to be paid any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election.

Establishing residence

12008. A person shall not directly or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that it, or any part thereof, will be used for boarding, lodging, or maintaining a person at any place or domicile in any election precinct, ward, or district, with intent to secure the vote of that person or to induce that person to vote for any particular person.

Aiding evasion of arrest

12009. A person shall not directly or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that it, or any part thereof, shall be used to aid or assist any person to evade arrest, who is charged with the commission of a felony against the elective franchise.

Payment for obtaining indorsement of candidate

12010. A person shall not directly or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person in consideration of:

(a) Being selected or indorsed as the candidate of any convention, organized assemblage of delegates, or other body representing, or claiming to represent, a political party or principle, or any club, society, or association, for a public office.

(b) The selection or indorsement of any other person as a candidate for a public office.

(c) Any member of a convention, club, society, or association having voted to select or indorse any person as a candidate for a public office.

Withdrawal of candidate

12011. A person shall not directly or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of a person withdrawing as a candidate for a public office.

Penalty

12012. Every person who commits any of the offenses mentioned in this article is punishable by imprisonment in the state prison for not less than one nor more than seven years.

Scope of article

12013. The provisions of this article apply to all elections, including primary elections.

Article 2. Misdemeanors

Procuring attendance of voters

12040. Every person is guilty of a misdemeanor who, with the intent to promote the election of himself or any other person, furnishes or engages to pay or deliver any money or property for the purpose of:

(a) Procuring the attendance of voters at the polls.

(b) Compensating any person for procuring the attendance of voters at the polls, except for the conveyance of voters to or from the polls.

Promoting election

12041. Every person is guilty of a misdemeanor who, with intent to promote the election of himself or any other person, furnishes or engages to pay or deliver any money or property for any purpose intended to promote the election of any candidate, except for the expenses of holding and conducting public meetings for the discussion of public questions and of printing and circulating ballots, handbills, and other papers previous to an election.

Same
Aid from licensee

12042. Any elective state officer who is authorized by law to issue licenses or who is a member of any board or agency authorized to issue licenses, or any person seeking election to such office, board or agency, or any appointee or employee of such office, board or agency who directly or indirectly solicits, receives or agrees to receive any money or other thing of value, or any promise thereof, from any licensee named in, or any holder of, any license issued by such officer, board or agency, or from any agent of such licensee or license holder for any political campaign of any person seeking election or re-election to the office, board or agency authorized to issue such license, is guilty of a misdemeanor.

Licensee offering aid

12043. Any licensee named in, or any holder of, any license issued by any officer, board or agency of the State, who directly or indirectly, either by himself or through another, gives, offers, or promises to give any money or other thing of value to any person, corporation or association for any political campaign of any person seeking election or re-election to the office, board or agency authorized to issue such license is guilty of a misdemeanor.

Appointment for procuring election

12044 Every person is guilty of a misdemeanor who being a candidate at any election offers or agrees to appoint or procure the appointment of any particular person to office, as an inducement or consideration to any person to vote for, procure, or aid in procuring the election of that candidate.

Communicating offer of appointment

12045 Every person is guilty of a misdemeanor who, not being a candidate, communicates any offer made in violation of Section 12044 to any person with intent to induce him to vote for or to procure or aid in procuring the election of the candidate making the offer

Preventing public meetings

12046. Every person is guilty of a misdemeanor who, by threats, intimidations, or unlawful violence, willfully hinders or prevents electors from assembling in public meetings for the consideration of public questions.

Unsigned circulars, etc.

12047. Every person is guilty of a misdemeanor who writes or causes to be written, printed, posted, or distributed any circular, pamphlet, letter, or poster which is designed to injure or defeat any candidate for nomination or election to any public office by reflecting upon his personal character or political action, unless there appears upon the circular, pamphlet, letter, or poster, in a conspicuous place, the name and address of the printer and either:

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

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

Same

12048. Any circular, pamphlet, letter, or poster issued or distributed in violation of Section 12047 of this code is conclusively presumed not to be a privileged communication within the meaning of Section 47 of the Civil Code.

Same

12049 Every person, other than a public officer in the performance of official duty, is guilty of a misdemeanor who writes or causes to be written, printed, posted, or distributed any circular, pamphlet, letter, or poster which is designed to promote either the passage or defeat of a measure appearing on the ballot at any election, state or local, unless there appears upon the circular, pamphlet, letter, or poster, in a conspicuous place, either:

(a) The names and residence addresses of the chairman and secretary or the names and residence addresses of at least two officers of the organization issuing it, if issued by an organization; or

(b) The name and residence address, with the street and number, if any, of any individual responsible for it, if issued by an individual or individuals.

This section shall not apply to windshield stickers or strips designed for attachment to the bumpers of automobiles or to official ballot pamphlets or other official documents containing ballot arguments submitted pursuant to Division 4 (commencing at Section 3500) of this code.

Requesting pledge for bill

12050. Every person is guilty of a misdemeanor who, either individually or as an officer or member of any committee or association, solicits or demands of any candidate for the Legislature, supervisor, school director, or for any legislative body that he vote for or against any particular bill or measure which may come before the body to which he may be elected.

Giving pledge

Every candidate for any of the offices named is guilty of a misdemeanor who signs or gives any pledge that he will vote for or against any particular bill or measure that may be brought before the body to which he may be elected.

The provisions of this section do not apply to any pledge or promise that a candidate may give to a convention by which he may be nominated for any of the offices named or to those who sign a certificate for his nomination.

Prohibited representations

12051. No person, with intent to mislead the electors in connection with his campaign for nomination or election to a public office or in connection with the campaign of another person for nomination or election to a public office, shall do either of the following acts:

(a) Assume, pretend, or imply, by his statements or conduct, that he is the incumbent of a public office when that is not the case.

(b) Assume, pretend, or imply, by his statements or conduct, that he is or has been acting in the capacity of a public officer when that is not the case.

Injunction

Any violation of this section may be enjoined in a civil action brought by the incumbent of the public office involved.

Prohibited representations by candidate

12052. Every candidate for public office is guilty of a misdemeanor who, with intent to mislead the electors in connection with his campaign for nomination or election to that office, represents by his own statements or conduct that he is the incumbent of the office when such is not the case. Any violation of this section may be enjoined in a civil action brought by the person who is in fact the incumbent of the office at the time the violation occurs.

Penalty

12053. Every person is guilty of a misdemeanor who violates any of the provisions of Chapter 1 (commencing at Section 11500) of this division.

Disqualification for office

12054. Any candidate convicted under the provisions of Section 12050 or Chapter 1 (commencing at Section 11500) of this division so far as that chapter applies to primary elections is disqualified from holding the office for which he was a candidate at the time of the violation.

Association's penalty

12055. Every association, as defined in Section 11801, and each treasurer, managing or disbursing officer or agent of an association, that violates any of the provisions of Chapter 2 (commencing at Section 11800) of this division is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. One-half of the fine shall be paid to the informer and one-half shall be paid into the county treasury.

Scope of article

12056. The provisions of this article apply to all elections including primary elections.

Misrepresenting support of a party

12057. It is unlawful for any candidate or committee in his behalf to represent in connection with an election campaign, either orally or in campaign material, that the candidate has the support of a committee or organization which includes as part of its name the name or any variation upon the name of a qualified political party with which the candidate is not affiliated, together with the words "county committee," "central committee," "county," or any other term that might tend to mislead the voters into believing that the candidate has the support of that party's county central committee or state central committee, when that is not the case.

This section shall not be construed to prevent a candidate or committee from representing that the candidate has the support of a committee or group of voters affiliated with another political party, which committee or group is identified by the name of that party, where the name of the committee or group also includes the name of the candidate.

Injunction

Any member of a county central committee or state central committee may commence an action in the superior court to enjoin misrepresentation by a candidate or committee in his behalf, in the manner prohibited by this section, to the effect that the candidate has the support of the state or county central committee involved.

Chapter 4. Political Corporations

Article 1. Incorporation

Consent of person whose name used required

12200. If the name of a corporation includes all or part of the name of any person, together with either (a) all or part of the title of any elective office, (b) the date (by year or otherwise) of the election for any office, or (c) any other words or figures indicating the candidacy or nomination of that person for elective office, the Secretary of State shall not accept its articles of incorporation for filing unless there is first filed with him a statement signed and acknowledged by that person consenting to the use of his name.

Chapter 5. Campaign Funds

Article 1. Solicitation

Definition

12300. As used in this article "person" includes a firm, association, corporation, campaign committee or organization.

Solicitation of funds

12301. It is unlawful for any person which includes in any part of its name the name of any political party which was qualified to participate in the last preceding primary election, to directly or indirectly solicit funds for any purpose whatsoever upon the representation either express or implied that the funds are being solicited for the use of that political party unless that person shall have previously obtained the written consent of one of the following: National committeeman or committeewoman from California, chairman of the state central committee, executive committee of the state central committee, or executive committee of the county central committee of the party whose name is being used in the county in which the solicitation is to be made. If the county central committee of the party in that county does not have an executive committee, the written consent of the chairman and secretary of that county central committee is sufficient.

Penalty

12302. Any person who violates Section 12301 is guilty of a misdemeanor.

DIVISION 9. CONDUCT OF ELECTIONS

CHAPTER 1. MATERIAL FURNISHED TO POLLS

Digest of election laws

14000. On or before the first day of January of each even-numbered year, the Secretary of State and the Attorney General shall prepare a brief digest containing the substance of those provisions of this code and of other statutes which pertain to the duties of election officers during the casting and the canvassing of the vote. This digest shall contain in each case a reference to the section of this code or other statute, by reference to which further examination of its provisions may be made.

Copy to each county clerk

14001. The Secretary of State shall send a copy of the digest of election laws to each county clerk on or before the first day of January of each even-numbered year.

Supplies furnished to election officers

14002. The county clerk shall furnish to the election officers:

(a) Original books of affidavits of registration.

(b) Printed copies of the indexes.

(c) Necessary printed blanks for the roster, tally sheets, lists of voters, declarations and returns.

(d) Envelopes in which to enclose returns.

(e) Not less than six nor more than 12 instruction cards to each precinct for the guidance of voters in obtaining and marking their ballots. On each card shall be printed necessary instructions and the provisions of Sections 14011, 14012, 14211, 14212, 14407, 14408, 14416, 14418, 14420, 14422, 14432, 14433, 14434, 14435, 17002, 17003, 17009, 17011, 17013, 17014, 17015, and 29001.

(f) A digest of the election laws with any further instructions the county clerk may desire to make. One copy shall be furnished to each election officer at the time of his appointment.

Election proclamations

14003. The board of supervisors shall furnish proclamations of elections.

Equipment furnished polling place

14004. All officers required by law to designate polling places shall furnish the polling places with:

(a) An American Flag of such size as may be determined by the board of supervisors, to be erected at or near each polling place within the county.

(b) A ballot box, to be marked on the outside "general ballots."

(c) When any city officers are to be elected, a second ballot box, to be marked on the outside "municipal ballots."

(d) A sufficient number of places, booths, or compartments, at or in which voters may conveniently mark their ballots, so that they may be screened from the observation of others.

(e) Several ink pads and several stamps for each booth. The stamp shall be one solid piece and shall be made so that a cross (+) may be made with either end.

Expense of election supplies

14005. The board of supervisors shall allow reasonable charges for all election supplies and for their transmission and return to the proper officers.

Voting booths

14006. The number of voting booths or compartments shall be adequate and shall be determined by the officer conducting the election.

Arrangement of polling place

14007. The polling places shall be arranged so that neither the ballot boxes nor the voting booths or compartments shall be hidden from the view of those present.

Stamps and ink pads

14008. The election officers shall see that the stamps and ink pads required are at all times in the booths and in condition for proper use.

Marking ballot

14009. The precinct board shall not furnish for use in the voting compartments any means or method by which a ballot may be marked other than the ink pads and rubber stamps by which a cross (+) may be made as provided in this code.

Use of pencil for write-in candidates

14010. Nothing contained in this chapter shall prevent a voter from using a pencil for the purpose of writing in on the ballot the name of any candidate for whom he desires to vote.

Removal of supplies

14011. No person shall during an election remove or destroy any of the supplies or other conveniences placed in the voting booths or compartments for the purpose of enabling the voter to prepare his ballot.

Destroying instruction cards

14012. No person shall during an election remove, tear down, or deface the cards printed for the instruction of voters.

CHAPTER 2. PRELIMINARY PROCEDURE AT POLLS

Article 1. In General

Instruction cards posted

14201. On the day of election the precinct board shall post at least one instruction card in each booth or compartment provided for the preparation of ballots, and not less than three instruction cards at other places in and about the polling place.

Index to precinct book posted

14202. Before opening the polls the precinct board shall post in separate, convenient places at or near the polling place and of easy access to the voters not less than two of the copies of the index to the book of affidavits of registration furnished for that precinct.

Marking voters off index

14203. At all elections the precinct board shall mark on one of the copies of the index posted at or near the polling place the name of each person who has voted, by drawing a line through his name with a crayon or pencil, and the board shall mark off the names from time to time during the day of election, at least once each hour until 4 o'clock in the afternoon.

Maintaining posted indexes

14204. The precinct board shall maintain the copies of the index posted during the whole time of voting. These copies shall not in any manner be torn, marked or defaced, except pursuant to Section 14203.

Proclaiming polls open

14205. Before the precinct board receives any ballots, it shall proclaim aloud at the place of election that the polls are open.

Time for opening and closing polls

14206. The polls shall be open at 7 o'clock a.m. of the day of any election, including any primary election, and shall be kept open until 7 o'clock p.m. of the same day, when the polls shall be closed, except as provided in Section 14436.

Same When electronic tabulators are used

14207. In any county which installs electronic tabulating devices the polls shall be opened at 7 o'clock a.m. of the day of any election, including any primary election, and shall be kept open until 8 o'clock p.m. of the same day, when the polls shall be closed, except as provided in Section 14436.

Change of time

14208. By resolution adopted prior to the publication of notice of an election, the election board of any city may provide that the polls shall be opened at 7 o'clock a.m. of the day of any election, including any primary election, and be kept open until 8 o'clock p.m. of the same day, when the polls shall be closed, except as provided in Section 14436.

Voting

14209. Voting may commence as soon as the polls are opened and may be continued during the time the polls remain open.

Alcoholic beverages

14210. A place where any alcoholic beverage is sold or dispensed shall not be used as a polling place. A polling place shall not be connected by a door, window or other opening with any place where any alcoholic beverage is sold or dispensed.

Soliciting vote

14211. No person, within 100 feet of a polling place, shall solicit a vote or speak to a voter on the subject of marking his ballot.

Electioneering

14212. No person, including an election officer, shall do any electioneering on election day within 100 feet of any polling place.

Persons within voting booth area

14213. Only voters engaged in receiving, preparing, or depositing their ballots and persons authorized by the precinct board to keep order and enforce the law may be permitted to be within the voting booth area before the closing of the polls.

Exhibiting ballot box

14214. Before receiving any ballots the precinct board, in the presence of any persons assembled at the polling place, shall open and exhibit and close the ballot box. Thereafter the ballot box shall not be removed from the polling place or presence of the bystanders until all the ballots are counted, nor opened until after the polls are finally closed.

Roster

14215. The roster to be kept by each precinct board shall be substantially in the following form:

ROSTER

of the _____ election held in the _____ precinct _____ district, County of _____, on the _____ day of _____ 19___.

Following are the voters of above precinct desiring to vote under provisions of Sections 14402, 14404, 14405, 14406, and 14409 of the Elections Code:

No.	Signature of voter	Residence of voter
1		
2		
3		
etc.		

We hereby certify that all voters whose signatures appear hereinbefore in this roster voted this day excepting the following who, after signing the roster, failed to vote or were challenged and denied the right to vote.

No.	Name	No.	Name

We further certify that the number of voters who voted in this precinct at this election is _____, and that the above list of voters, less those who did not vote as enumerated, constitutes the roster of this precinct for this election.

_____ _____
Clerk Inspector

_____ _____
Clerk Judge

_____ _____
Clerk Judge

Absence of board members

14216. Not more than two members of any precinct board may be absent from the polling place at any one time.

Language at polls

14217. All proceedings at the polls shall be conducted in the English language. No election official while on duty shall speak other than in the English language.

Use of desk used by precinct board

14218. No person other than members of the precinct board, and persons while signing their names on the list of persons voting, shall be permitted during the hours within which voting is in progress to sit at the desk or table used by the precinct board

Inspection of roster

Any person may inspect the roster at any time during which voting is in progress and votes are being counted.

(Added by Stats. 1961, Ch. 800.)

Article 2. Challenges

Grounds for oral challenge

14240 A person offering to vote may be orally challenged by any voter of the county upon any or all of the following grounds:

(a) That he is not the person whose name appears on the register.

(b) That he has not resided within the State one year next preceding the election.

(c) That he has not been a naturalized citizen of the United States for 90 days prior to the election.

(d) That he has not resided within the county for 90 days preceding the election.

(e) That he has not resided within the precinct for 54 days next preceding the election.

(f) That he has voted that day.

(g) That he has been convicted of an infamous crime.

(h) That he has been convicted of the embezzlement or misappropriation of public money.

(Amended by Stats. 1961, Ch 56.)

[ORIGINAL SECTION]

14240. A person offering to vote may be orally challenged by any voter of the county upon any or all of the following grounds:

(a) That he is not the person whose name appears on the register.

(b) That he has not resided within the State one year next preceding the election.

(c) That he has not been a naturalized citizen of the United States for 90 days prior to the election

(d) That he has not resided within the county for 90 days preceding the election

(e) That he has not resided within the precinct for 54 days next preceding the election.

(f) That he has voted that day.

(g) That he has been convicted of an infamous crime

(h) That he has been convicted of the embezzlement or misappropriation of public money.

(i) That he cannot read as required by the Constitution and does not appear by statement in his affidavit of registration to be entitled to vote notwithstanding such inability.

Exceptions

14241. The grounds for challenge set forth in subdivisions (d) and (e) of Section 14240 shall not apply to any person duly registered as a voter in any county in California and removing from that county to another county in California within 90 days prior to an election.

Oath of identity

14242. If the challenge is on the ground that the person seeking to vote is not the person whose name appears on the register, the inspector shall tender him the following oath: "You do swear (or affirm) that you are the person whose name is entered on the register."

Residence in State

14243. If the challenge is on the ground that the person seeking to vote has not resided in the State for one year next preceding the election, the person challenged shall be sworn to answer questions, and after he is sworn the inspector shall ask him:

(a) Have you resided in this State for one year immediately preceding this election?

(b) Have you been absent from this State within one year immediately preceding this election? If yes, then,

(c) When you left, did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?

(d) Did you while absent regard this State as your home?

(e) Did you while absent vote in any other state?

(f) Such other questions as may be necessary to a determination of the challenge.

Residence in county or precinct

14244. If the challenge is on the ground that he has not resided in the county for 90 days or precinct for 54 days next preceding the election, the person challenged shall be sworn to answer questions, and after he is sworn, the inspector shall ask him:

(a) When did you last come into this county or election precinct?

(b) When you came into this county or precinct, did you come for a temporary purpose merely or for the purpose of making it your home?

(c) Did you come into this county or precinct for the purpose of voting here?

(d) Any other questions which may be necessary to a determination of the challenge.

Oath as to not having voted

14245. If the challenge is on the ground that the person challenged has voted that day, the inspector shall tender to the person challenged this oath:

"You do swear (or affirm) that you have not voted this day."

Conviction of crime

14246. If the challenge is on the ground that the person challenged has been convicted of an infamous crime or that he has been convicted of the embezzlement or misappropriation of public money, he shall not be questioned, but the fact may be proved by the production of an authenticated copy of the record or by the oral testimony of two witnesses.

14247. (Repealed by Stats. 1961, Ch. 56.)

[ORIGINAL SECTION]

14247. If the challenge is on the ground that the person challenged can not read as required by the Constitution, the challenge shall be determined by the board by the inspection of the affidavit of registration and by requiring the person offering to vote, if it does not appear from the affidavit that the person is entitled to vote notwithstanding such inability, to read any consecutive 100 words of the Constitution of the State selected by the judges

Sufficiency of oath

14248. Challenges upon the grounds either that the person challenged is not the person whose name appears on the register or that he has voted on that day shall be determined in favor of the party challenged by his taking the oath tendered.

Determination of oath challenge

14249. Challenges for causes other than those specified in Section 14248 shall be tried and determined by the precinct board at the time of the challenge.

Refusal to take oath

14250. If any person challenged refuses to take the oaths tendered or refuses to be sworn and to answer the questions touching the matter of residence, he shall not be allowed to vote.

Reading of rules

14251. Before administering an oath to a person touching his place of residence, the inspector, if requested by any person, shall read to the person challenged the rules prescribed by Section 14250 and Article 3 (commencing at Section 14280) of this chapter.

Lists of challenges

14252. The precinct board shall cause one of the clerks to keep a list showing:

(a) The names of all persons challenged.

(b) The grounds of each challenged.

(c) The determination of the board upon the challenge.

Article 3. Determination of Residence

Term of residence

14280. The term of residence is computed by including the day on which the person's residence commenced and by excluding the day of the election.

Application of provisions

14281. The precinct board in determining the place of residence of any person shall be governed by the rules set forth in this article, as far as they are applicable.

Definition of residence

14282. The residence of a person is that place in which his habitation is fixed and to which, whenever he is absent, he has the intention of returning.

Circumstances not affecting residence

14283. A person does not gain or lose residence solely by reason of his presence at or absence from a place while employed in the service of the United States or of this State, nor while engaged in navigation, nor while a student of any institution of learning, nor while kept in an almshouse, asylum or prison. This section shall not be construed to prevent a student at an institution of learning from qualifying as an elector in the locality where he resides while attending that institution, when in fact the student has abandoned his former residence.

Temporary absence

14284. A person who leaves his home to go into another state or precinct in this State for temporary purposes merely, with the intention of returning, does not lose his residence.

Temporary presence

14285. A person does not gain a residence in any precinct into which he comes for temporary purposes merely, without the intention of making that precinct his home.

Intent to change residence

14286. If a person removes to another state with the intention of making it his residence, he loses his residence in this State.

Removal from State indefinitely

14287. If a person removes to another state as a place of permanent residence, with the intention of remaining there for an indefinite time, he loses his residence in this State, notwithstanding that he entertains an intention of returning at some future period.

Family residence

14288. The place where a man's family resides is his residence unless it is a place for temporary establishment for his family or for transient objects. Residence in a trailer or vehicle or at any public camp or camping ground may constitute a residence for voting purposes if the registrant complies with the other requirements of this article.

Residence away from family

14289. If a man has a family fixed in one place, and he does business in another, the former is his place of residence; but any man having a family, who has taken up his abode with the intention of remaining and whose family does not so reside with him, is a resident where he has so taken up his abode.

14290. The residence of the husband is the residence of the wife except as provided in Section 14289. Wife's residence

14291. The mere intention to acquire a new residence, without the fact of removal avails nothing, neither does the fact of removal without the intention. Intent to acquire residence

CHAPTER 3. CASTING OF BALLOTS

14400. If a voter does not have sufficient time outside of his working hours within which to vote at any general, direct primary or presidential primary election, he may, without loss of pay, take off so much working time as will, when added to his voting time outside his working hours, enable him to vote. Absence from employment

An employee may take off so much time as will enable him to vote, but not more than two hours of which shall be without loss of pay; provided, that he shall be allowed time off for voting only at the beginning or end of his regular working shift, whichever allows him the most free time for voting and the least time off from his regular working shift, unless otherwise mutually agreed.

If the employee on the third working day prior to the day of the election, knows or has reason to believe, that he will need time off to enable him to vote on election day, he shall give his employer at least two working days' notice that he desires time off in accordance with the provisions of this section. Notice to employer

14401. Not less than 10 days before every general, direct primary or presidential primary election, every employer shall keep posted conspicuously at the place of work, if practicable, or elsewise where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of Section 14400 of this code. Posting of provisions

14402. Any person desiring to vote shall announce his name and address in an audible tone of voice, and when one of the election officers finds the name in the register, the officer shall in a like manner repeat the name and address. The voter shall then write his name and address (or if he is unable to write, shall have the same written for him) on a roster of voters provided for that purpose, whereupon a challenge may be interposed as provided in Article 2 (commencing at Section 14240) of Chapter 2 of this division. Name to be written and announced

14403. Every person not entitled to vote who fraudulently votes, and every person who votes more than once at any one election, is guilty of a felony. Fraudulent voting

14404. If the surname of any woman offering to vote has been changed by reason of marriage or divorce since she has registered, she shall sign her name as it was before marriage or divorce and also her name as it is at the time she votes, indicating on the roster by brackets or other means that the two names are the name of one person. Name changed by marriage

14405. In all cases except those in which the name and address of the voter are written on the roster of voters for Comparison of signature

him, the election officer, in the presence and view of the bystanders, shall compare the signature of the voter on the roster of voters with the signature of that person on the register, and a ballot shall not be given to him until the comparison of signatures has been made.

Time for challenge

Until the comparison has been made the right of a voter to vote may be challenged. If the challenge is overruled, the election officer shall give the voter a ballot and the voter shall be allowed to vote.

One ballot to be given

14406. The election officer shall give each voter only one general ballot. Where any city officers are to be elected the voter shall also be given only one municipal ballot. At primary elections a voter shall receive only the ballot of the political party designated in his affidavit of registration. If he has not designated a political party in his affidavit of registration, he shall receive only the nonpartisan ballot.

Application for and receipt of ballot

14407. Unless otherwise provided by law no person shall apply for or receive any ballot at any precinct other than that in which he is entitled to vote.

Unauthorized receiving or delivery of ballot

14408. Unless otherwise provided by law a voter shall not receive a ballot from any person other than one of the election officers. No person other than an election officer or officer authorized by law shall deliver a ballot to any voter.

Instructions to use stamp

14409 In order to prevent voters from marking their ballots with a pencil, except for write-in votes, or otherwise contrary to law, whenever an election officer delivers a ballot to any voter he shall then distinctly state to the voter, so that he may be heard by the bystanders, that the voter shall mark the ballot with the stamp provided by law or the ballot will not be counted except that he may write in his choice of candidate for any office he desires.

(Amended by Stats. 1961, Ch 137.)

[ORIGINAL SECTION]

14409. In order to prevent voters from marking their ballots with a pencil or otherwise contrary to law, whenever an election officer delivers a ballot to any voter he shall then distinctly state to the voter, so that he may be heard by the bystanders, that the voter shall mark the ballot with the stamp provided by law or the ballot will not be counted

Occupation of booths

14410. Booths shall not be occupied by more than one person at a time. Voters shall not remain in or occupy a booth longer than is necessary to prepare their ballots, which shall not exceed 10 minutes.

Direct retirement to booths

14411. On receiving his ballot the voter shall forthwith retire alone to one of the booths or compartments provided to prepare his ballot.

Voting stamp

14412. The voter, in voting, shall stamp a cross (+) in the voting square after the name of every candidate for whom he intends to vote, and this shall be counted as a vote for each person after whose name the voter has stamped the cross. He

Write-in

may vote for a candidate or person whose name is not printed on the ballot by writing a name for that office in the blank

space left for that purpose, in which case his vote for that office shall be counted for the person whose name is so written.

Voting for more than one candidate

14413. Where two or more candidates for the same office are to be elected, and the voter desires to vote for candidates for that office, he shall stamp a cross (+) after the names of all the candidates for that office for whom he desires to vote, not exceeding, however, the number of candidates who are to be elected.

Measures

14414. If a measure is submitted to the voters, the voter shall mark his ballot by stamping in the appropriate voting square a cross (+) opposite the answer he desires to give as to that measure.

Use of stamp

14415. Except in the case of ballots marked by voters absent from their precincts on the day of election, all crosses on the ballot shall be made only with the stamp provided as required by law.

Identification mark

14416. A voter shall not place any mark upon his ballot by which it may be afterwards identified as the one voted by him.

Folding ballot

14417. Before leaving the voting booth or compartment the voter shall fold his ballot so that the number on the ballot appears on the outside, without displaying the marks on its face, and he shall keep it folded until he has voted.

Showing ballot

14418. After his ballot is marked a voter shall not show it to any person in such a way as to reveal its contents.

Depositing ballot in ballot box

14419. Having folded his ballot, the voter shall deliver it folded to the inspector, who shall announce in an audible tone of voice the name of the voter. The ballot clerk having in charge the copy of the index to the register shall repeat, in like manner, the name and shall write in the ruled space opposite the name, in figures, the line number designating the position of the name on the roster. The inspector shall then separate the slip containing the number from the ballot, hand the slip to the voter, and deposit the ballot in the ballot box in the presence of the voter.

Identical ballot to be returned

14420. A voter shall not deliver to the precinct board or to any of its members any ballot other than the one he has received from the officer authorized by law to furnish him with the ballot.

Two ballots folded together

14421. Every person who knowingly hands in two or more ballots folded together is guilty of a felony.

Receiving ballot

14422. Only a member of the precinct board may receive from any voter a ballot prepared by him. No person may examine or solicit the voter to show his ballot.

Aiding disabled voter

14423. When it appears from the register that a voter has declared under oath when he registered:

(a) That he cannot read, or

(b) That by reason of physical disability he is unable to mark his ballot, or when a voter declares under oath, administered by any member of the precinct board at the time he appears at the polling place to vote, that he is then unable to mark his ballot because of physical disability, he shall re-

Personal aides

ceive the assistance of not more than two persons of his own selection.

Marking not to be divulged

After assisting a voter no person shall divulge any information regarding the marking of the ballot.

Oath of aide

14424. The person assisting a voter in marking his ballot shall subscribe and take the following oath before assisting the voter:

State of California, County of _____, _____ Precinct, ss. _____ (here insert the name of the person assisting the voter) being duly sworn, says that he has been requested by _____ (here insert the name of the voter) to assist him in marking his ballot, and that he will never give any information regarding the same.

_____

Signature of person assisting the voter

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

_____

Signature of officer before whom oath is taken

Return to county clerk

14425. The affidavit provided for in Section 14424 may be sworn to before any election officer competent to administer an oath, and, with the indorsements on it, shall be returned to the county clerk with the other election materials and records.

Assisted voters list

14426. The election officers shall keep a list of the voters who have been assisted in marking their ballots. The list shall be returned to the county clerk and preserved with other election materials and records.

Spoiled ballot

14427. If a voter spoils or defaces the ballot first received, he shall at once return it to the ballot clerk and receive another.

Cancellation of spoiled ballot

14428. The precinct board shall immediately cancel, without unfolding them, all the spoiled ballots returned. The board shall write the word "spoiled" on the back of each spoiled ballot in ink or indelible pencil and return the spoiled ballots with the unused ballots.

Return of unvoted ballot

14429. Every voter who does not vote the ballot delivered to him shall, before leaving the polling place, return it to the ballot clerk having charge of the ballots, who shall immediately cancel and return it in the same manner as spoiled ballots.

Accounting for ballots

14430. The ballot clerks shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled ballots returned, the number of ballots given to them. The officers receiving returned ballots shall compel such an accounting.

Offenses by election officers

14431. Every inspector, judge, or clerk of a precinct board is guilty of a misdemeanor who:

(a) Prior to putting the ballot of a voter in the ballot box:

(1) Attempts to find out any name on the ballot.

(2) Opens or suffers to be opened or examined the folded ballot of any voter which has been handed in.

(3) Makes or places any mark or device on any folded ballot with a view to ascertaining the name of any person for whom the voter has voted.

(b) Without the consent of the voter, discloses the name of any person which the inspector, judge, or clerk has fraudulently or illegally discovered to have been voted for by the voter.

Each violation of this section is punishable by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500), or by imprisonment for not less than 30 days nor more than six months, or by both such fine and imprisonment.

Ballot numbers to be removed

14432. Members of the precinct board shall not deposit in the ballot box any ballot from which the slip containing the number of the ballot has not been removed by the inspector and handed to the voter. This provision does not apply to voting by absent voter ballot.

Disclosure of voters choice

14433. An election officer shall not disclose the name of any candidate for whom any voter has voted.

Questioning voter

14434. No person, at a polling place, shall ask another for whom he intends to vote.

Removal of ballots

14435. Unless otherwise provided by law no person shall remove any ballot from any polling place before the completion of the ballot count.

Closing polls

14436. When the polls are closed the precinct board shall proclaim that fact aloud at the place of election. After the proclamation no ballot shall be received. However, if at the hour of closing there are any other voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote.

Arrival after closing time

14437. Any one who arrives at the polling place after the time provided for closing the polls shall not be entitled to vote, even though the polls are open when he arrives.

Defacing unused ballots

14438. Immediately upon the closing of the polls and before any ballot is taken from any of the ballot boxes, the ballot clerks shall, in the presence of all persons in the room who may desire to observe them, proceed to deface every unused ballot by drawing across its face, in ink or indelible pencil, two lines which shall cross each other, the cross to be more than three inches square. The ballot clerks shall thereupon, immediately and before any ballots are taken from any ballot box, place all defaced ballots within an envelope.

Placing in envelope

Destruction of unused ballots

14439. Upon the day of an election, immediately upon the arrival of the hour when the polls are required by law to be closed, the county clerk in each county shall openly, in his main office, in the presence of as many persons as may there assemble to observe his act, proceed to destroy every unused ballot which remains in his control, and forthwith make and file his affidavit, in writing, as to the number of ballots so destroyed.

CHAPTER 4. ABSENT VOTING

Article 1. General Provisions

Liberal construction of chapter

14600. This chapter shall be liberally construed in favor of the absent voter.

"Clerk"

14601. Unless the context otherwise requires, as used in this chapter, "clerk" means county clerk, city clerk or in the case of a district election, the officer or board charged with the duty of conducting the district election.

Article 2. Application and Delivery of Ballot and Other Supplies

Person entitled to cast ballot

14620. Any voter who expects to be absent from his precinct, or who will be unable to vote therein by reason of physical disability, or who resides more than 10 miles from the nearest polling place by the most direct route for public travel, or who will be unable to go to his polling place on election day by reason of the fact that the tenets of his religion require his attendance at church or religious services on that day or otherwise prevent him from attending the polls throughout that day, or a voter residing within a precinct which is owned or controlled by the United States on the day on which any election is held may cast a ballot upon complying with the provisions of this chapter.

Application

14621. Not more than 29 nor less than seven days before any election, any voter entitled to vote by absent voter ballot, as provided in Section 14620, may file with the clerk, either in person or by mail, his written application for an absent voter's ballot. The application shall be signed by the applicant, shall show his place of residence, and shall make clear to the clerk the applicant's right to a ballot.

Applications received by the clerk under this section on or after the 60th day but prior to the 29th day before election shall not be returned to the sender, but shall be held by the clerk and processed by him following the 29th day prior to election in the same manner as if received at that time.

(Amended by Stats. 1961, Ch. 794.)

[ORIGINAL SECTION]

14621. Not more than 20 nor less than five days before any election, any voter entitled to vote by absent voter ballot, as provided in Section 14620, may file with the clerk, either in person or by mail, his written application for an absent voter's ballot. The application shall be signed by the applicant, shall show his place of residence, and shall make clear to the clerk the applicant's right to a ballot.

Applications received by the clerk under this section on or after the 60th day but prior to the 20th day before election shall not be returned to the sender, but shall be held by the clerk and processed by him following the 20th day prior to election in the same manner as if received at that time.

Absent war voter's ballot

14622. If a voter is a war voter he may make his application for an absent voter's ballot at any time not later than five

days before the election. The clerk shall mail the ballot as soon as possible after receipt of the application in order to permit compliance with the provisions of law relating to war voters' ballots and registration.

Comparison of signatures

14623. Upon receipt of an application for an absent voter's ballot within the proper time, the county clerk receiving it shall file it and then compare the signature on the application with the signature upon the original affidavit of registration and the place of residence as given in the application with that in the affidavit of registration. If it appears that the signature on the application is that of the person who signed the original affidavit of registration and that the place of residence as shown on the application is in the same precinct as appears on the affidavit, he shall deliver to the applicant personally or by mail at the mailing address given in the application an official ballot of the precinct of the applicant, an identification envelope, and a return envelope.

Delivery of ballot

Local elections

14624. The city clerk, or the secretary or any other officer in charge of an election in a district, upon receipt of an application for an absent voter's ballot within the proper time, shall file it and then deliver to the applicant personally or by mail at the mailing address given in the application an official ballot of the precinct of the applicant, an identification envelope and a return envelope. On or before the day of election, the city clerk or secretary or other officer in charge of an election in a district shall compare the signature on the application with the signature upon the original affidavit of registration and the place of residence as given in the application with that in the affidavit of registration. If it appears that the signature on the application is that of the person who signed the original affidavit of registration and that the place of residence as shown in the application is in the same precinct as appears on the affidavit, he shall so certify to the canvassing board at the time prescribed for processing and counting absent voter ballots.

(Amended by Stats. 1961, Ch. 794.)

[ORIGINAL SECTION]

14624 The city clerk, or the secretary or any other officer in charge of an election in a district, upon receipt of an application for an absent voter's ballot within the proper time, shall file it and then deliver to the applicant personally or by mail at the mailing address given in the application an official ballot of the precinct of the applicant, an identification envelope and a return envelope. On or before the day of election, the city clerk or secretary or other officer in charge of an election in a district shall compare the signature on the application with the signature upon the original affidavit of registration and the place of residence as given in the application with that in the affidavit of registration. If it appears that the signature on the application is that of the person who signed the original affidavit of registration and that the place of residence as shown in the application is in the same precinct as appears on the affidavit, he shall so certify to the election board at the beginning of the canvass of the ballots.

Refusal to deliver ballot

14625. Before delivering or mailing any ballot the clerk shall satisfy himself of the applicant's right to a ballot, and may refuse in a proper case to deliver or send it.

Use of air mail

14626. Whenever the clerk is required to mail an absent voter's ballot to any elector and the address to which the ballot is to be mailed is a point outside the territorial limits of the United States, he shall mail the absent voter's ballot to the elector by air mail, and, if by any law of the United States official election ballots may be mailed without the payment of postage, he shall do so.

Entry of ballot number, etc., on affidavit of registration

14627. Upon delivering or mailing an absent voter's ballot, the clerk shall enter on the application of the absent voter, or on his affidavit of registration, the number of the ballot and the date of delivering or mailing it. Before the election the clerk shall send to the inspector of each precinct in his county or city a list of the voters in that precinct applying for and receiving ballots under the provisions of this chapter.

Return of absent voter

14628. If an absent voter returns to his home precinct on election day, he shall not vote until he surrenders to the inspector of the precinct board the absent voter's ballot and other supplies mailed to him. The inspector of election shall return the unused absent voter's ballot with the unused ballots of the precinct.

Loss of ballot in transmission

14629. If an absent voter's ballot is lost in transmission to the voter, the county clerk shall send a second ballot to the voter upon receipt, before the day of election and a sufficient time after the transmission of the first ballot to justify the assumption that the first ballot was lost, of a notarized statement from the voter that he has not received a ballot. The envelope in which the second ballot is enclosed shall have plainly stamped or printed on it a warning that voting twice constitutes a felony.

If the voter attempts to vote more than one absent voter's ballot, both ballots shall be void.

Primary partisan ballot

14630. The clerk shall furnish to a voter applying for an absent voter's ballot for the presidential or direct primary only the ballot of that political party with which the voter declared himself affiliated, as shown by his affidavit of registration.

Nonpartisan ballot

14631. If a voter is not registered as intending to affiliate with any one of the political parties participating in the direct primary, the clerk shall furnish him a nonpartisan ballot only.

Supplies

14632. All supplies mentioned in this chapter and necessary for the use of the voter in preparing and returning his ballot shall be prepared and furnished by the clerk. No officer of this State may make any charge for services rendered to any voter under the provisions of this chapter.

Envelopes

14633. The identification envelope and return envelope provided for absent voter ballots shall be of such form, size and weight as may be necessary and convenient, as prescribed by the clerk. There shall be printed on the upper right-hand corner of the return envelope the words "Affix stamp here."

14634. The identification envelope shall have printed on its face a declaration substantially in the following form: Identification envelope

IDENTIFICATION ENVELOPE

State of_____}
County of_____} ss.

_____ declares: I am a resident of and a voter in _____, Precinct _____, in the City or Town of _____, County of _____, State of California, and I herein enclose my ballot in compliance with Chapter 4, Division 9, of the Elections Code. I declare under the penalty of perjury that the above declarations are to the best of my knowledge and belief true and correct.

_____
Date of signing

_____
(Signature)

_____
(Residence address)

Notice—When voting outside the office in which this ballot was issued, you must immediately return it by mail to the officer from whom it was received.

MARKED BALLOT ENCLOSED TO BE OPENED ONLY BY CANVASSING BOARD

Section 14632, second sentence, Elections Code: "No officer of this State may make any charge for services rendered to any voter under the provision of this chapter."

Any person making the declaration provided for in this section who willfully states as true any material matter which he knows to be false is punishable by imprisonment in the state prison for not less than one nor more than 14 years.

(Amended by Stats. 1961, Ch. 794.)

[ORIGINAL SECTION]

14634 The identification envelope shall have printed on its face a declaration substantially in the following form:

IDENTIFICATION ENVELOPE

State of_____}
County of_____} ss.

_____ declares: I am a resident of and a voter in _____, Precinct _____, in the City or Town of _____, County of _____, State of California, and I herein enclose my ballot in compliance with Chapter 4, Division 9, of the Elections Code I declare under the penalty of perjury that the above declarations are to the best of my knowledge and belief true and correct

_____
Date of signing

_____
(Signature)

_____
(Residence address)

Notice—When voting outside the office in which this ballot was issued, you must immediately return it by mail to the officer from whom it was received.

MARKED BALLOT ENCLOSED TO BE OPENED ONLY BY CANVASSING BOARD

Sec. 14632, second sentence, Elections Code: "No officer of this State may make any charge for services rendered to any voter under the provision of this chapter."

Any person making the declaration provided for in this section who willfully states as true any material matter which he knows to be false is punishable by imprisonment in the state prison for not less than one nor more than 14 years

Article 3. Voting

Voting at place of residence

14660. Any voter applying for and receiving an absent voter's ballot may, on any date prior to the second day before the day of the election for which the ballot is to be voted, appear at the office of the clerk of the county, city or district in which he resides and stamp or mark the ballot with pen or pencil and seal it under the scrutiny of that officer. The following procedure shall be followed:

(a) The voter shall first display the ballot to the clerk as evidence that it is not marked, and shall then proceed to mark the ballot in the presence of the clerk, but in such manner that the clerk is unable to see how it is being marked. The voter shall then fold the ballot and enclose it in the identification envelope.

(b) The voter shall then make out or cause to be made out and sign the declaration printed on the face of the envelope and deliver it properly sealed to the officer before whom the ballot is marked.

(c) Upon receipt of the envelope the clerk shall deposit the envelope in a safe place in his office, to be kept by him until the time prescribed for processing and counting absent voter ballots.

(Amended by Stats. 1961, Ch. 794.)

[ORIGINAL SECTION]

14660 Any voter applying for and receiving an absent voter's ballot may, on any date prior to the date of the election for which the ballot is to be voted, appear at the office of the clerk of the county, city or district in which he resides and stamp or mark the ballot with pen or pencil and seal it under the scrutiny of that officer. The following procedure shall be followed:

(a) The voter shall first display the ballot to the clerk as evidence that it is not marked, and shall then proceed to mark the ballot in the presence of the clerk, but in such manner that the clerk is unable to see how it is being marked The voter shall then fold the ballot and enclose it in the identification envelope.

(b) The voter shall then make out or cause to be made out and sign the declaration printed on the face of the envelope and deliver it properly sealed to the officer before whom the ballot is marked

(c) Upon receipt of the envelope the clerk shall deposit the envelope in a safe place in his office, to be kept by him and delivered to the proper canvassing board.

Voting machines

14661. In any county in which voting machines are used the clerk may provide in his office one voting machine for each assembly district in the county, on which a voter desiring to vote an absent voter's ballot may record his vote. An absent voter's board of three persons shall be appointed by the clerk to conduct the voting. One member of the board shall act as inspector for the period during which an absent voter's ballot may be voted. The inspector shall record on the absent voter's application the voter's public counter number and the date on which the vote was cast and shall sign his name on the application. He shall also keep a daily record of the number of the seals used in sealing the voting machines and the total readings of the public counter.

The provisions of Chapter 6 (commencing at Section 14900) of Division 9 of this code insofar as applicable shall govern voting by absent voters and the certification of the results, except that the voting compartments of the voting machines shall be sealed against scrutiny from the time that the voting commences until after the day of election.

Voting away from residence

14662. An absent voter, regardless of whether he is within or without the territorial limits of the United States, may mark his ballot and transmit it to the clerk by mail, in sufficient time to permit the ballot to be received by the clerk not less than three days before election day, if:

(a) In the case of any election conducted by the county clerk he is absent from his election precinct, or

(b) In the case of any other election, he is absent from the city or district of his residence, or

(c) He is unable because of disability to go to his polling place, or

(d) He is unable to go to his polling place on election day by reason of the fact that the tenets of his religion require his attendance at church or religious services on that day or otherwise prevent him from attending the polls throughout that day, or

(e) He resides more than 10 miles from the nearest polling place by the most direct route for public travel.

After marking his ballot the absent voter shall place it in the identification envelope. He shall then fill out and sign the declaration on the envelope and mail it to the office of the clerk of the locality in which he resides.

Upon receipt of the return envelope, on or before the third day before election day, containing the identification envelope, the clerk shall compare the voter's signature on the identification envelope with that appearing on his duplicate affidavit of registration and, if they compare, shall deposit the identification envelope in a safe place in his office to be kept by him until the time prescribed for processing and counting absent voter ballots. An identification envelope shall in no event be opened before the time for canvassing absent voter ballots.

(Amended by Stats. 1961, Ch. 794.)

[ORIGINAL SECTION]

14662. At any time on or before the date of an election, an absent voter, regardless of whether he is within or without the territorial limits of the United States, may mark his ballot and transmit it, on or before the day of election, to the clerk by mail if:

(a) In the case of any election conducted by the county clerk he is absent from his election precinct, or

(b) In the case of any other election, he is absent from the city or district of his residence, or

(c) He is unable because of disability to go to his polling place, or

(d) He is unable to go to his polling place on election day by reason of the fact that the tenets of his religion require his attendance at church or religious services on that day or otherwise prevent him from attending the polls throughout that day, or

(e) He resides more than 10 miles from the nearest polling place by the most direct route for public travel.

After marking his ballot the absent voter shall place it in the identification envelope. He shall then fill out and sign the declaration on the envelope and mail it, on or before the day of election, to the office of the clerk of the locality in which he resides.

Upon receipt of the return envelope containing the identification envelope, postmarked on or before the day of election, the clerk shall compare the voter's signature on the identification envelope with that appearing on his duplicate affidavit of registration and, if they compare, shall deposit the identification envelope in a safe place in his office to be kept by him until the time prescribed for counting such ballots. An identification envelope shall in no event be opened before the time for canvassing absent voter ballots.

War voter: Registration after discharge

14663. If any war voter is released from service after the closing date of registration for an election and has returned to the county of his residence and is not a registered voter, he may apply in person to the county clerk for permission to register. If the elector furnishes documentary proof he was released from service after the closing date of registration for the election, the clerk shall allow him to be registered and to vote in the election. On or before the day of election the county clerk shall deliver to the precinct board the affidavits of registration of war voters registered under the provisions of this section.

Return to county

14664. If any war voter to whom an absent voter's ballot has been mailed and which ballot has not been voted by him shall return to the county in which he is registered on or before election day, he may apply to the county clerk for permission to vote. The county clerk shall require him to sign an authorization to cancel the absent voter's ballot previously issued when it is returned to the county clerk. The clerk shall then issue another absent voter's ballot to the war voter, to be voted in the clerk's office, or the clerk shall certify to the precinct board that the war voter is eligible to vote in the precinct polling place of his residence upon complying with the other requirements of this code.

Registration after return

14665. If any war voter returns to the county of his residence after the final day for making application for an absent voter ballot, he may appear before the clerk and make application for registration, absent voter ballot, or both. The clerk shall register the voter, if he is not registered, and deliver to

him an absent voter ballot which may be voted in the clerk's office or voted outside the clerk's office on or before the third day before the day of election and returned as are other absent voter ballots.

(Amended by Stats. 1961, Ch. 794.)

[ORIGINAL SECTION]

14665 If any war voter returns to the county of his residence after the final day for making application for an absent voter ballot, he may appear before the clerk and make application for registration, absent voter ballot, or both. The clerk shall register the voter, if he is not registered, and deliver to him an absent voter ballot which may be voted in the clerk's office or voted outside the clerk's office on or before the day of election and returned as are other absent voter ballots.

Application for absent voter's ballot

14666. If a registered war voter is unable to appear at his polling place because of being recalled to service after the final day for making application for an absent voter's ballot, but not less than three days before the day of election, he may appear before the clerk and make application for an absent voter's ballot. The clerk shall deliver to him an absent voter's ballot which may be voted in the clerk's office or voted outside the clerk's office on or before the third day before the day of election and returned as are other absent voter's ballots.

(Amended by Stats. 1961, Ch. 794.)

[ORIGINAL SECTION]

14666 If a registered war voter is unable to appear at his polling place because of being recalled to service after the final day for making application for an absent voter's ballot, he may appear before the clerk and make application for an absent voter's ballot The clerk shall deliver to him an absent voter's ballot which may be voted in the clerk's office or voted outside the clerk's office on or before the day of election and returned as are other absent voters' ballots

Time for return of ballots

14667. All ballots cast under the provisions of this chapter shall, in order that they may be counted, be received by the clerk from whom they were received not less than three days before the date of the election in which they are to be counted.

(Amended by Stats. 1961, Ch. 794)

[ORIGINAL SECTION]

14667. All ballots cast under the provisions of this chapter shall, in order that they may be counted, be received by the clerk from whom they were received within six days after the date of the election in which they are to be counted.

Article 4. Penal Provisions

Attempting to aid or abet fraud

14690. Any person attempting to aid or abet fraud in connection with any vote cast or to be cast, or attempted to be cast, under the provisions of this chapter is guilty of a felony, punishable by imprisonment for not less than one nor more than five years.

Forgery

14691. Any person attempting to vote an absent voter's ballot by fraudulently signing the name of a regularly qualified voter is guilty of forgery.

Disqualification of public official

14692. Any public official who knowingly violates any of the provisions of this chapter, and thereby aids in any way the illegal casting or attempting to cast a vote, or who connives to nullify any of the provisions of this chapter in order that fraud may be perpetrated, shall forever be disqualified from holding office in this State, and shall forever be disqualified from exercising the right of franchise, and upon conviction shall be sentenced to a state prison for not less than one nor more than five years.

CHAPTER 5. VOTING BY PERSONS UNABLE TO ATTEND THEIR POLLING PLACES ON ELECTION DAY

Absent voting

14800 On election day any voter unable to go to the polls because of illness or disability incurred after the closing date for absent voter ballot applications, resulting in his confinement in a hospital, sanatorium, or nursing home, may request in a writing, signed by him, that the clerk send him an absent voter ballot. The clerk shall deliver the ballot, at the office of the clerk, to any authorized representative of the voter possessing a letter from the voter's physician or practitioner stating that the voter is a patient in a hospital, sanatorium, or nursing home, and giving the date of admittance thereto.

After marking his ballot the voter shall place it in the identification envelope. He shall then fill out and sign the declaration on the envelope and return it to the office of the clerk in sufficient time to permit the ballot to be received on or before the closing of the polls on election day.

Upon receipt of the envelope the clerk shall compare the voter's signature on the identification envelope with that appearing on his duplicate affidavit of registration and, if they compare, shall deposit the envelope in a safe place in his office to be kept by him until the polls are closed. Thereafter, the clerk shall count these ballots and add them to the totals for absent voter ballots.

The procedure authorized by this section shall be subject to all other provisions of this code relating to absent voting insofar as those provisions are not inconsistent with the provisions of this section.

(Amended by Stats. 1961, Ch. 794.)

[ORIGINAL SECTION]

14800 On election day any voter unable to go to the polls because of illness or disability incurred after the closing date for absent voter ballot applications, resulting in his confinement in a hospital, sanatorium, or nursing home, may request in a writing, signed by him, that the clerk send him an absent voter ballot. The clerk shall deliver the ballot, at the office of the clerk, to any authorized representative of the voter possessing

a letter from the voter's physician or practitioner stating that the voter is a patient in a hospital, sanatorium, or nursing home, and giving the date of admittance thereto.

After marking his ballot the voter shall place it in the identification envelope. He shall then fill out and sign the declaration on the envelope and return it to the office of the clerk.

Upon receipt of the envelope the clerk shall compare the voter's signature on the identification envelope with that appearing on his duplicate affidavit of registration and, if they compare, shall deposit the envelope in a safe place in his office to be kept by him until the time prescribed for counting such ballots.

The procedure authorized by this section shall be subject to all other provisions of this code relating to absent voting insofar as those provisions are not inconsistent with the provisions of this section.

CHAPTER 6. VOTING MACHINES

Article 1. General Provisions

Voting machines authorized

14900. At all statewide, county, city, and district elections of any character held in this State, ballots or votes may be cast, registered, recorded and counted by means of voting machines, as provided in this chapter and in compliance with Section 6 of Article II of the State Constitution.

References to applicable provisions

14901. The provisions of all state laws relating to elections and of any city charter or ordinance not inconsistent with this chapter apply to all elections in districts or precincts where voting machines are used.

Conflicting provisions not applicable

14902. Any provision of law or of any city charter or ordinance which conflicts with this chapter shall not apply to the districts or precincts in which voting machines are used. All acts, parts of acts, city charters, or ordinances, in conflict with any of the provisions of this chapter, are of no force or effect in election districts or precincts where voting machines are used.

Liberal construction

14903. This chapter shall be liberally construed so that the real will of the electors will not be defeated by any informality or failure to comply with all of the provisions of the law.

Article 2. Definitions

Definitions

14930. Unless the context otherwise requires, the definitions set forth in this article shall govern the construction of this chapter.

"Ballot label"

14931. "Ballot label," means that portion of cardboard, paper or other material placed on the front of the machine, containing the names of the candidates or a statement of a measure.

"Diagram"

14932. "Diagram" means the sample ballot which is an illustration of the official ballot placed upon the machine, showing the names of the parties, offices and candidates, and statements of the measures in their proper places, together with the voting device to be used.

Form of ballot label

14933. The ballot labels for measures shall contain a condensed statement in, where possible, not more than 20 words

of each measure to be voted on, accompanied by the words "Yes" and "No."

Attorney General to prepare

14934. The ballot label for measures to be voted on throughout the State shall be composed by the Attorney General and shall be a condensed statement of the ballot title prepared by him.

"Irregular ballot"

14935. "Irregular ballot" means the paper or other material on which a vote is cast for persons whose names do not appear on the ballot labels.

"Vote indicator"

14936. "Vote indicator" means those devices with which votes are indicated for candidates or for or against measures.

"Counters"

14937. "Counters" means the counters on which are registered the votes cast for candidates and on measures.

"Public counter" or "protective counter"

14938. "Public counter" or "protective counter" means a counter or device that will register each time the machine is operated.

"Voting machine booth"

14939. "Voting machine booth" means the inclosure occupied by the voter when voting.

"Model"

14940. "Model" means a mechanically operated model of a portion of the face of the machine illustrating the manner of voting.

"Statement of votes cast"

14941. "Statement of votes cast" means a statement and return in book or sheet form of the votes cast at any election together with suitable certificates of its correctness.

"Commission"

14942. "Commission" means the State Commission on Voting Machines and Vote Tabulating Devices.

"Commissioner"

14943. "Commissioner" means a member of the State Commission on Voting Machines and Vote Tabulating Devices.

"Clerk"

14944. "Clerk" means the county clerk or other officer having charge of elections in any county or city in this State.

Article 3. Approval of Voting Machines and Vote Tabulating Devices

State Commission on Voting Machines

14970. The Governor, Secretary of State, and Attorney General, and their successors in office are the State Commission on Voting Machines and Vote Tabulating Devices. Any reference in the law to the State Commission on Voting Machines shall be construed to refer to the State Commission on Voting Machines and Vote Tabulating Devices. The Governor shall be chairman and the Secretary of State shall be secretary of the commission.

Two members of the commission constitute a quorum of the commission, and no action shall be taken by the commission with respect to the approval of a voting machine or vote tabulating device in the absence of a quorum.

The secretary may make all arrangements for the time and place to examine voting equipment proposed to be sold in this State. He shall furnish a complete report of the findings of the examining engineers to each member of the commission.

Same Composition

14971. The Chairman of the Senate Standing Committee on Elections and the Chairman of the Assembly Standing Com-

mittee on Elections and Reapportionment shall meet with the commission and participate in the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. For the purposes of this chapter, the chairmen of the committees named shall constitute a joint interim legislative committee on the subject of this chapter and shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

Approval of machine

14972. No voting machine or vote tabulating device shall be used unless that type of machine or device has received the approval of the commission prior to any election at which it is to be first used.

Application for examination

14973. Any person or corporation owning or being interested in any voting machine or vote tabulating device may apply to the commission to examine it and report on its accuracy and efficiency to register the votes cast or tabulated on it.

Examination of machine

14974. The commissioners shall examine all voting machines or vote tabulating devices, which are offered for their inspection, and which have not previously received the approval of a majority of the commission, in order to determine whether they comply with the requirements of law.

Employment of technicians

Payment

14975. For the purpose of assistance in examining a voting machine or vote tabulating device the commissioners may employ not more than three expert electronic technicians at a cost of not more than ten dollars ($10) per hour for each electronic technician employed. The compensation of the electronic technicians shall be paid by the person or corporation submitting the machine or device.

The commission may require the person or corporation submitting the machine or device to deposit sufficient funds to guarantee the payment of the examination charges. The Secretary of State may deposit the funds in an appropriate treasury trust account and, within 30 days after his report of examination, draw a refund check to the credit of the person or corporation for any amount in excess of costs.

Report of commission

14976. Within 30 days after completing the examination of any voting machine or vote tabulating device, the commissioners shall make and file with the Secretary of State a report stating whether in the opinion of the commission the kind of machine or device examined can safely be used. The report shall also contain a written or printed description and drawings and photographs clearly identifying the machine or device and its mechanical operation.

Description

Approval

14977. If the report states that the machine or device can be used, it shall be deemed approved by the commissioners and machines or devices of its kind may be adopted for use at elections.

Improvement or change of machines

14978. When the machine or device has been approved by the commissioners any improvement or change that does not impair its accuracy and efficiency shall not render necessary a re-examination or reapproval.

Copy of report

14979. Within 10 days after receiving the report of the commission, the Secretary of State shall send a copy to the election board.

Public hearing

14980. Prior to giving its decision approving or withholding approval of any voting machine or vote tabulating device the commission shall hold a public hearing to give persons interested an opportunity to express their views for or against the machine or device.

Notice of hearing

The commission, through the Secretary of State, shall give notice of the hearing in the manner prescribed in Section 6064 of the Government Code in a newspaper of general circulation published in Sacramento County. The Secretary of State shall also transmit written notice of the hearing, at least 30 days prior to the hearing, to each county clerk, to any person that the Secretary of State believes will be interested in the hearing, and to any person who requests, in writing, notice of any such hearing

Decision in writing

The decision of the commission, either approving or withholding approval of a voting machine or vote tabulating device, shall be in writing and shall state the findings of the commission The decision shall be filed with the Secretary of State and shall be open to public inspection.

Withdrawal of approval

14981. The commission, in connection with the approval of any voting machine or vote tabulating device under this article, may reserve the right to withdraw its approval should the machine or device prove defective or otherwise unacceptable after use in any election

Revocation of prior approval

14982 The commission's approval, heretofore given, of any device designed to tabulate returns by the electronic recordation of impressions from a ballot is revoked.

Inspection of approved machines

14983 The county clerk in any county using voting machines or vote tabulating devices approved by the commission shall inspect the machines or devices once every two years to determine whether they are tabulating votes accurately, but no such inspection shall be made within the six-month period prior to any statewide election. The inspection shall be made in accordance with regulations adopted and promulgated by the commission

If the county clerk finds that the machines or devices are tabulating votes accurately, in accordance with the regulations of the commission, he shall certify that fact to the commission.

(Added by Stats 1961, Ch. 1775.)

Re-examination

14984 If the commission has reason to believe that a local inspection of voting machines or vote tabulating devices is not adequate, it may cause the machines or devices to be re-examined, at any time prior to six months before a statewide election, to insure that they tabulate votes accurately.

For the purpose of re-examining a voting machine or vote tabulating device the commission may employ not more than three expert technicians at a cost of not more than five dollars ($5) per hour for each technician employed. The compensa-

tion of the technicians shall be paid by the county using the machine or device examined.

The Secretary of State may make all arrangements for the time and place to examine the voting machine or tabulating device, and shall furnish a complete report of the findings of the examining engineers to each member of the commission, to each county clerk or registrar of voters, to the chairmen of the elections committees of the Assembly and Senate, and to the manufacturer of the equipment.

If the commission finds that any machine or device no longer meets the requirements of this code, it may disqualify the particular machine or device, and the machine or device may no longer be used by the county for any election.

Voting machines may be used with the consent of the board of supervisors by a local school district to provide instruction to students, if payment for the expenses incident to the use of such machines is approved by the governing body of the local school district.

(Added by Stats. 1961, Ch. 1775.)

Article 4. Requisites of Voting Machines

15010. The commission shall not approve any voting machine unless it fulfills the requirements of this article. Requisites for approval

15011. A voting machine shall secure to the voter secrecy in the act of voting. Secrecy

15012. A voting machine shall provide facilities for voting for the candidates of as many political parties or organizations as may make nominations, and for or against measures. Adequate facilities

15013. A voting machine shall permit the voter to vote for any person for any office for which he has the right to vote, but none other. Restricted vote

15014. A voting machine shall, except at primary elections, permit the voter to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties. Choice of candidate

15015. A voting machine shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more. Same

15016. A voting machine shall prevent the voter from voting for the same person more than once for the same office. One vote for candidate

15017. A voting machine shall permit the voter to vote for or against any measure he may have the right to vote on, but none other. One vote for measure

15018. A voting machine shall correctly register or record all votes cast for any and all persons and for or against any and all measures. Record vote cast

15019. When used in primary elections a voting machine shall be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine. Locking out rows

Locking mechanism

15020. A voting machine shall be provided with a lock or locks by which all operation of the registering mechanism can be prevented as soon as the polls are closed.

"Protective device"

15021. A voting machine shall be provided with a "protective counter" or "protective device" whereby any operating or tampering with the machine before or after the election will be detected.

The protective counter or protective device shall be so constructed and so connected that it cannot be reset, altered, or operated, except by operating the machine.

Voting counter

15022. A voting machine shall be provided with a counter which shall show at all times during an election how many persons have voted.

Mechanical model

15023. A voting machine shall be provided with a mechanical model, suitable for the instruction of voters, illustrating the manner of voting on the machine.

Grouping

15024. A voting machine shall provide in the general election for grouping under the name of the office to be voted on, all the candidates for the office with the designation of the parties, if any, by which they were respectively nominated.

The designation may be by usual or reasonable abbreviation of party names.

Same order as ballots

15025. Voting machines shall provide for the same order of the list of candidates for any office as on ballots where voting machines are not used.

Party lines

15026. The voting devices for the candidates at primary elections shall be arranged in separate parallel party lines, one or more lines for each party, and in parallel office rows transverse thereto, and for general elections shall conform as nearly as practicable to the form of ballot provided for general elections where voting machines are not used.

Presidential candidates and electors

15027. If the voting machine is so constructed that a voter can cast a vote in part for presidential electors of one party and in part for those of one or more other parties or those not nominated by any party, it may also be provided with: (a) one device for each party for voting for all the presidential electors of that party by one operation; and (b) a ballot label therefor containing only the words "presidential electors" preceded by the name of the party and followed by the names of its candidates for the offices of President and Vice President; and (c) a registering device therefor which shall register the vote cast for the electors when thus voted collectively.

If a voting machine is so constructed that a voter can cast a vote in part for delegates to a national party convention of one party and in part for those of one or more other parties or those not nominated by any party, it may be provided with one device for each party for voting by one operation for each group of candidates to national conventions which may be voted for as a group according to the law governing presidential primaries.

(Amended by Stats. 1961, Ch. 835.)

[ORIGINAL SECTION]

15027. If the voting machine is so constructed that a voter can cast a vote in part for presidential electors of one party and in part for those of one or more other parties or those not nominated by any party, it may also be provided with: (a) one device for each party for voting for all the presidential electors of that party by one operation and; (b) a ballot label therefor containing only the words "presidential electors" preceded by the name of the party and followed by the names of its candidates for the offices of President and Vice President; and (c) a registering device therefor which shall register the vote cast for the electors when thus voted collectively.

If a voting machine is so constructed that a voter can cast a vote in part for delegates to a national party convention of one party and in part for those of one or more other parties or those not nominated by any party, it may be provided with one device for each party for voting by one operation for each group of candidates to national conventions which may be voted for as a group according to the law governing presidential primaries.

15028. No straight party voting device shall be used except for delegates to a national convention or for presidential electors. Straight party voting devices

Article 5. Adoption of Machines by Local Officers

15050. The election board may adopt for use at elections any kind of voting machine approved by the commission or the use of which has been specifically authorized by law. The voting machine may be used at any or all elections held in any county, city, or any of their political subdivisions for voting, registering and counting votes cast. Adoption of approved machines. Use.

15051. Voting machines of different kinds may be adopted for different districts in the same county, city, or political subdivision of either. Different machines

15052. The election board adopting voting machines, as soon as practicable after adopting them, shall provide for each polling place one or more voting machines in complete working order. When the machines are not in use at an election, the election board shall have the custody of them and of the furniture and equipment of the polling place. Election board shall have custody

15053. If it is impracticable to supply each election district with a voting machine at any election following their adoption, the election board may supply as many as it is practicable to procure, and may specify in which election district or precincts within its jurisdiction the machines will be used. Limited supply

15054. The election board, without formally adopting a machine which it might lawfully adopt, may provide for its experimental use at an election in one or more precincts. Its use at the election is as valid for all purposes as if it were lawfully adopted. Experimental use

15055. The board of supervisors or election board and the legislative bodies of cities may provide for the payment of the costs of a voting machine in such manner and by such method as they may deem for the best local interests, and also may for that purpose issue bonds, certificates of indebtedness, or other obligations which shall be a charge on the county or city. The Manner of payment. Bonds

bonds, certificates, or other obligations may be issued with or without interest, payable at such time as the authorities may determine, but shall not be issued or sold at less than par.

Article 6. Ballots

Ballot label

15080. The ballot label shall be printed by the clerk in black ink on clear material of such size as will fit the machine, of such color as may be determined by the clerk, and in as plain, clear type as the space will reasonably permit.

(Amended by Stats. 1961, Ch. 647.)

[ORIGINAL SECTION]

15080. The ballot label shall be printed by the clerk in black ink on clear white material of such size as will fit the machine and in as plain, clear type as the space will reasonably permit.

Official ballot

15081. The list of offices and candidates and the statements of measures used on the voting machines is an official ballot.

Furnishing of ballot labels

15082. The clerk shall furnish sufficient ballot labels for the voting machines used at any election.

Sample ballot

15083. The officers or board charged with the duty of providing ballots for any polling place shall provide the polling place with two sample ballots which shall be arranged in the form of a diagram showing that part of the face of the voting machine which will be in use at that election.

Size

15084. The sample ballots shall be either in full or reduced size and shall contain suitable illustrated directions for voting on the voting machine.

Inspection

15085. The sample ballots shall be open to public inspection at the polling place during the election day.

Ballot larger than machine

15086. If the ballot is larger than the voting machine can accommodate, the clerk may place the ballot upon more than one voting machine or place part of the ballot upon the voting machine and the remainder upon paper.

Use of machine and ballot

15087. Where both voting machines and paper ballots are used, the names of candidates shall as far as possible be placed upon the voting machines.

Application of laws

15088. The laws relating to voting machines and paper ballots generally, so far as applicable, shall apply respectively to that part voted upon voting machines and that part voted upon paper.

Ballot label sets

15089. Two sets of ballot labels shall be provided for each voting machine for each election. The ballot labels shall be delivered to the officer in charge of the voting machines at least 10 days before the election.

Presidential primary ballot

15090. At the presidential primary, if the voting machine will accommodate it, the county central committee election ballot shall be placed upon the voting machine together with the presidential primary ballot.

Article 7. Precincts and Election Officers

Precincts

15110. Subject to the limitations set forth in Section 1565, the officers charged with the duty of creating election precincts, at any time on or before the 40th day preceding any election, may create, unite, divide, or combine the election precincts in which voting machines are to be used.

(Amended by Stats. 1961, Ch. 457.)

[ORIGINAL SECTION]

15110. The officers charged with the duty of creating election precincts, at any time on or before the 40th day preceding any election, may create, unite, divide, or combine the election precincts in which voting machines are to be used.

Precinct boards

15111. In the filling of any vacancy in a precinct board that may occur within 10 days of the day of election, the election board may appoint, without reference to a particular precinct, to any such vacancy any voter who has been fully instructed in the use and operation of the voting machine and is competent to act in either capacity as inspector or judge of election.

Article 8. Preliminaries to Opening Polls

Clerk to put machine in order

15140. The clerk shall place the proper ballot labels on the machines, corresponding with the sample ballots provided for in this chapter, and shall put the machine in order, ready for use in voting.

Assistants

15141. For the purpose of labeling, putting in order, setting, and arranging the machine, the clerk shall employ competent persons who shall be sworn to perform their duties honestly and faithfully.

(Amended by Stats. 1961, Ch. 835.)

[ORIGINAL SECTION]

15141. For the purpose of labeling, putting in order, setting, and arranging the machine, the clerks shall employ competent persons who shall be sworn to perform their duties honestly and faithfully.

Qualifications

15142. The clerk shall not appoint any person to label, put in order, set, or arrange any voting machine unless he is fully qualified to perform his duties in connection with the complete preparation of the machines for the election and the instruction of the election officers and voters.

Duties

15143. The assistants mentioned in Sections 15141 and 15142 shall, under the direction of the clerk, label, put in order, set, arrange, and deliver the machines to the polling places of the election district in which the election is to be held, together with all furniture and appliances necessary for the proper conduct of the election, at least five hours before the time set for the opening of the polls on election day.

Arranging machines

15144. In preparing a voting machine for an election, the clerk shall, according to the printed directions furnished,

thoroughly test the machine and arrange the machine and the ballot labels so that the machine will in every particular meet with the requirements for voting and counting at the election.

Notice to political parties

15145. Before preparing a voting machine for any general election, the clerk shall mail written notice to the chairman of the county central committee of at least two of the principal political parties, stating the time and place where machines will be prepared. At the specified time one representative of each of the political parties shall be afforded an opportunity to see that the machines are in proper condition for use in the election.

Representatives

Oath

Seal

The party representatives shall be sworn to perform faithfully their duties but shall not interfere with the officials or assume any of their duties. When a machine has been so examined by the representatives, it shall be sealed with a numbered metal seal. The representatives shall certify to the number of the machines; whether all of the counters are set at zero (000); and the number registered on the protective counter, and on the seal.

Inspection of machines

15146. After the preparation of the machines, a member of the precinct board or someone duly authorized, other than the person who has prepared them for the election, shall inspect each machine and report in writing whether all of the registering counters are set at zero (000), the machine is arranged in all respects in good order for the election and locked, the number registered on the protective counter, and the number on the seal.

Report of proper condition

15147. When a voting machine has been properly prepared for election, it shall be locked against voting and sealed. The keys shall be delivered to the election board together with a written report, made on blanks furnished, stating that it is in every way properly prepared for the election.

Delivery of machines

15148. All voting machines shall be transferred to the polling places in charge of an authorized official, who shall certify to their delivery in good order.

Light

15149. Every voting machine shall be furnished with a light sufficient to enable voters while in the booth to read the ballot labels and suitable for use by the election officers in examining the counters. The light shall be in good order for use before the opening of the polls.

Screen

15150. All voting machines used in any election shall be provided with a screen so adjusted as to conceal completely the voter and his action while voting.

Instruction of precinct board

15151. Not less than 10 days before each election, the clerk shall instruct each precinct board in the use of the machine, and in their duties as members of the precinct board in connection with the use of the machine.

Qualification of member of board

15152. A member of a precinct board shall not serve in any election at which a voting machine is used unless he has received instruction and is fully qualified to perform his duties in connection with the machine and has received a certificate to that effect.

Meetings for giving instructions

15153. For the purpose of giving instruction in the use of voting machines, the clerk shall call any meeting of the precinct boards which may be necessary. The precinct board of each election precinct in which a voting machine is used shall attend any meeting called for the purpose of receiving instruction concerning their duties and necessary for the proper conduct of the election with the machine.

Certificate

15154. The clerk shall give to each election officer who has received instruction and is fully qualified properly to conduct the election with the machine, a certificate to that effect.

Emergency appointee

15155. This article shall not prevent the appointment and service of a member of a precinct board to fill a vacancy in an emergency.

Delivery of keys in envelope

15156. Not later than 12 hours before the time for opening the polls, the clerk shall deliver to the inspector or one of the judges of the precinct board, in a sealed envelope, the keys for the voting machine. On this envelope shall be written the designation and location of the election precinct, the number of the voting machine, the number or other designative mark on the seal, and the number registered on the protective counter.

Receipt

15157. A receipt shall be taken on the blank attached to the envelope containing the keys for the voting machine.

Supplies

15158. The clerk shall also deliver to the polling place two diagrams, one extra set of ballot labels, one envelope containing the seal for sealing the machine after the polls are closed, one envelope for the return of the keys, two statements of the result of the vote cast and all other supplies necessary for conducting the election.

Preliminary meeting

15159. Each precinct board shall meet at the polling place at least three-quarters of an hour before the time set for the opening of the polls at each election, and shall proceed to arrange for the proper conduct of the election.

Instruction cards

15160. The precinct board shall cause at least two instruction cards to be posted conspicuously within the polling place.

Opening envelope

15161. The envelope containing the keys to the voting machine shall not be opened until at least two members of the precinct board are present at the polling place and have examined the envelope to see that it has not been opened.

Examination of numbers

15162. Before opening the envelope containing the keys to the voting machine, all election officers present shall examine the number on the seal on the machine and the number registered on the protective counter, and shall see if they are the same as the numbers written on the envelope containing the keys. If the numbers on the seal and protective counter are found to agree with the numbers on the envelope, the inspectors shall proceed to open the doors concealing the counters.

Examination of counters

15163. Before the polls are open for election, each member of the precinct board shall carefully examine every counter and see that it registers zero (000), and they shall be subject to the inspection of the official watchers. The machine shall

remain locked against voting until the polls are formally opened, and shall not be operated except by voters in voting.

Counter not at zero

15164. If any counter is found not to register zero (000), the precinct board shall immediately make a written statement of the designating letter and number of such counter, together with the number registered on the counter, and shall sign and post it upon the wall of the polling room, where it shall remain throughout the election day. In filling out the statement of return of votes cast, the precinct board shall subtract that number from the number then registered on the counter.

Article 9. Conduct of Voting

Location of voting machine

15190. The exterior of the voting machine and every part of the polling place shall be in plain view of the election officers and watchers. The voting machine shall be placed at least four feet from the poll clerk's table.

Same

15191. The voting machine shall be so located in the polling place that, unless its construction requires otherwise, the ballot labels on the face of the machine, when not in use by voters, can be plainly seen by the election officers.

Inspection of machine

15192. The election officer attending the machine shall inspect the face of the machine after each voter has cast his vote, to see that the ballot labels are in their proper places.

Right to enter machines

15193. After the opening of the polls, the precinct board shall not allow any voter to enter the voting machine until it ascertains that he is entitled to vote.

Voter instruction

15194. Before each voter enters the voting machine, the precinct board shall, so far as possible, inform him how to operate the machine, illustrate its operation upon the model of the machine, and call his attention to the diagram. If any voter, after entering the voting machine, asks for information regarding its operation, the precinct board shall give him the necessary information.

Remaining within booth

15195. A voter shall not remain within the voting machine booth longer than two minutes. If he refuses to leave it after the lapse of two minutes, he may be removed by the precinct board.

Irregular ballots

15196. Where two or more persons are to be elected to the same office, and each candidate's name is placed upon or adjacent to a separate key or device, and the machine requires that all irregular ballots voted for that office be deposited, written or affixed in or upon a single receptacle or device, a voter may vote in or by such receptacle or device for one or more persons whose names do not appear upon the machine with or without the names of one or more persons whose names do so appear.

Presidential electors

15197 In voting for presidential electors, a voter may vote an irregular ticket made up of the names of persons in nomination by different parties, or partially of names of persons so in nomination and partially of names of persons not in nomination, or wholly of names of persons not in nomination by any

party. Such irregular ballot shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose.

(Amended by Stats. 1961, Ch. 835.)

[ORIGINAL SECTION]

15197. In voting for presidential electors, a voter may vote an irregular ticket made up of the names of persons in nomination by different parties, or partially of names of persons so in nomination and partially of names of persons not in nomination, or wholly of names of persons not in nomination by any party. Such irregular ballot shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose

When not counted

15198. With the exceptions provided in Sections 15196 and 15197, an irregular ballot shall not be voted for any person for any office whose name appears on the machine as a candidate for that office. Any irregular ballot so voted shall not be counted.

Casting

15199. An irregular ballot shall be cast in its appropriate place on the machine, or it shall be void and not counted.

Article 10. Statements of Votes Cast

Conformation with voting machine

15220. In each election district where voting machines are used, statements of the results of the vote cast shall be printed to conform with the type of voting machine used. The statements shall be printed on a form approved by the Secretary of State.

Designating number and letter

15221. The designating number and letter on the counter for each candidate shall be printed next to the candidate's name on the statements of result of the vote cast. Two such statements shall be used in each election district.

Posting votes cast

15222. The precinct board shall, before it adjourns, post conspicuously on the outside of the polling place a copy of the result of the votes cast at the polling place. The copy of the result shall be signed by the members of the precinct board and attested by the clerks.

Copy to clerk

15223. The precinct board shall immediately transmit unsealed to the clerk a copy of the result of the votes cast at the polling place, which copy shall be signed by the members of the precinct board and shall be open to public inspection.

Contents of statement of votes cast

15224. The statement of result of votes cast, which shall be certified by the precinct board, shall show the total number of votes cast for each office, the number of votes cast for each candidate as shown on his counter, and the number of votes for persons not nominated.

Same

15225. The statement of result of votes cast shall also contain:

(a) Printed directions to the election officers for their guidance before the polls are opened and when the polls are closed.

(b) A certificate which shall be signed by the election officers before the polls are opened, showing:

(1) The delivery of the keys in a sealed envelope.
(2) The number on the seal.
(3) The number registered on the protective counter.
(4) Whether all of the counters are set at zero (000).
(5) Whether the public counter is set at zero (000).
(6) Whether the ballot labels are properly placed in the machine.

(c) A certificate which shall be filled out after the polls have been closed, showing:

(1) That the machine has been locked against voting and sealed.
(2) The number of voters as shown on the public counter.
(3) The number on the seal.
(4) The number registered on the protective counter.
(5) That the voting machine is closed and locked.

Article 11. Proceedings at Close of Polls

Locking machine

15250. As soon as the polls are closed, the precinct board, in the presence of the watchers and all others lawfully present, shall immediately lock the voting machine against voting and open the counting compartments, giving full view of all counter numbers. The inspector shall, in the order of the offices as their titles are arranged on the machine, read and distinctly announce the designating number and letter on each counter for each candidate's name and the result as shown by the counter numbers. The inspector shall then read the votes recorded for each office on the irregular ballots. He shall also in the same manner announce the vote on each measure.

Announcement of vote

Entering vote

15251. A member of the precinct board shall enter the vote, as registered, on the statements of result of votes cast, in the same order on the space which has the same designating number and letter, after which another member shall verify the figures by calling them off in the same manner from the counters of the machine. The counter compartment of the voting machine shall remain open until the official returns and all other reports have been fully completed and verified by the precinct board.

Verification

Watchers and candidates

15252. During the reading of the result of votes cast, any candidate or watcher who may desire to be present shall be admitted to the polling place. The proclamation of the result of the votes cast shall be distinctly announced by the precinct board who shall read the name of each candidate, with the designating number and letter of his counter, and the vote registered on such counter. The board shall also read the vote cast for and against each measure submitted. During the proclamation ample opportunity shall be given to any person lawfully present to compare the result so announced with the counter dials of the machine, and any necessary corrections shall then and there be made by the precinct board, after which the doors of the voting machine shall be closed and locked.

Locking machine

15253. Before adjourning, the precinct board shall seal the operating lever with the seal provided and lock the machine so that the voting and counting mechanism may not be operated.

Period for remaining locked

15254. The precinct board, as soon as the count is complete and fully ascertained, shall lock the machine against voting, and it shall remain locked and sealed against operation until the time for filing a contest of election has expired, which shall not exceed a period of 30 days following any statewide election or a period of eight days following any local election.

Canvass of returns

15255. Before proceeding to canvass the returns of an election at which voting machines have been used to register the votes cast, the board authorized to canvass returns shall unseal the machines and take off and record the records of votes cast for the several candidates voted for and for and against the several measures voted upon. Each voting machine shall immediately be resealed.

Discrepancy

15256. Whenever it appears that there is a discrepancy in the returns of any election precinct, the clerk shall summon the precinct board of that precinct, and the precinct board shall, in the presence of the clerk, make a record of the number of the seal and the number of the protective counter, open the counter compartment of the machine, without unlocking the machine against voting, and recanvass the vote cast on the machine.

Return of keys

15257. The precinct board shall inclose the keys of the machine in an envelope which shall be supplied by the officials, on which envelope they shall write the number of the machine, the number on the seal, the number registered on the protective counter, and the precinct and other district where it has been used. They shall securely seal, indorse, and return the envelope to the officer from whom the keys were received.

Custody of keys

15258. A public officer who is entitled by law to the custody of a machine for any period of time is entitled to the keys for the machine while it is in his charge.

Retention of keys

15259. All election officers or persons entrusted with the keys of a voting machine for election purposes, or in the preparation of the machine for election purposes, shall not retain the keys longer than necessary to use them for those purposes.

Article 12. Penal Provisions

Penalty

15280. Any person who, before or during an election, tampers with any voting machine, interferes or attempts to interfere with the correct operation of a voting machine or the secrecy of voting, or willfully injures a voting machine to prevent its use, and any unauthorized person who makes or has in his possession a key to a voting machine that has been adopted and will be used in elections in this State, is guilty of a felony, punishable by imprisonment in a state prison for not less than one year nor more than 14 years.

Laws applicable

15281. Penal laws and election laws relating to misconduct at elections apply to elections with voting machines.

CHAPTER 7. ELECTRONIC OR ELECTROMECHANICAL TABULATION OF BALLOTS

Applicability of provisions

15400. This chapter applies only in counties in which the board of supervisors provides, by resolution, that it shall apply.

Ballots

15401. Notwithstanding any other provisions of this code, the ballots to be counted by means of electronic or electromechanical devices may be of such size, composition, texture, and may be printed in any type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed.

Names of candidates

15402. The names of the candidates and the respective offices shall be printed on the ballot in parallel columns at least $2\frac{1}{2}$ inches wide.

Code marks, etc.

15403. The ballots may contain printed code marks or punched holes which may be used for placing the ballots in correct reading position in the counting devices. The code marks or punched holes shall not be used in any way that will reveal the identity of the voters voting the ballots.

Ballot marking device to be used for write-in candidate

15404. Whenever ballots are to be counted under the provisions of this chapter, all writein votes for candidates, to be counted, shall be marked by the voter with the rubber stamp or other marking device in the space provided opposite the names of the writein candidates. The instructions to voters printed on the ballots shall instruct the voter that the vote will not be counted unless the rubber stamp or other marking device is used in marking the ballot when writing in a candidate's name.

Ballot marking device

15405. The device for marking the ballot may be of any size, shape or form, and the impression made on the ballot may be in the form of a cross, square, circle, rectangle, or any other design that will clearly indicate the choice of the voter. Any type of ink or other substance that will clearly show the voter's choice may be used in or in conjunction with the marking device.

Delivery to station

15406. At the close of the polls a member of the precinct board shall deliver the ballots, sealed in a container, to the station designated by the clerk. The clerk shall receipt for the ballots.

Delivery to central counting place

15407. The clerk shall cause the ballots to be delivered by safe means to the central counting place.

Representative to accompany ballots

15407.1. The members of the county central committee in each assembly district of each qualified political party may designate one representative to accompany the ballots from each election return center, as designated by the county clerk, to the central counting place. The compensation, if any, of the representatives shall be a charge against the county. Compensation shall commence from the time the polls close and shall

cease upon delivery of the ballots to the central counting place. The compensation, if any, shall be fixed by the board of supervisors.

(Added by Stats 1961, Ch. 456)

Public proceedings

15408. All proceedings at the central counting place shall be open to the view of the public, but no person except one employed and designated for the purpose by the clerk or his authorized deputy shall touch any ballot or ballot container.

Result by precincts

15409. When ballots are counted under the provisions of this chapter, the result of the vote shall be shown by precincts.

Tabulating procedure

15410. The State Commission on Voting Machines and Vote Tabulating Devices shall prescribe the procedure to be followed in tabulating ballots by means of any type of mechanical, electrical, electromechanical or electronic tabulating device approved by it, which procedure shall apply under this chapter. The procedure shall be devised to insure accuracy in tabulation.

Effective date

15411. The provisions of this chapter shall become effective and operative when electronic or electromechanical counting equipment has been satisfactorily tested and has received the approval of the State Commission on Voting Machines and Vote Tabulating Devices prior to any election at which it is to be first used.

Chapter 8. Punchcard Voting Systems

(Chapter 8 added by Stats. 1961, Ch. 547)

Article 1. General Provisions

Purpose of chapter

15600. The purpose of this chapter is to provide a system whereby at any election and in any precinct to which the provisions of this chapter are applicable the vote of each voter for each candidate and on each measure may be indicated by punching or slotting a single card or a number of cards which are so designed and constructed that they may be counted by automatic mechanical or electrical devices so that the vote for each candidate and on each measure in the precinct is determined.

(Added by Stats. 1961, Ch. 547.)

Adoption of punch card system

15601. An election board may adopt a system provided for in this chapter for any or all precincts within its jurisdiction, and for any portion or all of any elections. Such board may, from time to time, combine, rearrange, or enlarge the precincts for which such system is adopted, provided no precinct shall include more than 1,000 voters, and may abandon such system as to all or any precincts or elections.

(Added by Stats. 1961, Ch 547.)

Counting of ballots

15602. An election board may provide that the ballots cast in any precinct for which the system provided for in this chapter has been adopted shall be counted at the polls or at a central counting place as provided in this chapter.

(Added by Stats. 1961, Ch. 547.)

Provisions controlling

15603. Any provision of this chapter, insofar as it is inconsistent with any other provision of this code relating to the same subject matter, shall be controlling as to any election or precinct for which the provisions of this chapter are adopted.

(Added by Stats. 1961, Ch. 547.)

Article 2. Definitions

"Ballot"

15630. As used in this chapter, "ballot" means a single card or a number of cards upon which are printed the names of candidates and the ballot titles of measures to be voted on by a punching or slotting device at the election and includes a card upon which is printed the instructions to voters.

(Added by Stats. 1961, Ch. 547.)

"Ballot card"

15631. As used in this chapter, "ballot card" means a card upon which are printed the names of candidates for nomination or election to one or more offices or the ballot titles of one or more measures.

(Added by Stats. 1961, Ch. 547.)

"Commission"

15632. As used in this chapter, "commission" means the State Commission on Voting Machines and Vote Tabulating Devices.

(Added by Stats. 1961, Ch. 547.)

"Voting machine"

15633. As used in this chapter, "voting machine" means a device into which a ballot card may be inserted and which is so designed and constructed that the choice of the voter as to any candidate or measure may be indicated by punching or slotting the ballot card.

(Added by Stats. 1961, Ch. 547.)

Article 3. Approval of Devices

Approval by commission

15670. No ballot, ballot card, voting machine, sorting machine, counting machine, or other mechanical device may be used pursuant to this chapter unless it is of a type approved by the commission. When such equipment has been approved, any improvement or change which does not impair its accuracy, efficiency, or ability to meet such requirements, shall not render necessary a re-examination or reapproval thereof.

(Added by Stats. 1961, Ch. 547.)

Requirements for approval

15671. In approving ballots and ballot cards the commission shall not give its approval unless the following are true:

(a) The size, shape, and texture of the ballot card is suitable for use in the automatic device in which it is intended to be placed.

(b) The ballot cards are so designed that they can readily be arranged with a section or ballot stub containing the serial number of the ballot and the instructions to voters, and a section consisting of the ballot proper with places for the voter to slot or punch holes indicating his choices of candidates and votes on measures.

(c) If the ballot is to consist of two or more series of cards, appropriate provision may be made for identifying the related series which comprise the ballot.

(Added by Stats. 1961, Ch. 547.)

Same

15672 No mechanical or electrical device shall be approved by the commission unless it finds that the device is suitable for the purpose for which it is intended, and that it will operate efficiently and accurately and not be susceptible to fraudulent manipulation under the conditions under which it is intended to be used

(Added by Stats. 1961, Ch 547.)

Provisions applicable

15673. The provisions of Article 3 (commencing with Section 14970) of Chapter 6 of this division, relating to the approval of voting machines, are applicable to the approval of mechanical devices under this article.

(Added by Stats 1961, Ch. 547.)

Article 4. Ballot Forms and Content

Ballot card stubs

15710. Each ballot card shall have two stubs attached. The stubs shall be separated from the ballot card and from each other by perforated lines so that they may be readily detached. One stub shall have the serial ballot number printed on it, and shall be detached from the remainder of the ballot before it is handed to the voter. The second stub shall have printed on it: (a) the same ballot serial number; (b) the words "This ballot stub shall be removed by the inspector before the ballot is placed in the ballot box"; (c) the words "General Ballot" or "Primary Ballot of the _____ Party" in primary elections, followed by the designation of the congressional, senatorial and assembly district or the name of the county in which the ballot is being voted and the date of the election; and (d) instructions to the voter on how to mark the ballot with the voting machine, how to vote for a candidate whose name is not printed on the ballot, and how to secure an additional ballot if the ballot is spoiled or marked erroneously. In addition to the instructions to voters printed on the ballot stub, there shall be displayed in each voting booth instructions to voters substantially in the same form and wording as appears on paper ballots. Precinct numbers may also be placed on the ballot.

(Added by Stats. 1961, Ch. 547.)

Ballot card material

15711. The ballot cards shall contain the same material as to candidates and measures, and shall be printed in the same order as provided for paper ballots, and may be arranged in parallel columns on one or more ballot cards as required, except that the column in which the voter marks his choices may be at the left of the names of candidates and the designation of measures. Space shall be provided to permit voters to write in names not printed on the ballot when authorized by law. The size of type and the spacing of the material may be varied to suit the conditions imposed by the use of ballot

cards, provided the type on the ballot cards, when enlarged by a magnifying device on the voting machine or provided at the polling place, shall appear to the voter as approximately equal in size to that on paper ballots. The statement of measure submitted to the voters may be abbreviated if necessary on the ballot cards, provided there is displayed in each voting booth the verbatim statement on each measure as it appears on paper ballots. Abbreviation of matters to be voted on throughout the State shall be done by the Attorney General.

(Added by Stats. 1961, Ch. 547.)

Sample ballot

15712. The sample ballot provided in Chapter 1 (commencing with Section 10000) of Division 7 of this code shall be printed on a single sheet of white paper and shall be a reasonable facsimile of the ballot cards, including one copy of the ballot stub with instructions to voters.

(Added by Stats. 1961, Ch. 547.)

More than one ballot card

15713. If more than one ballot card is used at an election, different tints of cardboard stock or other suitable means may be used for each series of ballot cards to facilitate the sorting of ballots

(Added by Stats. 1961, Ch. 547.)

Article 5. Procedure Preliminary to Voting

Voting machines

15750. Prior to the opening of the polls the clerk shall supply one or more voting machines for each booth in each polling place where voting is to be conducted pursuant to this chapter.

(Added by Stats. 1961, Ch 547.)

Election supplies

15751. Ballots and other election supplies appropriate to the system, shall be furnished as provided for other precincts except that:

(a) No rubber stamps or ink pads shall be supplied when only ballots to be punched are used.

(b) Ballots shall be suitable to be punched or slotted in the voting machine and subsequently counted on an approved mechanical or electronic counting device.

(c) The containers of the ballots shall be of such type that they will adequately protect the ballots and that they can be opened without mutilation.

(Added by Stats. 1961, Ch. 547.)

Ballot boxes

15752. A sufficient number of ballot boxes shall be provided to hold the number of ballots cast if all voters in the precinct vote.

(Added by Stats. 1961, Ch. 547.)

Counting places

15753. If the election board has provided that the ballots of any precinct shall be counted at a counting place, the clerk shall designate a counting place to which such ballots are to be delivered. Two or more such counting places may be established.

(Added by Stats. 1961, Ch. 547.)

Article 6. Conduct at Polls

Procedure

15790. The procedure at the polls where voting is conducted pursuant to this chapter shall be the same as at other polling places, except as provided in this article.

(Added by Stats. 1961, Ch. 547.)

Same

15791. When a voter is handed a ballot he shall be instructed to use only the voting machine provided for punching or slotting the cards and that he is not to mark his ballot in any other way, except for writeins. He shall also be instructed to place his ballots in an envelope or other container after he has voted so that no card upon which a choice is indicated is exposed. The election board may provide an extra voting machine to be used for demonstration purposes at the polling place. Dummy ballots for use in such instruction shall not bear the name of any person who is a candidate at the election.

(Added by Stats. 1961, Ch. 547.)

Emergency procedure

15792. In the case of electrical failure or other emergency, the county clerk may direct that ballots may be marked by pencil or ink. In such event, counting shall be conducted as provided in Chapter 1 (commencing with Section 17000) of Division 10 of this code.

(Added by Stats. 1961, Ch. 547.)

Spoiled ballots

15793. If a voter spoils or defaces a ballot card or marks it erroneously, he shall return the card with stub folded so as not to disclose any choices that he has made, and receive another. The precinct board shall immediately cancel the spoiled ballot card by writing on the back of the ballot card the word "spoiled" in ink or indelible pencil, and without detaching the ballot stub, shall place the ballot in the container for spoiled ballots in a manner that does not expose the choices of the voter.

(Added by Stats. 1961, Ch. 547.)

Envelopes, etc.

15794. Before leaving the voting booth or compartment the voter shall place the ballot card or cards in the envelope or other container provided for this purpose so that the ballot markings of the voter will not be exposed, and the ballot stub will be outside of the envelope or other container, to be removed by the inspector.

(Added by Stats. 1961, Ch. 547.)

Disclosure of ballot contents

15795. After his ballot card is marked a voter shall not show it to any person in such a way as to reveal its contents.

(Added by Stats. 1961, Ch. 547.)

Removal of stubs and deposit in ballot box

15796. The voter shall hand the envelope or other container with his ballots to the inspector, who shall remove the ballot stubs, hand them to the voter, and deposit the envelope with the ballot cards in the ballot box or transfer the ballot cards from the container into the ballot box in such a manner that the vote of the voter on any candidate or measure will not be disclosed.

(Added by Stats. 1961, Ch. 547.)

Article 7. Procedure After Closing the Polls

Closing the polls

15830. All of the precinct board shall be present at the closing of the polls.

(Added by Stats. 1961, Ch. 547.)

Removal, etc., of the ballots

15831. As soon as the polls are finally closed, the precinct board shall remove the ballots from the box, take them out of the envelopes, and, if two or more separate ballot cards have been used in the election, sort them into groups each of which shall contain the same series of ballot cards. The precinct board shall next count the number of ballot cards in each group, and certify the number of votes cast on the voting roster as provided by Section 14215. If there is any discrepancy between the number of voters listed in the roster and the number of ballots voted, this fact shall be noted with an explanation of the difference and signed by all the members of the precinct board.

Discrepancy

(Added by Stats. 1961, Ch. 547.)

Examination of ballots

15832. The precinct election board shall next examine the ballots in each group of ballots and count the votes cast for candidates whose names have been written in. Before any such vote is counted the precinct board shall examine the ballot to ascertain whether the writein vote is valid, and count it only if it is found to be valid. All such writein votes shall be tabulated and certified to the clerk on forms provided for this purpose, and the writein votes shall be added to the results of the count of the ballots at the counting place and be included in the official returns for the precinct.

(Added by Stats. 1961, Ch. 547.)

Torn, etc. ballot cards

15833. Any ballot card that is torn, bent, or mutilated so that it may not be counted by the mechanical counting device shall be placed in the container for defective ballots and be delivered with the voted ballots to the counting place, where a duplicate shall be prepared as provided in Section 15872. Any ballot that is marked in a manner so as to identify the voter shall be marked "Void" and placed in the container for void ballots.

(Added by Stats. 1961, Ch. 547.)

Sealing ballots in containers

15834. The precinct board shall next group identical ballots in containers, which shall be clearly labeled to indicate the precinct number, the type or series of ballots, and the total number of ballots enclosed, and shall be signed and sealed in the manner directed by the clerk.

(Added by Stats. 1961, Ch. 547.)

Return of ballots

15835. The groups of cards shall then be placed in one or more metal ballot boxes or similar metallic boxes and the boxes shall then be sealed with a metal seal and delivered with the containers for spoiled, void and defective ballots as soon as possible to the central counting place designated by the clerk. Unused ballots, supplies, and other materials shall be returned to the counting station for delivery to the clerk.

(Added by Stats. 1961, Ch. 547.)

When paper ballots used

15836. In the event that paper ballots are used in conjunction with this system, counting shall be as provided in Division 10 of this code.

(Added by Stats. 1961, Ch. 547.)

Counting at polls

15837. The ballot cards may be counted at the polls if a counting or tabulating machine approved therefor pursuant to this chapter is available at the polls.

(Added by Stats. 1961, Ch. 547.)

Tabulating machines

15838. The voting and tabulating machines used pursuant to this chapter may be equipped with a device that registers votes cast for candidates and measures on a cumulative basis and which may be used to determine the votes cast for each candidate and on each measure at any time and up to that time.

(Added by Stats. 1961, Ch. 547.)

Article 8. Procedure at Central Counting Places

Counting in public

15870. All proceedings at a central counting place shall be open to the view of the public, but no person except one employed and designated for the purpose by the clerk or his authorized deputy shall touch any ballot cards or ballot container.

(Added by Stats. 1961, Ch. 547.)

Opening of containers

15871. Each container of ballot cards shall be opened and its contents removed. The cards shall be checked to ascertain if the cards are properly grouped and shall be arranged so that all similar cards from the precinct are together.

(Added by Stats. 1961, Ch. 547.)

Torn, etc ballots

15872. If it appears that a ballot card is so torn, bent or otherwise defective that it cannot be counted by the counting device, the clerk shall cause a duplicate of each defective card to be punched or slotted in the presence of witnesses and substituted for the defective card, which shall be filed. All duplicate cards shall be clearly labeled by the word "Duplicate" and shall bear a serial number, which shall also be recorded on defective cards.

(Added by Stats 1961, Ch. 547.)

Declaration of vote

15873. Upon completion of the count, the clerk shall add to the results as so determined the results of the writein votes and any paper ballots used as certified by the precinct board and thereupon shall declare the vote, and forthwith post one copy at the counting place for public inspection.

(Added by Stats. 1961, Ch. 547.)

Cards kept six months

15874. Upon the completion of the counting of the votes as provided in this chapter, all ballot cards shall be arranged by precincts and shall be kept by the clerk for six months or so long thereafter as any contest involving the vote at the election remains undetermined.

(Added by Stats. 1961, Ch. 547.)

Article 9 Absent Voting

Absent voting

15910. The election board of any county in which voting is conducted pursuant to this chapter may provide that absent voting shall be either by punch card voting or by marking a paper ballot. In either case it shall cause sufficient ballots of the proper kind to be provided.

(Added by Stats. 1961, Ch 547.)

Canvass

15911. If paper ballots are used, the canvass shall be conducted in accordance with Chapter 7 (commencing with Section 18200) of Division 10.

(Added by Stats. 1961, Ch. 547.)

Marking, etc

15912. If punch card ballots are used for absent voting, the ballots shall be marked by pencil, or by voting machine. Counting of punch card ballots may be as with paper ballots, or a true duplicate copy of each ballot may be prepared using the same procedure as provided by Section 15872. Absent ballots so prepared shall be counted by the counting device.

(Added by Stats. 1961, Ch. 547.)

Article 10. Final Canvass

Final canvass

15950. The final canvass of the vote at an election in which all voting in the county was done pursuant to this chapter may be made by adding the results as determined by the clerk to the results of the canvass of the absent voter ballots and making the statement of the vote in the manner provided for the particular election.

(Added by Stats. 1961, Ch. 547.)

Consolidation of results

15951. When voting at all precincts within a county has not been pursuant to this chapter, the result as to the precincts not subject to this chapter shall be determined in accordance with other provisions of this code and the result of the vote at precincts subject to this chapter shall be determined as provided in this chapter. The statement of the vote in such case shall represent the consolidation of all such results and the results of the canvass of all absent voter ballots.

(Added by Stats. 1961, Ch. 547.)

DIVISION 10. CANVASS, DECLARATION OF RESULTS

CHAPTER 1. CANVASS AT PRECINCTS

Article 1. Handling of Ballots

Scope of division

17000. Unless otherwise indicated, the provisions of this division apply to all statewide elections, including the presidential primary and direct primary.

Presence at closing

17001. All members of the precinct board shall be present at the closing of the polls

Counting ballots

17002. As soon as the polls are finally closed the precinct board shall commence to canvass the votes by taking the ballots, unopened, out of the box and counting them to ascertain whether the number of ballots corresponds with the number of names on the roster.

Public canvass

17003. The canvass shall be public, in the presence of bystanders, and shall be continued without adjournment until completed and the result is declared.

Tally sheet

17004. The precinct board shall make a record upon the tally sheet of the number of ballots in the ballot box, the number of names on the roster, and the difference, if any.

Certificate

17005. The precinct board shall complete and sign the certificate to the roster, substantially in the form prescribed in Section 14215.

Counting votes

17006. After the roster is signed, the precinct board shall open the ballots and count and ascertain the number of votes cast for each person and for and against each measure.

General and municipal ballots

17007. At all elections where a general ballot and a municipal ballot are used, the canvass of the general ballot shall be completed before the canvass of the municipal ballots is commenced.

Rejected ballots

17008. A majority of the precinct board shall endorse upon all ballots rejected for illegality the cause of rejection, sign the endorsement, and place the rejected ballots in the package marked for voted ballots.

Separate squads

17009. The election officers shall not constitute themselves into separate squads in an attempt to conduct more than one count of the ballots at the same time.

Relief of members

17010. The members of the precinct board shall relieve each other in the duties of canvassing the ballots.

Tallies

17011. No election officers shall make any tally of votes in any other manner than is provided in this article, nor in any other place than on the tally sheets provided for that purpose.

Number of members

17012. The canvass shall be conducted by at least four members of the precinct board, in the following manner: All ballots shall be unfolded and examined for any irregularities. Any illegal ballots shall be rejected in the manner set forth in Section 17008. Those ballots not rejected shall be placed open in one pile, and the board shall proceed to count by taking off the vote for one or more offices or measures at a time. In the case of a primary election, the unrejected ballots shall be segregated on the basis of political parties prior to placing them in one pile.

Illegal ballots

Reading and watching ballots

17013. One election officer shall read from the ballots. As the ballots are read, at least one other election officer shall sit beside him and keep watch of each vote in order to keep a check on any possible illegal vote or on any error or omission on the part of the officer reading or calling the ballot.

Tally sheets

17014. Two of the clerks shall each keep a tally sheet by:

(a) Writing on the tally sheet kept by him:

(1) Each office to be filled.

(2) The name of each person marked in each ballot as voted for to fill that office.

(b) Opposite each name, recording, with pen and ink or indelible pencil, the number of votes by tallies, as the name of each candidate voted for is read aloud from the respective ballot.

(c) Immediately upon the completion of the tallies, drawing two heavy lines in ink or indelible pencil from the last tally mark to the end of the line in which the tallies terminate, and writing the initials of the person making the last tally in that line.

View of watchers

17015. During the reading and tallying, the ballot read and the tally sheet kept shall be within the clear view of watchers of the count.

Tally sheet

17016. The tally sheet shall be in such form as may be prescribed by the county clerk, clerk, or secretary of the body conducting the election.

Each tally sheet shall contain:

Contents

(a) The name of each candidate being voted for and the specific office for which each candidate is being voted. At primaries the offices shall be in the same order as on the ballot.

(b) Sufficient space to permit the tallying of the full vote cast for each candidate and for and against each measure submitted.

(c) A certificate in substantially the following form: We hereby certify that the total number of votes received by each candidate for each office, (or the total number of votes cast for and against each measure) is that shown on the foregoing tally sheet.

----------	----------
Clerk	Inspector
----------	----------
Clerk	Judge
----------	----------
Clerk	Judge

Sealing of voted ballots

17017. The ballots, as soon as all of the names and measures marked on them as voted for are read and verified, shall not thereafter be examined by any person, but, as soon as all are counted, shall be carefully sealed in a strong envelope, each member of the precinct board writing his name across the seal

Final certificate

17018. As soon as all the votes are counted and the envelope containing the ballots is sealed, the precinct board shall fill out on the tally sheets, in words and figures, the total number of votes recorded for each candidate and upon each measure. The final certificate shall be signed by a majority of the board.

Inadequacies in form

17019. No list, tally, paper, or certificate returned from any election shall be set aside or rejected for want of form, nor because it is not strictly in accordance with the directions of this code, if it can be satisfactorily understood.

Posting votes cast

17020. Before it adjourns, the precinct board shall post conspicuously on the outside of the polling place a copy of the

result of the votes cast, which copy shall remain posted for at least 48 hours after the official time fixed for the closing of the polls. The copy shall be signed by the members of the board.

Article 2. Canvass by Eight-member Board After Closing of Polls

Applicability of article

17040. This article applies in precincts in which the precinct board consists of not less than eight members appointed in accordance with the provisions of Chapter 2 (commencing at Section 1600) of Division 2 of this code.

Number of names on roster

17041. The precinct board, in the manner provided in this code, shall certify the number of names on the roster in the certificate printed in the roster, except that the certificate shall also contain the signatures of the assistant inspector and the fourth clerk.

Opening of ballots

17042. After the roster is signed, the precinct board shall open the ballots, stacking them in one or more stacks according to the kind of ballots voted at the precinct. As the ballots are unfolded and opened, they shall be examined for any irregularities. Any illegal ballots shall be rejected in the manner set forth in Section 17008. Those ballots not rejected shall be the ballots to be canvassed in the manner required by this article.

Two groups

17043. The canvass shall be conducted by the eight members of the precinct board by forming themselves into two groups as follows:

(a) Group one shall consist of the inspector, one judge and two clerks.

(b) Group two shall consist of the assistant inspector, the remaining judge and two clerks.

Count

The inspector shall have charge of all ballots to be canvassed and shall commence the canvass by proceeding to count by taking off the vote for one or more offices or measures at a time, for only those offices or measures contained in the tally sheets prepared for use by group one. As soon as 10 ballots have been canvassed by group one for as many offices or measures as provided for in their tally sheets, the inspector shall, without delay, personally deliver the counted ballots to the assistant inspector, who shall, in like manner, proceed with the canvass of the remainder of the offices or measures contained in the tally sheets prepared for use by group two. The ballots, upon being canvassed by group two, shall remain in the possession of the assistant inspector until the canvass of all ballots by both group one and group two has been completed and verified. Thereafter, the ballots shall not be examined by any person, but, as soon as all are counted, shall be carefully sealed in a strong envelope, each member of the precinct board writing his name across the seal.

Tally lists

17044. The tally sheets shall be in such form as may be prescribed by the county clerk, clerk or secretary of the body conducting the election, except that the two tally sheets prepared for the use of group one shall be designed to permit the

canvass of approximately one-half of the sum total of candidates and measures appearing on the ballots for the precinct, while the remaining approximately one-half of the candidates and measures shall be contained in an additional two tally sheets prepared and furnished for use by group two. The tally sheets shall be prepared with the names of candidates and measures as provided in Section 17016, except that the certificate shall be signed by the members of the group canvassing the ballots tallied in those sheets. The tally sheets shall be distinctly marked for group one and group two.

Applicable provisions

17045. In all other respects the canvass and declaration of results shall be made in the manner provided in Article 1 (commencing at Section 17000) of Chapter 1 of Division 10. The duties of the assistant inspector shall be the same as those of the inspector, in relation to the canvass of the ballots by group two.

Article 3. Improperly Marked Ballots

Void ballots

17070. At all elections, any ballot which is not marked as provided by law shall be void, but the ballot shall be preserved and returned with the other ballots. Two or more impressions of the voting stamp in one voting square, or a cross (+) made partly within and partly without a voting square or space, do not make the ballot void.

Technical error at primary

17071. At the presidential or direct primary, a ballot shall not be rejected for any technical error which does not render it impossible to determine the voter's choice, even though the ballot be somewhat soiled or defaced.

17072. If a voter indicates either:

Inability to determine choice

(a) By stamps in the voting squares after the names of any candidates, or

(b) By writing the names of persons for an office in the blank spaces, or

(c) By a combination of both stamping and writing in, a choice of more names than there are candidates to be elected or nominated for any office, or if for any reason it is impossible to determine his choice for any office, his ballot shall not be counted for that office, but the rest of his ballot, if properly marked, shall be counted.

Write-in vote

17073. Any name written upon a ballot shall be counted for that name for the office under which it is written, if it is written in the blank space therefor, whether or not a cross (+) is stamped or made with pen or pencil in the voting square after the name so written.

Unauthorized mark

17074. No unauthorized mark upon a ballot invalidates the ballot, unless it appears that the mark was placed there by the voter for the purpose of identifying the ballot.

Article 4. Penal Provisions

Stuffing ballot box

17090. Every person who changes any ballot after it has been deposited in the ballot box, or adds or attempts to add any ballot to those legally polled at any election by fraudulent introduction of a ballot into the ballot box either before or after the ballots have been counted, is guilty of a felony.

Adding ballots during canvass

17091. Every person who adds to, mixes with, or attempts to add to or mix with, the ballots lawfully polled any other ballots, while the ballots are being counted or canvassed or at any other time, with intent to change the result of an election is guilty of a felony.

Removing ballot, etc

17092. Every person who carries away, destroys, or attempts to carry away or destroy any ballots or ballot box for the purpose of breaking up or invalidating any election, or who willfully detains, mutilates, or destroys any election returns, is guilty of a felony.

Interference with conduct

17093. Every person who in any manner so interferes with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, as to prevent the election or canvass from being fairly held and lawfully conducted, is guilty of a felony.

Posted copy of votes cast

17094. Every person who removes or defaces any posted copy of the result of votes cast is guilty of a misdemeanor.

Chapter 2. Return of Supplies to the County Clerk

Article 1. In General

Precinct board's duty

17200. The precinct board, as soon after the polls are closed as it is possible to do so, shall prepare the supplies and records of the election for delivery to the county clerk in the manner specified in this article

Ballots

17201. The precinct board shall enclose and seal in one or more packages as determined by the county clerk the voted, spoiled, canceled and unused ballots.

Additional packages

17202. The precinct board shall enclose and seal in one or two packages, as determined by the county clerk:

(a) Two tally sheets.

(b) The roster of voters.

(c) The copy of the index used as the voting record.

(d) The challenge list.

(e) The assisted voter's list.

(f) The affidavits of persons assisting voters.

Affidavits of registration

17203. The book of affidavits of registration shall constitute another package and, if the county clerk so determines, shall be inclosed in a wrapper and sealed.

Names on packages

17204. Not less than three members of the precinct board shall write their respective names across the flap of each sealed package. The precinct board shall then direct the sealed packages to the county clerk.

Result of vote cast

17205. The precinct board shall immediately transmit, unsealed, to the county clerk a statement showing the result of the votes cast at the polling place. It shall be signed by the members of the board and shall be open to public inspection.

Delivery

17206. The sealed packages containing the register, lists, papers, and ballots shall, before the precinct board adjourns, be delivered to one of its number, to be determined by lot, unless otherwise agreed upon.

Same

17207. The member of the precinct board to whom the packages are delivered shall, without delay, deliver the packages, without their having been opened, to the county clerk or to a receiving station designated by the county clerk, where a deputy may receive them and transport them to the office of the county clerk or to the nearest postmaster or sworn express agent, who shall endorse on such packages the names of the parties delivering them and the date of such delivery.

Endorsement

Forwarding

If delivered to a postmaster or express agent, the postmaster or express agent shall forward the packages by the first mail or express to the county seat.

Article 2. In San Francisco

Registrar of voters

17230. In the City and County of San Francisco, the packages described in this article shall be delivered to the registrar of voters within three hours from the time the precinct board adjourns. A majority of the precinct board shall endorse, in ink or indelible pencil, the time of adjournment upon and sign the packages and each tally sheet.

Time of adjournment

Voted ballots

17231. One package shall contain the voted ballots.

Unused ballots

17232. One package shall contain the unused ballots.

Tally sheet

17233. One package shall contain one tally sheet.

Duplicate list

17234. One package shall contain a duplicate tally sheet.

Roster, assisted voters, challenges

17235. One package shall contain the roster, list of assisted voters and list of voters challenged.

Affidavits of registration

17236. The precinct board shall inclose affidavits of registration, indexes, stationery and other supplies in supply cases provided for that purpose and return them to the registrar of voters at the same time the packages enumerated in this article are returned.

Signatures

17237. An inspector and two other members of the board shall sign their respective signatures across each package so as to include a portion of each signature across the flap of each package.

Article 3. Penal Provisions

Penalty

17260. Every person who delays delivery of or changes the copy of the result of votes cast, which is to be delivered to the county clerk, is guilty of a misdemeanor.

CHAPTER 3. DISPOSITION OF SUPPLIES BY CLERK

Article 1. In General

Manner of disposition

17400. The records and supplies of any statewide election or any county, city, district, or other local election when received by the clerk shall be disposed of in the manner set forth in this article.

(Amended by Stats. 1961, Ch. 205.)

[ORIGINAL SECTION]

17400. The records and supplies of election when received by the clerk shall be disposed of in the manner set forth in this article.

Ballots

17401. The package containing the voted ballots shall be kept by the clerk, unopened and unaltered, for six months subsequent to the date of the declaration of the result of the election by the body canvassing the returns of the election

Contest

If a contest is not commenced within the six months' period, or if a criminal prosecution involving fraudulent use, marking or falsification of ballots or forgery of absent voters' signatures is not commenced within the six months' period, either of which may involve the vote of the precinct from which the package has been received, he shall destroy it or have it destroyed, without being opened or its contents examined. This section also shall apply to absent voter ballots and identification envelopes.

Same

17402. If a contest or any such criminal prosecution has been commenced prior to the date fixed for its destruction, the package containing the voted ballots shall be subject to the order of the court in which the contest or criminal prosecution is pending and shall not be destroyed until after final determination of the contest or criminal prosecution.

In no event shall the package or its contents be taken from the custody of the clerk.

Destruction after contest

17403. Every package of ballots which has been held over six months because of any contest or criminal prosecution shall be destroyed after final determination of the last determined contest or criminal prosecution which affects that package.

Spoiled, canceled, and unused ballots

17404. The package containing the spoiled, canceled and unused ballots shall remain unopened in the custody of the clerk, and shall be held and disposed of as are the voted ballots.

Package subject to inspection

17405. The clerk shall retain in his custody the package or packages described in Section 17202.

The tally sheets shall be made available to the body charged with the canvass of the returns of the election. All voters may inspect the contents of the package or packages at all times following commencement of the official canvass of the votes. The package or packages shall be disposed of in the same manner as voted ballots.

Book of affidavits

17406. The package containing the book of affidavits of registration shall be opened immediately and the book of affidavits returned to its usual place and use in the office of the county clerk.

Return to county clerk by court

17407. Whenever any packages have been inspected and examined by any court in an election contest, and a record made of the evidence therein contained, they shall be restored to the exclusive control and custody of the clerk, who shall reseal the packages with the ballots contained therein and keep them until he destroys them pursuant to this article.

Article 2. Where Contest is Pending in Congress

Destruction of ballots

17430. If any person files a contest of the election of any person declared to have been elected a member of Congress, and so notifies the county clerk in any county, the county clerk shall not destroy the ballots in that county or portion of the county within the congressional district in which the contest is pending, until the final determination of the contest by the House of Representatives of the Congress of the United States.

Inspection of ballots

17431. When the county clerk has been notified of the pendency of a congressional election contest, he shall hold the ballots of that congressional district in his custody subject to the inspection of any committee of the House of Representatives or subcommittee thereof, having in charge the investigation of the contest.

Production of ballots

He shall produce the ballots for examination before any such committee of the House of Representatives, subcommittee, any commissioner designated by the congressional committee or subcommittee, or any officer designated by act of Congress and duly selected to take depositions and proof in any contest of the election of any person to Congress.

Article 3. Where Contest is Pending in State Legislature

Retention of ballots

17460. If any person files a contest of the election of any person declared to have been elected a member of the Senate or Assembly of the State of California, and so notifies the county clerk in any county, the county clerk shall not destroy the ballots in that county or portion of the county within the Senate or Assembly district involved in the contest, until the final determination of the contest or the final adjournment of the session of the Legislature in which the contest is filed, whichever is the later.

Inspection of ballots

17461 When the county clerk has been notified of the filing of a contest in the State Legislature, he shall hold the ballots of the Senate or Assembly district in his custody subject to the inspection of any committee of the Senate or Assembly or subcommittee of such committee having charge of the investigation of the contest.

The clerk shall produce the ballots for examination by any such committee or subcommittee or before any person designated to examine them by the house of the Legislature in which the contest is pending.

CHAPTER 4. CANVASS AT A CENTRAL PLACE

Article 1. General Provisions

Effect of freeholders' charter

17600. Unless the provisions of a freeholders' charter shall provide a mode or method for counting the ballots cast at an election, the ballots cast at the election shall be counted in the manner provided in this chapter.

Resolution

17601. The election board of any city or county may by a resolution provide that all ballots shall be counted at a central place and not at the precincts. This resolution shall be:

(a) Adopted not less than 25 days before the election.

(b) Adopted by a majority vote of the board.

(c) Entered in its minutes.

Ballots not to be counted at polling place

When the ballots cast at any election are to be counted under the provisions of this chapter, the ballots cast at any precinct shall not be counted at the polling place.

Order specifying counting place

17602. Not less than 10 days before the election, the election board shall make its order specifying a public place as the central counting place.

This order shall be entered in its minutes.

Notice of selection

17603. The election board shall give notice of the selection of a central counting place in one of the following ways:

(a) By at least one publication in a newspaper of general circulation in the county or city where the election is to be held.

(b) If a newspaper of general circulation is not published in that county or city, then by prominently posting the notice in the office of the clerk of the election board.

Precinct board's powers

17604. Each precinct board has the same powers and duties as a precinct board in a precinct in which the ballots are counted at the polling place.

17605. The clerk shall perform all the duties which he would be required to perform at elections where the ballots are counted at the precincts.

Article 2. Delivery of Ballots and Supplies to Clerk

17630. As soon as the polls are closed the precinct board shall:

Sealing ballot box

(a) Without removing, adding, or opening any ballot, seal the ballot box without opening it, except as necessary to close the mouth of the box and see that it is securely locked.

Sealing key

(b) In the manner provided by printed instructions from the clerk, in the presence of the public, separately seal the key.

Other packages

(c) Certify, sign and seal the several packages or envelopes

in as nearly the same way, consistent with this chapter, as where ballots are counted at the polling place.

Delivery

(d) By not less than two of their number, deliver the ballot box, key, and packages to the clerk at the central counting place.

Proceeding to counting place

17631. The officers sent with the ballot box, key, and packages shall proceed as continuously as possible to the central counting place.

Exclusive possession

17632. Until delivered to the central counting place, the officers entrusted therewith shall keep in their exclusive possession the ballot box, key, and packages.

Precinct label

17633. Immediately upon the delivery of the ballot box to the clerk or the proper deputy, the clerk shall plainly label each box with the correct number or designation of the precinct in which the ballots were cast.

Article 3. Counting Boards

Employees

17660. The election board, or if authorized by a resolution entered in its minutes, the clerk, in the manner which the employer deems best calculated to provide competent persons therefor, shall employ as many persons as are necessary for the counting, tallying and certifying of the returns of the vote cast in each precinct.

Qualifications

17661. Persons may be employed to count, tally, and certify the ballots if they are not candidates at the election and if they:

(a) Have the qualifications required for election officers at statewide elections, or

(b) Are deputies or employees of either:

(1) The election board,

(2) The clerk, or

(c) Report for service from the civil service list of the city, county, or local subdivision where the election is held.

Residence

17662. None of the persons selected to count ballots need reside in any particular precinct.

Dismissal

17663 The clerk or any deputy authorized by him may excuse or dismiss any person from any counting board and enforce his order.

Additional employees

17664. The clerk or deputy may employ additional persons:

(a) To substitute for any person dismissed.

(b) If enough have not been provided.

(c) To substitute for any person who absents himself from the counting board or table.

Article 4. Counting of Ballots

Notice to employees

17690. The clerk shall notify the persons employed to count the ballots of the hour on the evening of the election day when they shall assemble at the central counting place. The members of the counting board shall assemble at that time and place.

Counting boards

17691. The clerk or his deputy shall segregate the persons employed to count the ballots into counting boards, consisting of three persons each.

Deemed precinct board

17692. The counting boards authorized by this article shall be deemed to be precinct boards.

Laws subject to

17693. The counting boards are subject to all laws governing precinct boards where ballots are counted at the polling place, except as in this article otherwise provided.

Procedure

17694 Each counting board, in the same manner as at statewide elections, shall proceed to count and tally the ballots by precincts, separately, under the direction of the clerk or his deputies or such superintendents as the clerk chooses for that purpose.

Counting in public

17695. The counting of votes shall be in the presence of the public and shall be continuous and without adjournment until completed and the result thereof tallied, certified and returned as by this article required. Any candidate shall be entitled to have a representative among the bystanders.

Clerk in charge

17696 The clerk shall have charge of the counting boards during the entire time of the counting of the ballots.

Tally sheets Certificate

17697. The tally sheets shall be provided and determined as to form by the clerk. There shall be a certificate at the end of the tally sheet to the effect that the foregoing is the correct result of the election in the precinct as to each and all candidates voted for and all measures voted upon at the election. The three persons who completed the tally sheet and return shall sign the certificate.

Duplicate

17698. The tally sheets shall be in duplicate, kept by two clerks. Upon completion, one copy shall be sealed in an envelope, which shall be signed across the flap in the manner provided for sealing tally sheets at state elections where votes are counted in the precincts. The other tally sheet shall remain open for inspection in the clerk's office for six months from the date of the election.

Inspection

Returns

17699. The clerk shall keep the returns in the same manner as if they had been counted at the precinct and returned to him He shall securely keep them until he produces them before the election board for the official canvass.

Article 5. Penal Provisions

Law applicable

17720. All provisions of law applicable in any way to statewide elections or to election officers at statewide elections apply to the procedure and to all officers, agents, and employees provided for or mentioned in this chapter.

Refusal to obey order

17721. Any person acting on any counting board who refuses to obey any lawful order of the clerk or his deputy is guilty of a misdemeanor, unless he is by his refusal guilty of a higher crime under the laws of this State.

Liabilities and penalties

17722. Each counting board and its members are subject to the liabilities and penalties to which precinct boards or their members are subject where the votes and returns are counted at the precincts where they were polled.

CHAPTER 5. SEMIOFFICIAL CANVASS

Application

17900. This chapter applies to all statewide elections, including the primary and general elections.

County clerk to compile semiofficial canvass

17901. The county clerk shall conduct a semiofficial canvass commencing as soon as the first returns are received by him from the precincts, and in no event later than 10 o'clock p.m. on election day, by compiling the returns as shown on the result of the votes cast turned in to him after the precinct boards have completed their canvass at the polls. He shall continue the semiofficial canvass without adjournment until all precincts are accounted for.

County clerk to transmit returns to Secretary of State

17902. Upon the expiration of each two hours following the commencement of the semiofficial canvass until the expiration of 12 hours; of each six hours for the next 12 hours; and thereafter each 12 hours, the county clerk shall transmit the returns to the Secretary of State in the manner prescribed by him, for:

(a) All candidates voted for in more than one county.

(b) All candidates voted for wholly within one county for the following offices:

(1) State Assembly.

(2) State Senate.

(3) Representative in Congress

(4) Member of the State Board of Equalization

(c) In presidential years, all persons voted for at the presidential primary or for electors of President and Vice President of the United States, depending on the election involved.

(d) Statewide ballot measures

Compilation of returns by Secretary of State

17903. The Secretary of State, commencing with the first returns received by him from the county clerks, shall compile the returns for the offices and measures mentioned in Section 17902, which compilation shall be continued without adjournment until completed. The Secretary of State shall immediately make public the results of his compilation as to such offices and measures.

Publication

CHAPTER 6. ELECTION RETURN CENTERS

Establishing centers

18000. The board of supervisors of any county may, within its county, establish one or more election return centers for the purpose of facilitating the compilation of election returns and expediting their announcement to the public.

Designating precincts

18001. In establishing a return center the board of supervisors may designate a group of precincts which the center shall serve.

Change of location

18002. The board of supervisors may, from time to time, change the location of an election return center and the grouping of precincts.

Entire county

18003. The county courthouse or the office of the county clerk may be made the election return center for the entire county.

Determination by supervisors

18004 The board of supervisors of any county may, not less than 10 days before any primary, presidential primary, or general election, find and determine that certain offices and measures to be voted upon are of more than ordinary public interest and importance and that the public interest and welfare require an early tabulation, ascertainment and announcement of the returns of the election as to those offices and measures, and may select and designate them in its determination, which shall thereupon be transmitted to the county clerk.

Special blanks

18005. The county clerk shall thereafter prepare and forward to each precinct one or more special blanks containing a list of the offices and measures designated by the board of supervisors as being of more than ordinary public interest, together with the names of the several candidates for those offices, and the words "for" and "against" opposite each measure

First 25 ballots

18006 After the polls have closed at any direct primary, presidential primary, or general election, the county clerk shall require the inspector of each precinct to, and the inspector, as soon as 25 ballots in his precinct have been counted, shall ascertain and note upon the special blanks furnished, the votes for each candidate and for and against each measure designated on the blanks and the total number of votes cast in the precinct. Immediately thereafter, in the manner directed by the county clerk, he shall communicate the figures so tabulated to the person in charge of the election return center serving that precinct, or to the county clerk if no return centers have been established.

Groups of 50 ballots

18007. Upon the completion of 50 ballots and of every 50 ballots thereafter, and upon the canvassing of all of the ballots, the inspector shall ascertain and report to the election return center designated the total votes cast for each candidate and for and against each measure.

Report to county clerk

18008 Each person in charge of an election return center shall, as directed by the county clerk, report to the county clerk the result of the reports received by him. These reports shall be open to public inspection

Tabulation of results

18009 Upon the receipt from the election return center or precincts of the reports of votes cast on the specially designated offices and measures of more than ordinary public interest, the county clerk shall tabulate the results from the election return center or precincts as received, and make the results available to the public. Upon the receipt of the copies of the result of votes cast from the precinct boards, as provided in Chapter 2 (commencing at Section 17200) of this division, he shall tabulate, total and make available to the public the results so received as to the offices and measures so designated.

Clerical assistance and expenses

18010. The board of supervisors may provide for all the necessary clerical assistance and expenses, including the expenses of communicating the reports by inspectors of precinct boards, to carry out the provisions of this chapter.

CHAPTER 7. CANVASS OF ABSENT VOTER BALLOTS

Article 1. General Provisions

Liberal construction of chapter

18200. This chapter shall be liberally construed in favor of the absent voter.

18201. (Repealed by Stats. 1961, Ch 794.)

[ORIGINAL SECTION]

18201 As soon as the semiofficial canvass is completed the county clerk shall commence to count and canvass the absent voter ballots, which count and canvass shall be continuous and without adjournment until completed and the result thereof tallied and returned

Canvassing

18201. At any time following the third day prior to the election, the county clerk shall commence to process the absent voter ballots, and, on election day, the county clerk shall commence to count such ballots. This processing and counting shall be continuous and without adjournment until completed and the result thereof tallied and returned.

The term "canvass," as used in this chapter, means to process absent voter ballots in the manner specified in this chapter.

(Added by Stats. 1961, Ch. 794.)

Canvassing boards

18202. The county clerk may appoint either of the following to assist him to count and canvass the absent voter ballots:

(a) Special canvassing boards, to consist of five voters for each canvassing board, to canvass each 350 ballots or portion thereof.

(b) A single canvassing board of such number as the county clerk deems necessary, to count and canvass all of the absent voter ballots cast in the county.

Same Member's duties

18203. Where the special canvassing board consists of more than five voters, five of them shall be designated to pass upon challenges and all questions relating to the marking of the ballots. Special forms of tally books or tally sheets may be prescribed by the county clerk and the duties of counting and canvassing may be distributed among the members of the special canvassing board by the county clerk in any manner which in the opinion of the county clerk will assure a true and accurate count. The tally for each office or proposition shall be made by not less than four members, one to read from the ballots another to keep watch of the vote thereon and to keep a check on any possible illegal vote or on any error or omission on the part of the officer reading or calling the ballot, and two to keep the tally upon the books or sheets provided therefor.

Compensation of canvassing board

18204. The county clerk shall pay a reasonable compensation to each member of the canvassing board for his services rendered in the canvass of the absent voter ballots made by him. This compensation is payable out of the treasury of the county as other claims against it are paid.

Law applicable

18205. Except as otherwise provided, the canvass of votes and disposition of challenges for any election shall be accord-

ing to the laws now in force pertaining to that election, except that the challenger shall have the burden of establishing the grounds of the challenge.

The city clerk of a city or the election board or officer charged with the conduct of an election in any other political subdivision shall have the same powers, in connection with the count of absent voter ballots, as are conferred upon the county clerk by this chapter.

(Amended by Stats 1961, Ch. 65.)

[ORIGINAL SECTION]

18205 Except as otherwise provided, the canvass of votes and disposition of challenges for any election shall be according to the laws now in force pertaining to that election, except that the challenger shall have the burden of establishing the grounds of the challenge.

The election board of a city or other political subdivision shall have the same powers, in connection with the count of absent voter ballots, as are conferred upon the county clerk by this chapter

Report of findings

18206. The county clerk as soon as he has completed the canvass of all absent voter ballots shall report his findings to the Secretary of State as to the offices and measures prescribed in Section 17902 The county clerk shall also immediately make public the results of the absentee vote canvass as to all offices and measures appearing upon the ballot.

Article 2. Counting of Ballots

"Board"

18230. Unless the context otherwise requires, as used in this article, "board" means a canvassing board appointed, pursuant to this chapter or under any provision of law, by the county clerk or by the city clerk of a city or the election board or officer charged with the conduct of an election in any other political subdivision to count votes cast by absent voters If the election board of any political subdivision canvasses the absent voter ballots, the term "board" means the election board.

(Amended by Stats. 1961, Ch. 65.)

[ORIGINAL SECTION]

18230 Unless the context otherwise requires, as used in this article, "board" means a canvassing board appointed by the county clerk or by the election board of a city or other political subdivision pursuant to this chapter. If the election board of a city or other political subdivision canvasses the absent voter ballots, the term "board" means the election board.

Identification envelopes

18231. In beginning the canvass the board shall take up the identification envelopes containing the ballots separately in the presence of a majority of the members of the board, and of the public who may be present.

Comparison of signatures

18232. In beginning the canvass for an election in any city or in any district, the board shall take up the identification envelopes containing the ballots separately in the presence of a majority of the members of the board, and of the public who may be present, and compare the signature of the voter

on each of these envelopes with that on the application of the voter which has previously been compared with the signature on the registration affidavit of the voter by the city clerk of the city or the secretary or other officer having charge of the election in any district.

Challenge

18233. The board shall announce audibly the voter's name, whereupon a challenge may be interposed against the counting or deposit of the absent voter ballot for counting, upon either or all of the grounds available against a person attempting to vote at a polling place. A challenge may also be interposed upon the ground that the ballot was not mailed within the time prescribed by law.

Signature variation

18234. A variation between the signature on the identification envelope and the signature on the registration affidavit caused by the substitution of initials instead of the first or middle names, or both, or of names instead of first or middle initials, or both, shall not invalidate the ballot if the surname and handwriting are the same.

Depositing ballot in ballot box

18235. If a challenge is overruled, the board shall then open the identification envelope without defacing the affidavit printed on it or mutilating the enclosed ballot, and, without unfolding the ballot, shall remove the number from the ballot, destroy the number slip and deposit the ballot in the ballot box provided for the purpose.

Note of challenge

18236. If a challenge is allowed, the board shall indorse on the face of the identification envelope the cause of the challenge and its action thereon

Rejection

18237. If in any case a majority of the board finds that the signature on any identification envelope is not the same as that appearing on the duplicate affidavit of registration of the voter, the board shall refuse to open the envelope or count the ballot. It shall endorse the cause of the rejection on the face of the identification envelope. A majority of the board shall sign the endorsement. No ballot shall be rejected for such cause after the envelope containing it has been opened.

Counting

18238 After all the ballots are deposited in the box, the box shall be thoroughly shaken. On the day of election, all ballots shall be unfolded and examined for any irregularities Any illegal ballots shall be rejected in the manner set forth in Section 17008. Those ballots not rejected shall be placed open in one pile, and the board shall proceed to count by taking off the vote for one or more offices or measures at a time In the case of a primary election, the unrejected ballots shall be segregated on the basis of political parties prior to placing them in one pile

No information regarding the result of the count shall be released until after the close of the polling places.

(Amended by Stats. 1961, Ch. 794.)

[ORIGINAL SECTION]

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Tabulation

18239. The board shall tabulate the result of the count for each candidate voted for, and for and against each measure voted upon, under the heading "absentee vote," regardless of the precincts within which the absentee voters are registered.

Adding votes cast

18240. The board shall add the total of the votes cast in each precinct for each of the candidates and for and against each measure voted upon to the total for each candidate and for and against each measure tabulated under the heading "absentee vote."

Absent voter ballots included in canvass of returns

18241. The count and canvass of absent voter ballots shall be completed after an immediate count by the staff of the county clerk and included with the canvass of returns from the precincts.

Article 3. Proceedings After Count of Ballots

List of absentee voters

18260. The county clerk shall keep an accurate list of all voters who have received and voted an absent voter ballot at each direct primary and general election and compare this list with the roster of voters as provided in Section 386.

Chapter 8. Canvass of Returns

Article 1. Canvass of Returns at Final Elections

Scope of article

18400. This article applies to all elections except:

(a) Primaries.

(b) General law city elections.

(c) Elections for which provision is otherwise made by city charter.

(d) Other elections for which specific provision otherwise is made by law.

Meeting of election board

18401. The election board of each county shall meet, at its usual place of meeting, on the first Monday after each election. If, at the time of the meeting, the returns from each precinct in the county in which polls were opened have been received, it shall then and there canvass the returns.

Action

In any county having a registrar of voters, the canvass of the returns shall be made by the registrar of voters and in any other county the election board may, by resolution duly adopted prior to the date of election, order the canvass to be made by the county clerk. When the canvass is thus made, it shall be unnecessary for the election board to meet as provided in this section, and the registrar of voters or county clerk shall perform the duties of the election board as provided in this article.

Session of board of supervisors

18402. The board of supervisors need not be in session during the time the canvass is being made by the county clerk.

Postponement of canvass

18403. If all the returns have not been received, the canvass shall be postponed from day to day until all the returns are received, or until six postponements have been had.

Appointment of clerks

18404. In any county where the number of election precincts exceeds 500, the board of supervisors may appoint several sets of clerks to perform the clerical work of the canvass and to assist the board or the county clerk in canvassing returns. The several sets of clerks so appointed may, under the order and direction of the board or county clerk, perform their duties in the canvassing of the returns simultaneously.

Place of canvass

18405. The canvass may be made at any public place in the county as the board of supervisors designates by order entered in its minutes.

Notice of address

18406. If the canvass is made at a place other than the usual place of meeting of the board, the board shall conspicuously post at its usual place of meeting for at least three days before the time for making the canvass, and during all the time the canvass is being made, a notice which shall state clearly and fully the designation and description of the place where the canvass will be made and conducted.

Public canvass

18407. The canvass shall be made in public and by opening the returns and determining the vote of the county for each person voted for and for and against each measure voted upon at the election, and declaring the result thereof.

Continuing canvass

18408. The canvass shall be continued daily, Sundays and holidays excepted, for not less than six hours each and every day until completed.

Incomplete returns

18409. If the returns from any precinct are incomplete, ambiguous, not properly authenticated, or otherwise defective, the board or person who canvasses the returns may issue and

Subpoenas

serve subpoenas requiring the attendance before it or him of the members of the precinct board.

Examination of precinct board

If three-fourths or more of the members of the precinct board appear, they may be examined under oath concerning the manner in which the votes were counted in their precinct, and concerning the result of the count.

Correction of returns

18410. The board or person conducting the canvass may require the precinct board to open the envelopes containing the ballots, retally them and correct or complete its returns or its authentication thereof so that they shall show correctly the votes cast in the precinct for each candidate voted for and for or against each measure voted upon.

Opening of ballot

18411. The board or officer conducting the canvass shall not open any ballots or permit any ballots to be opened except as permitted in Section 18410 and by Article 4 (commencing at Section 18500) of this chapter.

Statement of result

18412. If the canvass is made by the board of supervisors, as soon as the result is declared by it, or if the canvass is made by the county clerk, as soon as the result is officially certified

to him, the clerk of the board of supervisors shall enter on the records of the board a statement of the result.

Contents

18413. The statement of the result shall show:

(a) The whole number of votes cast in the county.

(b) The names of the persons voted for.

(c) The measures voted upon.

(d) For what office each person was voted for.

(e) The number of votes given at each precinct to each person and for and against each measure.

(f) The number of votes given in the county to each person and for and against each measure.

Same

18413.5. This statement shall also show the number of votes cast in each city, assembly district, congressional district, senatorial district and supervisorial district located in whole or in part in the county for each candidate for the offices of presidential elector, Governor, and United States Senator, depending on the offices to be filled, and on each statewide ballot proposition of major interest as determined by the Secretary of State. The Secretary of State shall notify the county clerks of his determination regarding ballot propositions not less than 25 days before the election.

(Added by Stats 1961, Ch. 133.)

Votes for deceased candidate

18414. Whenever a candidate whose name appears upon the ballot at a general election dies after the hour of 12.01 a.m. of the 39th day before the election and before the time of the closing of the polls on the day of the election, the votes cast for such deceased candidate shall be counted in determining the results of the election for the office for which the decedent was a candidate. If the deceased candidate receives the majority of the votes cast for the office, he shall be considered elected and the office to which he was elected shall be vacant at the beginning of the term for which he was elected. The vacancy thus created shall be filled in the same manner as if the candidate had died subsequent to taking office for that term.

"Scattering"

18415. When it appears that the total number of votes cast for any person to fill an office to be filled by the votes of a single county or subdivision thereof amounts to less than 1 percent of the total number of votes cast for that office, a record shall not be kept of the vote cast for that person, but all of the votes cast for all such persons for that office shall be totaled, and the total shall be entered in the statement of the number of votes cast for the several candidates for the office, opposite the word "scattering."

Declaration of result

18416. No declaration of the result, commission, or certificate may be withheld on account of any defect or informality in the return of any election, if it can with reasonable certainty be ascertained from that return what office is intended and who is elected to the office.

Article 2. Canvass of Returns of Local or Special Elections

Canvass by county clerk

18440. Whenever by any provision of law the board of supervisors of any county is required to canvass the returns of any local or special election the board may direct that the canvass shall be made by the county clerk.

Article 3. Canvass and Return of Results at Primaries

Scope of article

18460. This article applies to all primaries for which other provision is not made by a freeholder's charter.

Date of canvass

18461. The board of supervisors of each county, or in the case of a municipal primary election, the officers charged by law with the duty of canvassing the vote in that city, shall meet to canvass the returns at the usual place of meeting, or at any other place permitted by law, at 1 o'clock in the afternoon of the first Thursday after each primary election, or as soon thereafter as all the returns are in.

Canvass by registrar

In any county having a registrar of voters, the canvass of the returns shall be made by the registrar of voters, and in any other county, the election board may by resolution duly adopted prior to the date of election order the canvass to be made by the county clerk. When the canvass is thus made, it shall be unnecessary for the board of supervisors to meet as provided in this section. The registrar of voters or county clerk shall perform the duties of the board of supervisors as provided in this article.

County clerk may canvass

18462. If the canvass be made by the county clerk it may be made at any public place in the county which the board of supervisors designates by order entered upon its minutes. If the canvass be made at a place other than the usual place of meeting of the board, the board shall conspicuously post at its usual place of meeting for at least three (3) days before the time for making the canvass and during all the time while the canvass is being made, a notice which shall state clearly and fully the designation and description of the place where the canvass will be made and conducted. This notice may be posted prior to the election.

Session of board of supervisors

18463. If the canvass is made by the county clerk, the board of supervisors need not be in session during the time the canvass is being made.

Date for completion of canvass

18464. When begun the canvass shall be continued until completed, which shall not be later than 6 o'clock in the afternoon of the 25th day following the primary election.

Defective returns

18465. If the returns from any precinct are incomplete, ambiguous, not properly authenticated, or otherwise defective, the board or person who canvasses the returns may issue and serve subpoenas requiring the attendance before it or him of the members of the precinct board.

If three-fourths or more of the members of the precinct board appear, they may be examined under oath concerning

the manner in which the votes were counted in their precinct, and concerning the result of the count.

The board or person conducting the canvass may require the precinct board to open the envelopes containing the ballots, retally the ballots, and correct or complete its returns or its authentication thereof so that they shall show correctly the votes cast in the precinct for each candidate voted for and for or against each measure voted upon.

Statement of results

18466. If the canvass is made by the board of supervisors, as soon as the result is declared by it, or if the canvass is made by the county clerk as soon as the result is certified to him, the clerk of the board of supervisors shall enter upon the records of the board a statement of the result.

Contents

18467. The statement of the result shall show the whole number of votes cast for each:

(a) Candidate of each political party.

(b) Candidate for each nonpartisan office.

(c) Candidate for membership in the county central committee.

Duplicate to chairman

18468. The clerk of the election board shall deliver a duplicate certificate of the result of votes cast as to each party to the chairman of the county central committee of the party.

"Scattering" Single county

18469. When it appears that the total number of votes cast to nominate or elect any person to a public or party office to be filled by the voters of a single county or subdivision thereof totals less than 1 percent of the total number of votes cast for that office, a record shall not be kept of the vote cast for that person, but all of the votes cast for all such persons for that office shall be totaled, and the total shall be entered in the statement of the number of votes cast for that office, opposite the word "scattering."

If the office is to be filled by the voters of more than one county then a record of the votes received by each person shall be kept and certified to the proper officer.

Copy to Secretary of State

18470. The county clerk in any county shall forthwith send to the Secretary of State by registered mail or by express one complete copy of all returns as to:

(a) All candidates voted for in more than one county.

(b) All candidates voted for wholly within one county for the following offices:

(1) Member of the Assembly.

(2) Member of the Senate.

(3) Representative in Congress.

(4) Member of the State Board of Equalization.

(5) Judge, except judge of an inferior court.

(c) All persons voted for at the presidential primary. The returns for all persons voted for at the presidential primary for delegates to national conventions shall be canvassed first and shall be sent separately within 19 days after the day of election.

Compilation by Secretary of State

18471. The Secretary of State shall, not later than the 34th day after any primary election, compile the returns for:

(a) All candidates voted for in more than one county.
(b) All candidates for:
(1) The Assembly.
(2) The State Senate.
(3) Congress.
(4) The State Board of Equalization.
(5) Judicial offices, except judges of an inferior court.
He shall make out and file in his office a statement of the result.

Article 4. Recount of Ballots

Scope of article

18500. This article applies to all elections, both final and primary, for which other provision is not made by law or charter.

Resolution for recount

18501. By resolution duly entered upon its minutes, designating the place for recounting, an election board may order that the ballots voted in a precinct shall be publicly recounted, or the person authorized to canvass the returns may order that the ballots voted in a precinct shall be publicly recounted if:

(a) The returns from any precinct show a total of votes cast for all candidates for any office or for or against any measure in excess of the number of votes cast in the precinct.

(b) The board or person who canvassed the returns has examined the precinct officers under oath and the precinct officers are unable to correct the returns of their respective precincts in this respect.

(c) No election contest is pending wherein a recount of the ballots in that precinct has been or will be ordered.

Posting notice of recount

18502. On the day of its adoption, a copy of the resolution ordering the recount shall be posted in a conspicuous place at the regular meeting place of the election board, or at the time the recount is ordered, the person authorized to canvass the returns shall post a notice in his office and notify the candidates for any office or the committee for or against any measure, by registered mail, of the date and place of the recount.

Recounting board

18503. The recount may be made by the election board or by a special recounting board consisting of not less than six voters of the county appointed by the election board, or the recount may be made by four voters appointed by the person authorized to canvass the returns.

Clerical assistants

18504. The election board or the person authorized to canvass the returns may appoint enough clerical assistants to aid it or him or the special counting board to make the recount.

Time for commencement of recount

18505. The recount shall be commenced:

(a) After final elections, not less than three nor more than six days after the adoption of the resolution or order.

(b) After primaries, not later than three days after the adoption of the resolution or order.

The recount shall be continued daily, Sundays and holidays excepted, for not less than six hours each and every day until completed. Completion

18506. The ballots shall be recounted in the manner prescribed for the counting of ballots by precinct boards. Manner

18507. In lieu of the returns of the precinct board on the completion of the recount, there shall be entered the result of the recount as the official returns for that precinct. Entry of recount

18508. A copy of the results of any recount conducted pursuant to this article shall be posted conspicuously at the regular meeting place of the election board or in the office of the person authorized to canvass the returns. Posting of results

18509. This article does not: Scope of article

(a) Authorize the opening or recounting of ballots for any precinct except for the purposes specified in this article.

(b) Limit other provisions of law regarding an election contest or recount.

Article 5. Recount of Ballots During Elections Involving Congressional and State Legislative Offices

18530. This article applies only to direct primary elections at which candidates are to be nominated for, and to general elections at which candidates are to be elected to, one or more of the following offices: Member of Assembly, State Senator, Representative in Congress, and United States Senator. As used in this article "office" means one of the offices enumerated in this section, and "election board" includes a registrar of voters or county clerk authorized to canvass the returns of the election. Application of article

18531. The Legislature hereby finds that the computation of the result of the votes cast for legislative offices as disclosed by a recount is merely a continuation of the computation originally made by the precinct boards and by the official canvass thereafter made by the canvassing board. Such a computation is for the most part ministerial in nature, is conducted by a ministerial body, and in no way impinges upon the constitutional guaranty that each house of the Legislature shall be the judge of the elections, returns, and qualifications of its members since it is not binding on the Legislature. Legislative finding

18532 At any time prior to the fourth day following the completion of the canvass, including that of the absent voter ballots, but not necessarily subsequent to the completion of such canvass, any candidate for an office may file with the election board a declaration alleging that because of mistake, error or misconduct the votes in one or more precincts specified in the declaration were so incorrectly counted that the returns do not correctly show which candidate received the plurality of the votes cast for the office in the precinct. If any candidate files a declaration requesting a recount in less than the total number of precincts wherein votes were cast for the office, and the recount is begun, any other candidate for nomination Declaration of error

or election to the same office may, at any time prior to the fourth day following the beginning of such recount, file with the election board a declaration alleging that because of possible mistake, error, or misconduct in precincts specified in the declaration, which may include any or all precincts specified by previous declarations, as well as any or all precincts not specified by previous declarations, the ballots were so incorrectly counted that the returns may not correctly show which candidate received the plurality of votes cast for the office in those precincts A copy of the declaration may be personally served upon each other candidate for nomination for or election to the same office prior to the filing of the declaration and shall be so served before the recount provided for in this article is commenced. For the purpose of this section, "completion of the canvass" shall be presumed to be that time when, if the canvass is made by the board of supervisors, the result is declared by it, or if the canvass is made by the county clerk, as soon as the result is certified to him and the clerk of the board of supervisors enters a statement of the result upon the records of the board.

Copy

"Completion of canvass"

"Recount"

18533. Except as to the precincts specified in the declaration, the canvass shall be conducted in accordance with the other applicable provisions of this chapter. As to the canvass of the precincts so specified the election board shall publicly recount the ballots of each precinct or cause such recount to be made by a special recounting board consisting of not less than four voters of the county appointed by the election board. If a special recounting board is appointed, each member of that board shall receive for his services the same compensation per day as is paid in the county to members of precinct boards, other than inspectors, which shall be paid out of the county treasury. In case a special recounting board is appointed, the candidate filing the declaration shall, before the commencement of the recount and at the beginning of each day following during the period of the recount, deposit with the election board a sum equal to one day's compensation for the members of the special recounting board. In case a special recounting board is not appointed, the candidate shall, before the recount is commenced and at the beginning of each day following during the period of the recount, deposit such sums as the election board requires to cover the expense of the recount, which sum shall not exceed the sum which would have been required to be deposited if a special recounting board had been appointed. In either case all money so deposited shall be returned to the depositor if upon the recount the candidate filing the declaration is found to have received the plurality of the votes cast for the office in the precinct. Otherwise, the money shall be deposited in the county treasury.

Costs

Procedures

18534. The ballots shall be recounted as nearly as practicable in the manner prescribed for the counting of votes at precincts. The recount shall be continued daily, Sundays and holidays excepted, for not less than six hours each day until

completed. Any candidate for the office involved shall be entitled to be present in person or by representative at all stages of the recount provided for in this article. If the recount requires such length of time that the canvass cannot be completed within the time prescribed by Section 18464, the time so prescribed shall be extended until after the recount is completed.

Results final

18535. In lieu of the returns of the precinct board, upon the completion of the recount there shall be entered the result of the recount in each precinct affected, which result shall, for all purposes thereafter, be the official returns of that precinct for the office involved in the recount to the same effect as if the result as shown by the recount had been shown in the returns of the precinct board. The results of any recount begun pursuant to a declaration filed as provided in Section 18532, which is not completed by counting the votes in each and every precinct specified in the declaration, shall be declared null and void.

Application

18536. Except as provided in this article all of the provisions of this chapter apply to the canvass of the votes for offices to which this article is applicable.

Article 6. Recount of Votes Following Elections Involving the Offices of Presidential Elector and Constitutional Officers

(Article 6 added by Stats. 1961, Ch. 1672)

"Constitutional office"

18560. As used in this article, "constitutional office" means any one of the following offices: Governor, Lieutenant Governor, Secretary of State, State Controller, State Treasurer, and Superintendent of Public Instruction.

(Added by Stats. 1961, Ch. 1672.)

Filing declaration

18561. At any time prior to the 20th day following the General Election at which presidential electors or constitutional officers are to be selected, any candidate for the office of presidential elector or a constitutional office, as the case may be, may file with the county clerk a declaration requesting a recount of the votes cast for the office in one or more precincts specified in the declaration

(Added by Stats. 1961, Ch. 1672.)

Public recount

18562. Following receipt of the declaration filed pursuant to Section 18561, the county clerk shall cause the votes in the precincts specified in the declaration to be publicly recounted by a special recounting board consisting of not less than four voters of the county appointed by the clerk. Each member of the board shall receive for his services the same compensation per day as is paid in the county to members of precinct boards, other than inspectors, to be paid out of the county treasury.

Manner of recount

The votes shall be recounted as nearly as practicable in the manner prescribed for the counting of votes at the precincts except that the recount shall be limited to votes cast for the

office involved. The recount shall be continued daily, Sundays and holidays excepted, for not less than six hours each day until completed. Any candidate for the office involved shall be entitled to be present in person or by representative at all stages of the recount provided for in this article.

(Added by Stats. 1961, Ch. 1672)

Depositing cost of recount

18563. Before the recount is commenced, the candidate requesting the recount shall deposit with the county clerk an amount, estimated by the clerk to be the cost of the recount. The money deposited shall be returned to the depositor if upon the recount the candidate filing the declaration is found to have received the plurality of the votes cast. If the candidate filing the declaration has not received the plurality of the votes cast, he shall be entitled to the return of any money deposited in excess of the cost of the recount. Money not required to be refunded shall be deposited in the county treasury.

(Added by Stats 1961, Ch. 1672.)

Result of recount

18564. In lieu of the returns of the precinct board, upon the completion of the recount there shall be entered the result of the recount in each precinct affected, which result shall for all purposes be the official returns of the precinct for the office to the same extent as if the result shown by the recount had been shown in the returns of the precinct board.

(Added by Stats. 1961, Ch. 1672.)

Terminating recount

18565. A candidate who requests a recount pursuant to this article may not cause the recount to be terminated before its completion at any time during which he has more votes recorded for him than any other candidate for the same office.

Upon the completion of the recount any other candidate for the office may file with the clerk, within 72 hours of receiving notice of the result, a request for a recount in accordance with the provisions of this article.

(Added by Stats. 1961, Ch. 1672.)

CHAPTER 9. PROCEEDINGS AFTER ANNOUNCEMENT OF RETURNS

Article 1. General Provisions

Election on plurality Exceptions

18700. The person who receives a plurality of the votes cast for any office is elected to that office in any election, except:

(a) An election for which different provision is made by any city or county charter.

(b) A municipal election for which different provision is made by the laws under which the city is organized.

(c) Primaries.

Article 2. County Officers

Declaration of election

18720. The board of supervisors shall declare elected to each county office or office of judge of an inferior court the person having the highest number of votes for that office.

Certificate

18721. The county clerk, immediately after declaring who is elected, shall make out and deliver to each person elected to a county office or the office of judge of an inferior court a certificate of election, signed and authenticated by the county clerk unless that person is required to and has not filed a campaign statement under Chapter 1 (commencing at Section 11500) of Division 8 of this code.

Article 3. Returns Sent to Secretary of State

"Elector"

18750. "Elector," as used in this article, means an elector of President and Vice President of the United States and not an elector as defined in Section 20.

Certified abstract

18751. As soon as the statement of the vote of his county at any general or special election is made out and entered upon the records of the board of supervisors, the county clerk shall make out a certified abstract of so much thereof as relates to the votes given or cast for persons for other than county offices to be filled at that election, together with a statement of the whole number of votes cast in the county.

Votes on person

Votes on measure

18752. As soon as the statement of the vote within a county upon measures is made out and entered upon the record of the board of supervisors, the county clerk shall make out a certified abstract of that vote.

Electors for President and Vice President

18753. As soon as the statement of the vote of his county at a presidential election is made out and entered on the records of the board of supervisors, the county clerk shall make a certified abstract of so much thereof as relates to the vote given for persons for electors of President and Vice President of the United States.

"Election returns"

18754. The county clerk shall seal the abstract of result of votes cast for measures and for candidates for other than county offices, indorse it "Election returns," and by mail or express, without delay, transmit it to the Secretary of State.

"Presidential election returns"

18755. The county clerk shall seal the abstract of votes for electors, indorse it "Presidential election returns," and by mail or express, without delay, transmit it to the Secretary of State.

Statement of vote

18756. Except as to presidential electors, on the 40th day after the day of election, or as soon as the returns have been received from all the counties of the State, if received within that time, the Secretary of State shall compare and estimate the vote and make out and file in his office a statement thereof.

Supplement to statement of vote

18756.5. Following the filing of the statement of vote pursuant to Section 18756, the Secretary of State, upon the basis of the information provided to him under Section 18413.5, shall compile a supplement to the statement of vote, showing the number of votes cast in each county, city, assembly district,

senatorial district, congressional district and supervisorial district for each candidate for the offices of presidential elector, Governor, and United States Senator, depending on the offices to be filled, and on each statewide ballot proposition of major interest. A copy of this supplement shall be made available, upon request, to any elector of this State.

(Added by Stats. 1961, Ch. 133.)

Certificate of election

18757. When the Secretary of State has compared and estimated the vote cast, he shall make out and deliver, or transmit by mail, a certificate of election to each person elected.

Certificate of electors

18758. On the last Monday in the month of the election, or as soon as the returns have been received from all the counties in the State, if received before that time, the Secretary of State shall compare and estimate the votes given for electors, and certify to the Governor the names of the proper number of persons having the highest number of votes. The Secretary of State shall thereupon issue and transmit to each such elector a certificate of election. The certificate shall be accompanied by a notice of the time and place of the meeting of the electors and a statement that each elector will be entitled to a per diem allowance and mileage in the amounts specified in Section 25108.

Tie vote for Governor and Lieutenant Governor

18759. When two or more persons have an equal and highest number of votes for either Governor or Lieutenant Governor, the Secretary of State shall deliver a certificate to that effect to each of the tied candidates. Each tied candidate may present such certificate to the Legislature in such manner as he sees fit.

DIVISION 11. ELECTION CONTESTS. TIE VOTE

CHAPTER 1. GENERAL PROVISIONS

"County clerk"

20000. As used in this division, "county clerk" does not include "registrar of voters."

"Contestant" "Defendant"

20001. When used in this division, "contestant" means any person initiating an election contest. "Defendant" means that person whose election or nomination is contested or those persons receiving an equal and highest number of votes, other than the contestant, where, in other than primary elections, the body canvassing the returns declares that no one person has received the highest number of votes for the contested office.

CHAPTER 2. CONTESTS AT GENERAL ELECTIONS

Article 1. Grounds for Contest

Scope of chapter

20020. The provisions of this chapter shall not apply to elections for the office of Member of the Senate or the Assembly of the State of California.

Causes

20021. Any elector of a county, city, or of any political subdivision of either may contest any election held therein, for any of the following causes:

Malconduct

(a) That the precinct board or any member thereof was guilty of malconduct.

Ineligibility to office

(b) That the person who has been declared elected to an office was not, at the time of the election, eligible to that office.

Bribe or reward

(c) That the defendant has given to any elector or member of a precinct board any bribe or reward, or has offered any bribe or reward for the purpose of procuring his election, or has committed any other offense against the elective franchise defined in Chapter 3 (commencing at Section 12000) of Division 8 or Division 15, of this code.

Illegal votes

(d) That illegal votes were cast.

Errors in canvassing

(e) That the precinct board in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.

Improper conduct

20022. No irregularity or improper conduct in the proceedings of the precinct board members, or any of them, is such malconduct as avoids an election, unless the irregularity or improper conduct is such as to procure the defendant to be declared either elected or one of those receiving an equal and highest number of votes where no one person has received the highest number of votes.

Malconduct of precinct board

20023. When any election held for an office exercised in and for a county is contested on account of any malconduct on the part of the precinct board of any precinct, or any member thereof, the election shall not be annulled or set aside upon any proof thereof, unless the rejection of the vote of that precinct would change the result as to that office in the remaining vote of the county.

Illegal vote

20024. An election shall not be set aside on account of illegal votes, unless it appears that a number of illegal votes has been given to the person whose right to the office is contested or who has been certified as having tied for first place, which, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to that other person.

Article 2. Procedure by Contestant

Written statement to be filed

20050. When an elector contests any election he shall file with the county clerk a written statement setting forth specifically:

(a) The name of the contestant and that he is an elector of the district or county, as the case may be, in which the contested election was held.

(b) The name of the defendant.

(c) The office.

(d) The particular grounds of contest and the section of this code under which the statement is filed.

(e) The date of declaration of the result of the election by the body canvassing the returns thereof.

Verification, time for filing

20051. The contestant shall verify the statement of contest, as provided by Section 446 of the Code of Civil Procedure, and shall file it within the following times after the declaration of the result of the election by the body canvassing the returns thereof:

(a) In cases other than cases of a tie, where the contest is brought on any of the grounds mentioned in subdivision (c) of Section 20021, six months.

(b) In all cases of tie, 20 days.

(c) In all other cases, 30 days.

Statement as to illegal votes

20052. When the reception of illegal votes is alleged as a cause of contest, it is sufficient to state generally that in one or more specified voting precincts illegal votes were given to the defendant, which, if taken from him, will reduce the number of his legal votes below the number of legal votes given to some other person for the same office.

Testimony

Testimony shall not be received of any illegal votes, unless the contestant delivers to the defendant, at least three days before the trial, a written list of the number of illegal votes, and by whom given, which he intends to prove. No testimony may be received of any illegal votes except those which are specified in the list.

Dismissal because of form

20053. A statement of the grounds of contest shall not be rejected nor the proceedings dismissed by any court for want of form, if the grounds of contest are alleged with such certainty as will advise the defendant of the particular proceeding or cause for which the election is contested.

Article 3. Procedure by County Clerk and Court

Notice to court

20080. Within five days after the end of the time allowed for filing statements of contest, the county clerk shall notify the superior court of the county of all statements filed. The

Time and place of hearing

presiding judge shall forthwith designate the time and place of hearing, which time shall be not less than 10 nor more than 20 days from the date of the order.

Citation for defendant to appear

Service

20081. The clerk shall thereupon issue a citation for the defendant to appear at the time and place specified in the order, which citation shall be delivered to the sheriff and served upon the party at least five days before the time so specified, either:

(a) Personally, or

(b) If the party cannot be found, by leaving a copy at the house where he last resided.

Witnesses

20082. The clerk shall issue subpoenas for witnesses at the request of any party, which shall be served as other subpoenas. The superior court may issue attachments to compel the attendance of witnesses who have been subpoenaed to attend.

Trial

20083. The court shall meet at the time and place designated, to determine the contested election, and shall have all the powers necessary to the determination thereof. It may adjourn from day to day until the trial is ended, and may also continue the trial before its commencement for any time not exceeding 20 days for good cause shown by any party upon affidavit, at the costs of the party applying for the continuance.

Recounting ballots

20084. At the trial the ballots shall be opened and a recount taken, in the presence of all the parties, of the votes cast for the various candidates in all contests where it appears from the statements filed that a recount is necessary for the proper determination of the contest.

Evidence

20085. In the trial and determination of election contests, the court shall be governed by the rules of law and evidence governing the determination of questions of law and fact, so far as the same may be applicable. It may dismiss the proceedings if the statement of the cause of the contest is insufficient, or for want of prosecution.

Dismissal

Continuing special session

20086. The court shall continue in special session to hear and determine all issues arising in contested elections. After hearing the proofs and allegations of the parties and within 10 days after the submission thereof, the court shall file its findings of fact and conclusions of law, and immediately thereafter shall pronounce judgment in the premises, either confirming or annulling and setting aside the election. The judgment shall be entered immediately thereafter.

Judgment

20087. If in any election contest it appears that another person than the defendant has the highest number of legal votes, the court shall declare that person elected.

Declaration of election

20088. The contestant shall, in the first instance, be liable for the expenses involved in making any recount. He shall pay into court in advance each day such sum as the judge shall find to be sufficient to pay all such expenses as will have accrued by the end of that day. The sums paid shall be part of the costs. The county clerk may pay each day the clerical assistants necessary for such recount from the amount so advanced by the contestant without the necessity of such funds being first deposited with the county treasurer.

Article 4. Proceedings After Judgment

Certificate of election

20110. The person declared elected by the superior court is entitled to a certificate of election. If a certificate has not already been issued to him, the county clerk shall immediately make out and deliver to that person a certificate of election signed by him, and authenticated with the seal of the superior court.

Annulling certificate

20111. If the clerk has issued any certificate for the same office to any other person than the one declared elected by the court, or if the court finds a tie vote in a contest brought under this chapter, the certificate is annulled by the judgment.

Costs

20112. If the proceedings under this chapter are dismissed for insufficiency or for want of prosecution, or the election is confirmed by the court, judgment for costs shall be rendered against the contestant and in favor of the defendant. If the election is annulled or set aside on the ground of errors of a precinct board in conducting the election or in canvassing the returns, the costs shall be a charge against the county or city where the election was held. When the election is annulled or set aside on any other ground, judgment for costs shall be given in favor of contestant and against the defendant.

Apportionment of costs

20113. Where two or more contested elections are joined for the purpose of recounting votes as in this chapter provided, the costs shall be apportioned among the parties in the discretion of the court.

Primary liability

20114. Primarily each party is liable for the costs created by himself, to the officers and witnesses entitled thereto, which costs may be collected in the same manner as similar costs are collected in other cases.

Appeal

20115. Any party aggrieved by the judgment of the court may appeal therefrom to the district court of appeal, as in other cases of appeal thereto from the superior court. During the pendency of proceedings on appeal, and until final determination thereof, the person declared elected by the superior court shall be entitled to the office in like manner as if no appeal had been taken.

Rights pending appeal

Commission voided if no appeal

20116. Whenever an election is annulled or set aside by the judgment of the superior court, and no appeal has been taken within 10 days thereafter, the commission, if any has issued, is void and the office vacant.

CHAPTER 3. CONTESTING PRIMARY ELECTIONS

Article 1. General Provisions

Affidavit of candidate

20300. Any candidate at a primary election may contest the right of another candidate to nomination to the same office by filing an affidavit alleging any of the following grounds, that:

Grounds

(a) The defendant is not eligible to the office in dispute.

(b) The defendant has committed any offense against the elective franchise defined in Chapter 3 (commencing at Section 12000) of Division 8, and Chapter 3 (commencing at Section 29400) of Division 15, of this code.

(c) A sufficient number of votes were illegal, fraudulent, forged, or otherwise improper, and that had such votes not been counted, the defendant would not have received as many votes as the contestant.

(d) Due to mistake, error or misconduct the votes in any precinct were so incorrectly counted as to change the result.

Defendant named

20301. The defendant shall be named in the affidavit.

Specification of precinct, etc

20302. The affidavit shall specify separately each precinct in which any irregularity or improper conduct took place, or

in which a recount is demanded, and the nature of the mistake, error, misconduct, or other cause of contest, and the date of completion of the official canvass of the board of supervisors of the county last making the declaration.

Filing

20303. The affidavit shall be filed in the office of the clerk of the superior court having jurisdiction, within five days after the completion of the official canvass by the board of supervisors of the county last making the declaration.

Irregularity or improper conduct

20304. Irregularity or improper conduct shall annul or set aside a nomination only if it appears that illegal votes in the precinct have been given to the defendant, which if taken from him, would reduce the number of his legal votes below the number of votes given to the contestant.

Costs

20305. The provisions relating to costs in contested final elections apply to contests conducted under this chapter.

Article 2. Procedure on Contests Other Than Contests Involving a Simple Recount

Grounds for application

20330. This article applies only to contests on the grounds that:

(a) The defendant is not eligible to the office in dispute.

(b) The defendant has committed any offense against the elective franchise as defined in Chapter 3 (commencing at Section 12000) of Division 8, and Chapter 3 (commencing at Section 29400) of Division 15, of this code.

(c) A sufficient number of votes were illegal, fraudulent, forged, or otherwise improper, and that had such votes not been counted the defendant would not have received as many votes as the contestant.

Jurisdiction

20331. If the nomination contested is for an office including a political subdivision of more than one county, the superior court of any county within the political subdivision has jurisdiction, and the contestant may file in any county within the political subdivision. There shall be no change of venue therefrom to any other county within the political subdivision.

Service of affidavit on defendant

20332. After the affidavit is filed with the clerk of the superior court, a copy of the affidavit shall be personally served upon the defendant or sent to him by registered mail in a sealed envelope with postage prepaid, addressed to the defendant at the place of residence named in his affidavit of registration. The contestant shall make an affidavit of mailing if he serves the affidavit by mail, and file it on the same day with the county clerk.

Answer

20333. The defendant, after receipt of the copy of the affidavit, may file an answer and a cross-contest affidavit within five days.

Use of affidavits

20334. No special appearance, demurrer or objection may be taken other than by the affidavits which shall be considered a general appearance in the contest.

Notice to court

20335. The county clerk shall, within five days after the end of the time for filing affidavits, present all the affidavits

to the presiding judge of the superior court. The presiding judge shall forthwith designate the time and place of hearing, which shall be not less than 10 nor more than 20 days from the date of the order.

Time and place of hearing

Citation to parties

20336. The county clerk shall, after an order setting a contest for trial, issue a citation to both parties containing a copy of the order. He shall deliver it to the sheriff who shall serve it either upon the parties or leave it at the residences named in the affidavits of registration of the parties.

Powers of court

20337. The court shall meet at the time and place designated in the order setting the contest for trial, and shall have all powers necessary to determine the issues.

Judgment

20338. After the court has heard the proofs and allegations of the parties, it shall file its findings of fact and conclusions of law and immediately pronounce judgment either confirming the nomination or setting it aside and decreeing contestant nominated.

Appeal

20339. Either party to a contest may appeal to the district court of appeal of the district where the contest is brought, if the appeal is perfected by the appellant within 10 days after judgment of the superior court is pronounced. The appeal shall have precedence over all other appeals and shall be acted upon by the district court of appeal within 10 days after the appeal is filed.

Precedence

Article 3. Procedure on Contests Involving a Simple Recount

Scope of article

20360. This article applies only to contests on the ground that due to mistake, error, or misconduct the votes in any precinct were so incorrectly counted as to change the result.

Jurisdiction

20361. The superior court of that county in which is located the precinct in which the contestant demands a recount has jurisdiction

Service of affidavit

20362. No service other than as provided in this section need be made upon the defendant. The affidavit shall be filed in the office of the clerk of the superior court within five days after the completion of the official canvass. Upon the filing of the affidavit the county clerk shall forthwith post, in a conspicuous place in his office, a copy of the affidavit. Upon the filing of the affidavit and its posting, the superior court of the county shall have jurisdiction of the subject matter and of the parties to the contest. The contestant on the date of filing the affidavit shall send by registered mail a copy thereof to the defendant in a sealed envelope, with postage prepaid, addressed to the defendant at the place of residence named in the affidavit of registration of the defendant, and shall make and file an affidavit of mailing with the county clerk, which shall become a part of the records of the contest.

Affidavit of mailing

Submission to jurisdiction

20363. All candidates at any primary election are permitted to be candidates under this code only upon the condition that jurisdiction for the purposes of the proceeding

authorized by this article shall exist in the manner and under the conditions provided for by Section 20362.

Affidavit of defendant

20364. At any time within three days after the filing of the affidavit of the contestant to the effect that he has sent by registered mail a copy of the affidavit to the defendant, the defendant may file with the county clerk an affidavit in his own behalf, setting up his desire to have the votes counted in any precincts, designating them, in addition to the precincts designated in the affidavit of the contestant, and setting up his grounds therefor. On the trial of the contest all of the precincts named in the affidavits of the contestant and the defendant shall be considered, and a recount had with reference to all of those precincts. The contestant shall have the same right to answer the affidavit of the defendant as is given to the defendant with reference to the affidavit of the contestant except that the contestant's answer shall be filed not later than the first day of the trial of the contest.

Answer

Notice to court

20365. On the fifth day after the end of the time for filing contestant's affidavit, the county clerk shall present the affidavits of the contestant and the defendant and proof of posting of contestant's affidavit to the presiding judge of the superior court, or any one acting in his stead, which judge shall forthwith designate the time and place of hearing, which time shall be not less than 10 nor more than 20 days from the date of the order.

Time and place of hearing

Appearance

20366. The defendant shall appear, either in person or by attorney, at the time and place fixed for the hearing, and shall take notice of the order fixing the time and place from the records of the court, without service.

Special appearance

20367. The defendant may not make any special appearance for any purpose except as provided in this article. Any appearance whatever of the defendant or any request to the court by the defendant or his attorney shall be entered as a general appearance in the contest.

Answer

No demurrer or objection may be taken by the parties in any other manner than by answer, and all the objections shall be contained in the answer.

Time for answer

20368. The court, if the defendant appears, shall require the answer to be made within three days from the time and place set for hearing. If the defendant does not appear the court shall note his default, and shall proceed to hear and determine the contest with all convenient speed.

Additional judges

One judge in county

20369. If the number of votes which are sought to be recounted, or the number of contests are such, that the judge in a county in which there is but one superior court judge is of the opinion that it will require additional judges to enable the contest or contests to be determined in time to print the ballots for the election, he may obtain the service of any other superior judge, and the proceedings shall be the same as provided for a county in which there is more than one superior court judge.

Same More than one judge in county

20370. If the proceeding is in a county where there is more than one superior court judge, the judge to whom the case is assigned shall notify the presiding judge forthwith of the number of judges which he deems necessary to participate in order to finish the contest in time to print the ballots for the final election. The presiding judge shall forthwith designate as many judges as are necessary to completion of the contest, by order in writing and thereupon all of the judges so designated shall participate in the recount of the ballots and the giving of judgment in the contest in the manner specified in this article.

Proceedings

20371. The judges designated by the order to hear the contest, including the judge to whom the contest was originally assigned, shall convene upon notice from the judge to whom the contest was originally assigned, and agree upon the precincts which each one of them, sitting separately, will recount. Thereupon the recount shall so proceed that each judge, sitting separately, shall respectively determine the recount in those precincts which have been assigned to him, so that the ballots opened before one judge need not be opened before another judge or department.

Assistants

20372. The proceedings before every judge in making a recount of the precincts assigned to him, as to the appointment of the clerk and persons necessary to be assistants of the court in making it, shall be the same as in contested elections. The provisions of Section 20088 of this code apply to the recount.

Decision of court

20373. When the recount has been completed in the manner required in this article, all the judges who took part, if more than one, shall assemble and make the decision of the court. If there is any difference of opinion, a majority of the judges shall finally determine all questions, and give a separate decision or judgment in each contest.

Judgment final

20374. The judgment of the court is final in every respect. No party may appeal.

Service and enforcement

20375. A certified copy of the judgment shall be served upon the county clerk and may be enforced summarily in the manner provided in Section 6403.

Service on Secretary of State

20376. If the contest proceeds in more than one county, and the nominee is to be certified by the Secretary of State from the compilation of election returns in his office, the judgment in each county in which there has been a contest shall show what, if any, changes in the returns in the office of the Secretary of State relating to that county ought to be made. Certified copies of the judgments shall be served upon the Secretary of State. He shall make such changes in the record in his office as each judgment requires, and conform his compilation and his certificate of nomination accordingly.

CHAPTER 4. TIE VOTES

Article 1. Elections Other Than Primary Elections

Scope of article

20500. This article does not apply to any primary election

Tie to be determined by lot

Secretary of State

20501. If at any election, except that for Governor or Lieutenant Governor, two or more persons receive an equal and the highest number of votes for an office to be voted for in more than one county, the Secretary of State shall forthwith summon the candidates who have received the tie votes, whether upon the canvass of the returns by the Secretary of State or upon recount by a court, to appear before him at his office at the State Capitol at a time to be designated by him. The Secretary of State shall at that time and place determine the tie by lot. In the same manner, at a time and place designated by it, the election board shall determine a tie vote, whether upon the canvass of the returns by the election board or upon a recount by a court, for candidates voted for wholly within one county.

Local election board

Certificate of election

20502. If the tie vote has been determined pursuant to Section 20501, the person declared elected by the Secretary of State or the election board is entitled to a certificate of election. The Secretary of State or the county clerk, whichever the case may be, shall immediately make out and deliver to that person a certificate of election.

Governor and Lieutenant Governor

20503. In case any two or more persons have an equal and highest number of votes for either Governor or Lieutenant Governor, the Legislature shall, by a joint vote of both houses, choose one of the persons to fill the office.

Article 2. At Primary Elections

Scope of article

20530. This article applies only to:

(a) Candidates for delegates to a national convention for the nomination of party candidates for President and Vice President of the United States.

(b) Candidates for nomination at the direct primary to offices other than nonpartisan offices.

Office voted for within one county

20531. In case of a tie vote for member of the State Board of Equalization, State Senator, Assemblyman, Representative in Congress or member of a county central committee, where the office is to be voted for wholly within one county, the election board shall forthwith summon the candidates who have received tie votes to appear before it, at a time and place to be designated by the board, and the board shall at that time and place determine the tie by lot.

Office voted for in several counties

20532. In the case of a tie vote for an office other than a judicial or school office to be voted on in more than one county, the Secretary of State shall forthwith summon the candidates who have received tie votes to appear before him at his office at the State Capitol at a time to be designated by him. The Secretary of State shall at that time and place determine the tie by lot.

Summons

20533. The summons mentioned in this article shall in every case be mailed to the address of the candidate as it appears upon his affidavit of registration, at least five days before the day fixed for the determination of the tie vote.

DIVISION 12. SPECIAL AND LOCAL ELECTIONS

PART 1. GENERAL PROVISIONS

CHAPTER 1. VOTERS AND PROCEDURE

Who entitled to vote

22000. Every person is entitled to vote at a local, special, or consolidated election who is registered in any one of the precincts which compose the local, special, or consolidated election precincts in accordance with the provisions of this code.

Register

22001. At any local, special, or consolidated election, the register used in the local, special, or consolidated precinct shall consist of the original affidavits of registration of the voters from the territory constituting the local, special, or consolidated precinct.

Conduct, etc., of statewide special election

22002. Except as otherwise specifically provided by law, all statewide special elections shall be called, conducted, and canvassed as provided by this code for the calling, conducting, and canvassing of general elections.

Services of county clerk re city or district election

22003. The governing body of any city or district may by resolution request the board of supervisors of the county to permit the county clerk to render specified services to the city or district relating to the conduct of an election. Subject to approval of the board of supervisors, such services shall be performed by the county clerk.

The resolution of the governing body of the city or district shall specify the services requested.

Unless other arrangements satisfactory to the county have been made, the city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district.

CHAPTER 2. PRECINCTS

Special election or consolidated election precincts

22030. The election board conducting local, special, or consolidated elections may, for the purpose of the election, divide the territory within which the election is to be held into special election or consolidated election precincts by consolidating existing precincts, or otherwise, subject to the provisions of Section 1568, and may change and alter the precincts for such elections as often as occasion requires. Not more than six existing precincts may be consolidated into one special election or consolidated election precinct.

CHAPTER 3 ELECTION OFFICERS

Precinct board for each precinct

22050. The election board conducting the elections of any city shall appoint a precinct board for each local, special, or consolidated election precinct, to consist of one inspector, one judge, and two clerks for each local, special, or consolidated election held within that city. The election board conducting the elections in any county shall appoint a precinct board to consist of one inspector, one judge, and two clerks for every local, special, or consolidated election not held exclusively within one or more cities. The members of the precinct board shall apportion among themselves the work required in the conduct of the election within their respective election precincts.

Municipal election held under freeholders' charter

22051. At any municipal election held under a freeholders' charter, the election board conducting the election may, by majority consent, appoint a precinct board for each election precinct, to consist of one inspector, one judge and two clerks.

Appointment

22052. The members of the precinct boards provided for in Sections 20050 and 20051 shall be appointed and shall act as provided in this chapter. One tally sheet and one copy of the tally sheet shall be kept, and one book of original affidavits of registration shall be furnished for use at each precinct. The tally sheets and affidavits shall be returned to the proper officers with the official returns, in the manner provided for the returns at a general election.

Tally sheets and affidavits of registration

PART 2. MUNICIPAL ELECTIONS

CHAPTER 1. GENERAL PROVISIONS

Examination of signatures by county clerk

22600. Whenever the county clerk is required to examine the signatures upon any nomination paper or petition of any candidate for a municipal office, he may employ necessary help for the examination. The cost shall be paid by the city and shall not exceed five dollars ($5) per day for each person so employed.

Application

22601. The provisions of this part shall apply to all municipal elections except where otherwise provided for in the Constitution of the State or in a charter duly adopted or amended pursuant to the Constitution of this State.

CHAPTER 2. GENERAL REGULATIONS GOVERNING ELECTIONS IN CITIES

Article 1. General Provisions

"Municipal election"

22800. Whenever the term "municipal election" is used in this chapter, it refers to elections in general law cities and where applicable in chartered cities.

Conduct of elections

22801. All municipal elections, including elections to fill public offices, elections on measures, and initiative, referendum

and recall elections, shall be held and conducted in accordance with the provisions of this chapter, and, except where the charter, statute or code under which a municipal election is held prescribes the method of giving notice of such election, the notices provided in this chapter shall be given.

Applicable provisions

22802. In all respects not otherwise provided for in this chapter, municipal elections shall be held and conducted in accordance with the provisions of this code governing elections generally, so far as they may be applicable.

General municipal election

22803. A general municipal election shall be held in all cities on the day specified in the Government Code.

Precincts

22804. The voting precincts for the municipal election may consist of either the regular election precincts established for holding state or county elections or a consolidation of any or all of the regular election precincts last established. If any election at which is submitted the proposition of incurring indebtedness, or the issuance of bonds, or the determination of any authorized by law to be submitted to vote of the people of the city is consolidated with any regular state or county election, the precincts for the municipal election shall be the same as those established for the regular election.

Election officers to be appointed

22805. The governing body of the city shall appoint one inspector, one judge and two clerks as election officers for each precinct for each municipal election, who shall have charge of the election in and for the regular or consolidated precinct for which they have been appointed. The governing body may advertise for election officers, or it may appoint them from the register of applicants for such positions on file with the county clerk, or from the register of applicants for such positions on file with the city clerk, in the event that the local governing body by resolution determines that a local register shall be so maintained. If such a resolution is adopted, the city clerk shall prepare application blanks and shall maintain a register in substantially the same manner as kept by the county clerk as to elections generally. Other things being equal, preference in the appointment of precinct board members shall be given for ability and previous experience. The precinct board members shall receive such compensation as the governing body may fix.

Register

Preferences

Compensation

Liberal construction of chapter

22806. This chapter shall be liberally construed to promote its objects, and no error, omission or irregularity shall invalidate an election if there has been a substantial compliance with the provisions of this chapter.

Proposition

22807. A proposition may be submitted at a regular election, or a special election may be called, by ordinance or resolution, for the purpose of voting on a proposition.

Article 2. Notice of Elections

Publication

22830. Not earlier than the 75th nor later than the 54th day before any municipal election to fill offices, the city clerk shall publish a notice of the election in the city pursuant to

Section 6061 of the Government Code. The notice shall be headed "Notice of Election," and shall contain a statement of: Contents

(a) The time of the election;

(b) The offices to be filled, specifying full term or short term, as the case may be.

If there is no newspaper of general circulation published and circulated in the city, the notice shall be typewritten and copies shall be posted conspicuously within the time prescribed in at least three public places in the city.

22831. The notice of the municipal election shall be substantially in the following form: Form of notice

NOTICE OF ELECTION

Notice is hereby given that a _____ (general or special) municipal election will be held in the _____ of _____, on _____, the _____ day of _____, 19 ___, for the following officers: (name them).

The polls will be open between the hours of ___m. and ___m.

_____
City Clerk

Dated, _____, _____.

22832. Sample ballots and polling place cards shall be printed and mailed to each voter for any municipal election within the time provided by Section 10012 of this code. Sample ballots

22833. In case of a municipal election to fill offices, the city clerk shall publish a list of the names of the nominees, in the order in which they appear on the ballot, and the respective offices for which they have been nominated. Publication shall be in the city and pursuant to Section 6066 of the Government Code. If there is no newspaper published and circulated in the city, the notice shall be typewritten and copies shall be posted conspicuously within the time prescribed in at least three public places in the city. This list shall be headed, "Nominees for Public Office," in conspicuous type, and shall be substantially in the following form: List of nominees Form

NOMINEES FOR PUBLIC OFFICE

Notice is hereby given that the following persons have been nominated for the offices hereinafter mentioned to be filled at the General Municipal Election to be held in the _____ of _____ on _____ the _____ day of _____, 19___.

(Here follow with the list of nominees.)

Dated, _____

_____
City Clerk

(Amended by Stats 1961, Ch. 835.)

[ORIGINAL SECTION]

22833. In case of a municipal election to fill offices, the city clerk shall publish a list of the names of the nominees, in the order in which

they appear on the ballot, and the respective offices for which they have been nominated. Publication shall be in the city and pursuant to Section 6066 of the Government Code. If there is no newspaper published and circulated in the city, the notice shall be typewritten and copies shall be posted conspicuously within the time prescribed in at least three public places in the city. This list shall be headed, "Nominees for Public Office," in conspicuous type, and shall be substantially in the following form.

NOMINEES FOR PUBLIC OFFICE

Notice is hereby given that the following persons have been nominated for the offices hereinafter mentioned to be filled at the General Municipal Election to held in the _____ of _____ on _____ the _____ day of _____, 19__.

(Here follow with the list of nominees.)

Dated, _____

_____
City Clerk

Notice of election officers and polling places

22834. Not later than 20 days prior to any municipal election, the city clerk shall publish the list of names of the election officers appointed and the polling places designated for each election precinct. Publication shall be in the city and pursuant to Section 6061 of the Government Code. If there is no newspaper of general circulation published and circulated in the city, the list shall be typewritten and copies shall be posted conspicuously within the time prescribed in at least three public places in the city. The list shall be headed "Election Officers and Polling Places" in conspicuous type and shall be substantially in the following form:

Form

ELECTION OFFICERS AND POLLING PLACES

Notice is hereby given that at the _____ (general or special) municipal election to be held in the City of _____ on Tuesday, the _____ day of _____, 19__, there shall be _____ (_____) voting precincts consisting (of consolidations) of the regular election precincts in the City of _____, established for the holding of state and county elections; that the polling places for the respective precincts shall be the places hereinafter designated; and that the persons hereinafter named have been appointed officers of election for their respective voting precincts.

Voting Precinct 1, comprising regular election precinct number (or numbers).

_____ Polling Place: (state place)

Inspector _____
(name)

Judge _____
(name)

Clerk _____
(name)

Clerk _____
(name)

The polls will be open between the hours of _____ o'clock a.m. and _____ o'clock p.m.
Dated _____

_____
City Clerk of the City of _____

Synopsis of measure to be voted on

22835. In case of a municipal election on any measure, the city clerk shall publish a synopsis of the measure in the city pursuant to Section 6066 of the Government Code. If there is no newspaper of general circulation published and circulated in the city, the notice shall be typewritten and copies shall be posted conspicuously within the time prescribed in at least three public places in the city. The notice shall be headed "Measure To Be Voted On" in conspicuous type and shall be substantially in the following form:

Posting

Form

MEASURE TO BE VOTED ON

Notice is hereby given that the following measure is to be voted on at the _____ (general or special) municipal election to be held in the City of _____, on Tuesday, the _____ day of _____, 19___.

(Synopsis of measure or measures)

Dated _____

_____
City Clerk of the City of _____

Consolidation of notice

In case of a municipal election in which both offices are to be filled and a measure is to be voted on, the city clerk shall consolidate the notice of nominees and of the measure to be voted on into one notice.

Nomination of candidates

22836. Candidates may be nominated for any of the elective offices of the city in the manner following:

Not earlier than the 75th day nor later than 12 o'clock noon on the 54th day before a municipal election, the voters may nominate candidates for election by signing a nomination paper. Each candidate shall be proposed by not less than five nor more than 10 voters, but only one candidate may be named in any one nomination paper. No voter may sign more than one nomination paper for the same office, and in the event he does so, his signature shall count only on the first nomination paper filed which contains his signature. Nomination papers subsequently filed and containing his signature shall be considered as though his signature does not appear thereon. Each seat on the governing body is a separate office. Any person registered to vote at the election may circulate a nomination paper. Where there are full terms and short terms to be filled, the term shall be specified in the nomination paper.

Signatures on nomination papers

22837. The signatures to each nomination paper shall be appended on the same sheet of paper, and each signer shall add the date of his signing and his place of residence, giving the street and number, if any, otherwise such designation of

his place of residence as will enable its location to be readily ascertained.

Affidavit

22838. Every nomination paper shall have annexed an affidavit of the person who circulated it to the effect that he saw written all the signatures appended thereto and knows that they are the signatures of the persons whose names they purport to be.

Statement of acceptance

22839. Each nomination paper shall be accompanied by a verified statement of the candidate that he will accept the nomination, and will also accept the office in the event of his election. Such statement shall contain a blank space wherein the candidate shall be required to fill in his name in the manner in which he wishes the same to appear on the ballot and also the designation which he wishes to have under his name on the ballot, which designation shall conform to one of the designations permitted under the provisions of this code relating to the forms of ballots generally.

Name as to appear on ballot

Designation under name

Filing

22840. All nomination papers shall be filed with the city clerk not later than 12 o'clock noon on the 54th day before the election No candidate shall withdraw his nomination paper after it is filed with the city clerk as provided in this section.

Form of nomination paper

22841. The nomination papers and affidavits shall be substantially in the following form:

NOMINATION PAPER

We, the undersigned voters of the _____ of _____ hereby nominate _____ for the office of _____ of said city

	Name	Date	Residence
_	_____	_____	_____
_	_____	_____	_____
_	_____	_____	_____

AFFIDAVIT OF CIRCULATOR

State of California }
} ss.
County of _____ }

_____, being duly sworn deposes and says: That he circulated the foregoing petition and saw all the signatures appended thereto and knows that they are the signatures of the persons whose names they purport to be.

_____

Subscribed and sworn to before me the _____ day of _____, 19___.

_____

Notary Public in and for the County of _____, State of California

AFFIDAVIT OF NOMINEE

State of California }
} ss.
County of_____ }

_____ being duly sworn, says that he is the above named nominee for the office of _____, that he will accept the office in the event of his election, that he desires his name to appear on the ballot as follows:

_____
(Print name above),

and that he desires the following designation to appear on the ballot under his name:

_____
(Print desired designation above)

Subscribed and sworn to before me the _____ day of _____, 19___.

_____
Notary public in and for the County of _____, State of California

Article 3. Ballots

22870. All ballots used at a municipal election shall have the names of the candidates printed thereon in a column three inches in width, three-eighths of an inch apart, and having below the printed list the necessary blank space to permit the voter to write in the names of other persons not printed on the ballot. The ballots shall also contain a separate column or columns of sufficient width for statements of all measures submitted to the voters. The name of the incumbent shall appear first upon the list of all candidates for any office, and if two or more positions are to be filled at the same time and more than one incumbent is running, the name of each of the incumbents shall appear in alphabetical order followed by the names of all other candidates printed on the ballot in alphabetical order. When there are full terms and short terms to be filled, the term shall be specified. Form. Incumbent

Each group of candidates to be voted on shall be headed by the designation of the office and the words "Vote for one" or "Vote for two," or more, as the case may be, according to the number to be elected to the office.

22871. On the top of the face of the ballot the following directions shall be printed: Instructions to voters.

INSTRUCTIONS TO VOTERS

To vote for a candidate of your selection, stamp a cross (+) in the voting square next to the right of the name of that candidate. Where two or more candidates for the same office are to be elected, stamp a cross (+) after the names of all the candidates for that office for whom you desire to vote,

not to exceed, however, the number of candidates who are to be elected. To vote for a person not on the ballot, write his name under the title of the office in the blank space left for that purpose.

To vote on any measure, stamp a cross (+) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (+) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void.

If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

On absent voter ballots mark a cross (+) with pen or pencil.

Tinting and watermark

22872. The ballots shall be printed on tinted paper containing a watermarked design, and they shall be kept secret, until the day of election, from all persons not engaged in the preparation of the ballots. The printing, perforating, padding, numbering, and amount of the ballots, and the kind of type used in printing them, shall be substantially the same as in the case of statewide and county elections.

Stub books

22873. All ballots, when printed, shall be bound in stub books, each book to consist of 10 or some multiple of 10 ballots, and so issued. The city clerk shall keep a record of the number of ballots printed by him.

Article 4. Conduct of Elections

Voting booths, equipment and supplies

22900. The city clerk shall have the necessary ballots printed and shall procure and furnish to the election officers the necessary roster, tally sheets, challenge list, assisted voter's list, affidavits of persons assisting voters, declarations, instructions, envelopes in which to enclose returns, affidavits of registration and three copies of the index thereto, voting booths, ballot box and all other necessary supplies, and shall see that they are properly distributed to each precinct prior to the opening of the polls on the day of election.

Affidavit of registration

22901. At any municipal election, the original affidavits of registration, or copies thereof, shall be used.

Declaration

22902. Before opening the polls, the election officers shall sign a declaration to discharge faithfully the duties of an election officer, before the inspector or before any other of themselves.

Opening of polls

22903. The polls shall be open on the day of election between such hours as the governing body may determine, but not less than eight consecutive hours. The hours of opening and closing the polls shall be specified in the notice of election, otherwise they shall be the same as provided for general elections. Before the precinct board receives any ballots, it shall cause it to be proclaimed aloud at the place of election that the polls are open.

Article 5. Canvass of Ballots and Returns

Counting votes

22930. The votes shall be counted at the precincts, the result of the votes cast shall be posted, the supplies and records of the election shall be returned to the city clerk and shall be disposed of by the city clerk in accordance with the provisions of this code governing elections generally, so far as they may be applicable.

Votes of absent voters

22930 5. The city clerk, or a canvassing board appointed by the city clerk, shall count the votes cast by absent voters. The clerk or board shall commence this count as soon as the polls close on the day of election, and the count shall continue, for not less than six hours each day providing ballots remain to be counted, until all absent voter ballots have been received within the time provided by law. The result of the absent vote count shall be included with the canvass of returns from the precincts.

The canvassing board, if any, shall be appointed and the absent vote count shall be conducted in the manner prescribed by Chapter 7 (commencing with Section 18200) of Division 10 of this code, insofar as the provisions of that chapter are not inconsistent with the provisions of this section.

(Added by Stats. 1961, Ch. 65.)

Misdemeanor

22931. Every person is guilty of a misdemeanor who does any one of the following:

(a) Removes or defaces any posted copy of the result of votes cast, within the period of 48 hours from the official time fixed for the closing of the polls;

(b) Delays delivery of that copy which is to be delivered to the city clerk; or

(c) Changes that copy which is to be delivered to the city clerk.

Canvass of returns

22932. The governing body of the city shall meet at their usual place of meeting on the first Tuesday after the election to canvass the returns and to install the newly elected officers. The body shall declare elected the persons having the highest number of votes given for each office. Upon the completion of the canvass and before installing the new officers, the body shall pass a resolution reciting the fact of the election and such other matters as are enumerated in Section 22933.

(Amended by Stats. 1961, Ch. 65.)

[ORIGINAL SECTION]

22932. The governing body of the city shall meet at their usual place of meeting on the first Tuesday after the election to canvass the returns, to count the absent voter ballots, and to install the newly elected officers. The body shall declare elected the persons having the highest number of votes given for each office. Upon the completion of the canvass and before installing the new officers, the body shall pass a resolution reciting the fact of the election and such other matters as are enumerated in Section 22933.

Statement of results

22933. As soon as the result of the election is declared, the clerk of the governing body shall enter on its records a statement of the result.

The statement shall show:

(a) The whole number of votes cast in the city.

(b) The names of the persons voted for.

(c) The measures voted upon.

(d) For what office each person was voted for.

(e) The number of votes given at each precinct to each person and for and against each measure.

(f) The number of votes given in the city to each person and for and against each measure.

Certificate of election

22934. The city clerk shall immediately sign and deliver to each person elected a certificate of election unless that person is required to and has not filed a campaign statement under Chapter 1 (commencing at Section 11500) of Division 8 of this code. He shall also administer to each person elected the oath of office prescribed in the State Constitution.

Oath

CHAPTER 3. EMERGENCY ELECTIONS IN CITIES

Appointment of election commissioners

23100. The voters of a city may present a petition to the Governor for the appointment of three commissioners of election pursuant to this chapter if:

Grounds

(a) The city has failed to elect officers in accordance with its charter, and there are no officers to carry on the city government, or the city has failed to call an election of officers.

(b) The city has attempted to adopt a freeholders charter under the provisions of the State Constitution, and has failed to legally elect officers, and such freeholders charter is held to be invalid.

Contents of petition

23101. The petition to the Governor shall set forth:

(a) The name of the city, with the date and manner of organization.

(b) The date of the last election for officers; whether they are performing their duties, and if not, how long since they have ceased to do so.

(c) The provision of the charter relating to the qualifications of voters.

(d) That each person signing the petition possesses the qualifications provided for voters by the charter.

(e) That each of the signers of the petition is a householder and freeholder in the city.

Signatures

23102. The petition shall be signed by not less than 75 persons in the city, each of whom possesses all the qualifications mentioned in the body of the petition. The petition shall

Verification

be verified by at least two of the signers, that, of their own knowledge, the petition is true, and that all the signers are qualified.

Governor to act

23103. Upon the presentation of the petition to the Governor, he shall either act upon it or require additional evidence of the matters set forth in the petition. Upon being satisfied

of the truth of the matters set forth in the petition, the Governor shall appoint three persons as commissioners of election for that city. The commission shall be known as the board of election commissioners for (here give name of the city).

Governor's commission

23104. The Governor shall issue a commission to the commissioners, and the issuance of the commission shall be conclusive evidence of the regularity of all the proceedings to and including the appointment of the commissioners. Within 10 days after their appointment, the commissioners shall take the constitutional oath of office before some officer authorized to administer oaths. The oath shall be indorsed upon the commission, and a copy filed in the office of the Secretary of State. The commission shall organize by the election of a president and secretary from their own members. The commission shall keep minutes of all its proceedings, which minutes shall be signed at the close of each meeting by the president and secretary.

Oath

Organization

Election to be called

23105. The commissioners may, by an order entered in their minutes, call an election for the officers required by the charter of the city, to be elected only by the voters in the city. The order shall specify the names of the offices to be filled and the date of the election. When any office is to be filled by an election in any ward or subdivision of the city, the order shall so state.

Contents of order

Precinct boards

23106 Prior to the election, the commission shall appoint precinct boards and fix the places of holding the election, as required in the city charter. The commission shall cause notice of the election to be published in one or more newspapers published in the city, or if none is published therein, then by posting notices for at least 20 days before election. The election shall be conducted as required by the city charter for the election of officers, except that it shall not be necessary to use printed registers. If a voter is challenged on the ground that his name does not appear on the register of the county, it shall be sufficient for him to state, under oath, that he believes his name is upon the register, and if no other evidence is offered, the precinct board shall accept his statement as true.

Notice of election

Challenge of votes

Election returns

23107. Except that the returns shall be returned and delivered to the commission, the precinct boards shall make return of the election as required in the charter of all officers voted for at the election, without reference to whether they were voted for in the whole or only a ward or subdivision of the city. A member of a precinct board shall not issue a certificate of election.

Canvass

Certificates of election

Evidence of irregularity

23108. Within five days after the election, the commissioners shall canvass the returns and declare what persons were elected. The commission shall issue certificates of election to the persons so declared to be elected. The certificates shall be signed by all the commissioners, and shall be conclusive evidence of the regularity of all the proceedings taken in the election and by the commission, except as against any suit or proceeding to oust from office any person holding a certificate.

Elected nominee

23109. Within 10 days after issuance of the certificates of election, the officers shall qualify and enter upon the discharge of their duties, in accordance with the charter. If any person chosen at the election fails to take the oath of office and enter upon the discharge of his duties within the time above specified, the office to which he shall have been elected shall be deemed vacant.

Failure to assume office

Meeting of governing body

23110. At the first meeting of the governing body of the city after the election, the commissioners shall deliver to the governing body all books and papers in their possession, relating to their office of election commissioners. The governing body shall cause them to be filed by their clerk, and shall cause the commission issued by the Governor to the commissioners, the minutes of the commissioners, and notice of the election to be entered in the book of minutes of the governing body. These entries shall thereupon be evidence of all the matters therein stated, and as conclusive as the originals.

Effect of qualification

23111. Whenever the officers elected at the election, and the officers authorized by the charter to be elected or appointed by the governing body or executive department of the city, have qualified and entered upon the discharge of their duties, the city shall be as fully organized and in operation as if the election had been held at the time and in the manner required by the charter.

Resolution declaring government in operation

23112. Whenever the government of the city is in full operation, the governing body shall enter a resolution in its minutes declaring that fact. The resolution shall be conclusive evidence of that fact, except as against a direct action or proceeding to set aside or annul the government.

CHAPTER 4. CONSOLIDATION OF ELECTIONS

Order of consolidation

23300. Whenever two or more elections, including bond elections, of any district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated pursuant to this chapter upon the order of the governing body or bodies calling the elections.

The elections, whether held under a freeholder charter or under any state law, or both, may be consolidated and different elections called by the same governing body may be consolidated.

In each year when electors of President and Vice President of the United States are to be chosen, the presidential primary shall be consolidated with the direct primary and no order is necessary.

Statewide election

23301. Where one of the elections to be consolidated is a statewide election, the board of supervisors of the county in which the consolidation is to be effected may order the consolidation.

Resolution requesting consolidation

23302. Whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and such question, proposition, or office to be filled is to appear upon the same ballot as that provided for such statewide election, the district, city or other political subdivision shall, at least sixty (60) days prior to the date of the election, file with the board of supervisors, and a copy with the county clerk, a resolution of its governing board requesting such consolidation and setting forth the exact form of any question, proposition, or office to be voted upon at such election, as the same is to appear on the ballot The question or proposition to appear on the ballot shall not exceed 175 words in length. The resolution requesting the consolidation may be adopted and filed prior to the adoption of the ordinance, resolution or order calling the election, but in that event the ordinance, resolution or order calling the election must be adopted at least 45 days before the election. The names of the candidates to appear upon the ballot where district, city, or other political subdivision offices are to be filled shall be filed with the county clerk no later than 53 days prior to the election.

(Amended by Stats 1961, Ch. 341.)

[ORIGINAL SECTION]

23302 Whenever an election called by a district, city or other political subdivision for the submission of any question or proposition is to be consolidated with a statewide election, and such question or proposition is to appear upon the same ballot as that provided for such statewide election, the district, city or other political subdivision shall, at least sixty (60) days prior to the date of the election, file with the board of supervisors, and a copy with the county clerk, a resolution of its governing board requesting such consolidation and setting forth the exact form of any question or proposition to be voted upon at such election, as the same is to appear on the ballot. The question or proposition to appear on the ballot shall not exceed 175 words in length The resolution requesting the consolidation may be adopted and filed prior to the adoption of the ordinance, resolution or order calling the election, but in that event the ordinance, resolution or order calling the election must be adopted at least 45 days before the election.

Reprecincting

23303. When the county precinct boundaries at a consolidated election called by the board of supervisors of the county in which the city, district or other political subdivision is located do not coincide with the boundaries of the city, district or other political subdivision, the board of supervisors may by order, for the purpose of the election only, reprecinct the territory in which the boundaries do not coincide, at any time prior to 30 days before the election.

Boundaries

23304. When the boundaries of the territory within which an election is to be held, or the boundaries of the precincts established therefor, do not fully coincide with the boundaries of the territory within which some other election is to be held, or the boundaries of the precincts established for the other election, the elections may be consolidated as to all precincts

which are the same for both elections. The elections may also be consolidated as to those precincts where a single precinct established for one election lies entirely within a single precinct established for the other election. Separate ballots shall be provided for those voters who reside outside the territory within which one of the elections is called.

Precincts to be the same

23305. Within the territory affected by the order of consolidation, the election precincts, polling places and voting booths shall, in every case, be the same, and there shall be only one set of election officers in each of the precincts. When the returns of elections consolidated pursuant to this chapter are required to be canvassed by different canvassing boards, the elections shall be conducted separately in the same manner as if they had not been consolidated, except as provided in this chapter.

Separate canvassing

Canvass of returns

23306. In case of the consolidation of any election called by the legislative body of a city, district or other political subdivision with an election held in the county or counties in which the city, district or other political subdivision is situated, the governing body of the city, district or other political subdivision may authorize the board of supervisors to canvass the returns of the election. If this authority is given:

Conduct of election

(a) The election shall be held in all respects as if there were only one election.

(b) Only one form of ballot shall be used.

(c) The returns of the election need not be canvassed by the legislative body of the authorizing city, district or other political subdivision.

If such authority is given to the board of supervisors, the canvass may be made by the county clerk when the board of supervisors so orders pursuant to Section 18401 or Section 18462, or by the registrar of voters if under Section 18401 or Section 18461 the registrar is required to make the canvass.

Canvass of returns

23307. In the case of the consolidation of any election called by the governing body of a city, district or other political subdivision with an election held in another city, district or other political subdivision, the governing body of one city, district or political subdivision may authorize the governing body of the other city, district or political subdivision to canvass the returns of the election. If this authority is given:

Conduct of election

(a) The elections shall be held in all respects as if there were only one election.

(b) Only one form of ballot shall be used.

(c) The returns of the election need not be canvassed by the governing body of the authorizing city, district, or other political subdivision.

If such authority is given, the canvass may be made by any body or official authorized by law to canvass the returns of the election of such other city, district or political subdivision.

Canvass of returns

23308. When the returns of any elections consolidated pursuant to this chapter are required to be canvassed by the same

body, the elections shall be held in all respects as if there were only one election, and only one form of ballot shall be used. Conduct of election

23309. Elections may be consolidated and conducted pursuant to this chapter notwithstanding the fact that the provisions of this code relating to absent voters may apply to less than all of the elections consolidated. Whenever only one form of ballot is used at a consolidated election the ballots cast by absent voters shall be counted only in connection with elections to which absent voter privileges have been extended by law. Absent voters

23310. Whenever the period of time within which absent voters' ballots must be received by the clerk in order to be counted, as provided for any election by this code or any other law of this State, is different from that period of time provided for another election, and the elections are consolidated and only one form of ballot used for both elections, all absent voters' ballots issued for the consolidated election may be counted for both elections if received by the clerk within whichever period of time that is the longer. Absent voters' ballots

23311. Except as otherwise provided in this chapter, when elections are consolidated, the governing body ordering consolidation may, in the territory affected thereby, provide for: Power of governing board

(a) The appointment of precinct boards.

(b) The formation of precincts for such elections.

(c) The expenses of the election.

23312. Where under any law of the State the precincts, polling places or names of members of precinct boards are required to be described or otherwise set forth in the ordinance, resolution, order, notice or other document calling, giving notice of or otherwise pertaining to any election, and such election is consolidated, in whole or in part, with another election, such ordinance, resolution, order, notice or other document need not describe or set forth the precincts, polling places and the names of precinct board members pertaining to the territory affected by the consolidation but may instead state that such precincts, polling places and precinct board members shall be the same as those provided for such other election within the territory affected by the consolidation, and in that event, such ordinance, resolution, order, notice or other document shall refer to some ordinance, order, resolution or notice calling, providing for or giving notice of such other election and which sets forth such precincts, polling places and the names of precinct board members. Such reference may be made by giving the number and title or date of adoption of such ordinance, resolution or order, or the date or proposed date of any publication of such notice and the name of the newspaper in which the notice has been or will be published, or by any other definite description. Notwithstanding the provision of any other law of the State, such reference need not be made in the case of an election consolidated with a statewide election. Reference to other election

Exception

DIVISION 13. PARTICULAR OFFICES

CHAPTER 1. ELECTIONS FOR MEMBERS OF CONGRESS

Senators and Representatives

25000. At each general election there shall be elected to the Congress of the United States:

(a) One Representative for each congressional district.

(b) One Senator, when the general election immediately precedes the commencement of a full term.

Vacancy in Senate

25001. If a vacancy occurs in the representation of this State in the Senate of the United States, the Governor may appoint and commission an elector of this State, who possesses the qualifications for the office, to fill the vacancy until his successor is elected and qualifies and is admitted to his seat by the United States Senate. However, whenever a vacancy occurs within a term fixed by law to expire on the third day of January following the next general election, the person so appointed shall hold office for the remainder of the unexpired term unless such vacancy is filled at a special election held prior to such general election, in which case the person elected at such special election shall hold office for the remainder of the unexpired term. An election to fill a vacancy in the term of a United States Senator shall be held at the general election next succeeding the occurrence of the vacancy or at any special election.

Certificates of election

25002. On the 60th day after the election, or as soon within that time as the returns have been received from the entire State or a congressional district, as the case may be, the Secretary of State shall determine the votes cast for candidates for Senator and Representative and certify to the persons having the highest number of votes for the respective offices as duly elected

CHAPTER 2. ELECTIONS FOR PRESIDENTIAL ELECTORS

"Presidential elector"

25100. The term "elector" or "presidential elector" as used in this chapter means an elector of President and Vice President of the United States and not an elector as defined in Section 20.

Electors to be chosen at general election

25101. At the general election in each leap year, or at such other time as may be prescribed by the laws of the United States, there shall be chosen by the voters of the State as many electors of President and Vice President of the United States as the State is then entitled to.

List of electors

25102. On or before the day of meeting of the electors, the Governor shall deliver to the electors a list of the names of electors, and he shall perform any other duties relating to presidential electors which are required of him by the laws of the United States.

Meeting of electors

25103 The electors chosen shall assemble at the State Capitol at 2 o'clock in the afternoon on the first Monday after the second Wednesday in December next following their election.

Filling vacancies

25104. In case of the death or absence of any elector chosen, or if the number of electors is deficient for any other reason, the electors then present shall elect, from the citizens of the State, as many persons as will supply the deficiency.

Vote for candidates

25105. The electors, when convened, if both candidates are alive, shall vote by ballot for that person for President and that person for Vice President of the United States, who are, respectively, the candidates of the political party which they represent, one of whom, at least, is not an inhabitant of this State.

Ballots

25106. The electors shall name in their ballots the person voted for as President, and in separate ballots the person voted for as Vice President.

Certification of vote

25107. The electors shall make separate lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign, certify, seal, and transmit by mail to the seat of the Government of the United States, directed to the President of the Senate.

Service and mileage expenses

25108. Each presidential elector shall receive ten dollars ($10) for his services, and mileage at the rate of five cents ($0.05) per mile for each mile of travel from his domicile to the State Capitol and return.

Warrants

Their accounts therefor shall be certified by the Secretary of State, and audited by the Controller, who shall draw his warrants for the same on the Treasurer, payable out of the General Fund.

Chapter 3. Judicial Officers

Article 1. Distinguishing Number on Ballot

Separate judicial offices

25300. In any election at which two or more judges or justices of any court are to be voted for or elected for the same term, it shall be deemed that there are as many separate judicial offices to be filled as there are judges or justices of the court to be elected. Each separate office shall be designated by a distinguishing number not greater than the total number of the offices. The designation shall remain the same for all purposes of both primary and general election and shall be used on all nomination papers, certificates of nomination, ballots, certificates of election, and all election papers referring to the office. After election and the issuance of the certificates of election, the designating number shall have no further significance.

Number to be used for designation

Declaration of candidacy

25301. Each candidate for a numerically designated judicial office, not more than 10 nor less than 5 days prior to the first day on which his nomination papers may be circulated and signed, or not more than 10 nor less than 5 days prior to the first day on which his nomination papers may be presented for filing, shall file in the office in which his nomination papers are required to be filed, a written and

signed declaration of his intention to become a candidate for that office, and shall state in his declaration for which of the numerically designated offices he intends to become a candidate.

Same

25302. Every candidate for a judicial office, whether his declaration of candidacy is made personally or by sponsors, not more than 10 nor less than five days prior to the first day on which his nomination papers may be circulated and signed or may be presented for filing, shall file in the office in which his nomination papers are required to be filed, a written and signed declaration of his intention to become a candidate for that office. This section shall apply to all judicial offices whether numerically designated or not.

(Amended by Stats. 1961, Ch. 835.)

[ORIGINAL SECTION]

25302. Every candidate for a judicial office, whether his declaration of candidacy is made personally or by sponsors, not more than 10 or less than 5 days prior to the first day on which his nomination papers may be circulated and signed or may be presented for filing, shall file in the office in which his nomination papers are required to be filed, a written and signed declaration of his intention to become a candidate for that office. This section shall apply to all judicial offices whether numerically designated or not.

Order on ballot

25303. The numerically designated offices shall be grouped and arranged on all ballots in numerical order. No person may be a candidate nor have his name printed upon any ballot as a candidate for any numerically designated office other than the one indicated by him in his declaration of intention to become a candidate.

Article 2. Adoption of Section 26 of Article VI of the Constitution

Majority of voters may adopt

25330. The voters of any county may adopt the provisions of Section 26 of Article VI of the Constitution of this State as applicable to the judge of the superior court of the county if a majority of the voters of the county, voting on the question of its adoption, vote in favor thereof.

Manner of adoption

25331. The provisions of Section 26 of Article VI may be adopted:

(a) In pursuance of an ordinance or resolution adopted by the board of supervisors of the county, declaring that the public interest requires the submission at an election of the proposal to adopt the provisions as applicable to the judge of the superior court of the county.

(b) In pursuance of a petition of voters of the county as provided in this article.

Petition

25332. The petition shall state the name and address of a person to whom notice of the insufficiency of the petition shall be sent in the event the petition has not the required number of signatures of voters signed thereto.

Signatures

25333. The petition shall be signed by 10 percent of the voters of the county, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding gubernatorial election, and it shall pray for the adoption of such provisions as applicable to the judge of the superior court of the county. The petition shall be filed in the office of the county clerk.

Filing

Examination of petition

25334. Within 20 days after the filing of the petition, the county clerk shall examine it and ascertain from the record of the registration of the voters of the county whether the petition is signed by the requisite number. If required by the clerk, the board of supervisors shall authorize him to employ persons to assist him in the work of examining the petition, and the board shall provide for their compensation.

Certificate of county clerk

25335. Upon the completion of his examination, the county clerk shall forthwith attach to the petition his certificate, duly dated, showing the results of his examination. If the certificate shows that the petition is signed by the requisite number of voters, he shall immediately present the petition to the board of supervisors if it is in session, otherwise at its next meeting.

Presenting to supervisors

Notice of deficiency

25336. If it appears by the certificate that the petition has not the required number of signatures, the county clerk shall so notify the person designated as the person to whom notification of the insufficiency of the petition is to be sent. The petitioners shall have 30 days from and after the date of receiving the notice of insufficiency to present and file a supplement bearing additional signatures. Upon the receipt of the supplement the county clerk shall proceed forthwith to examine it. He shall complete his examination within 10 days from the date of its receipt by him. If it appears that the additional signatures and those which have not been legally rejected upon the original petition total the requisite number, the county clerk shall forthwith attach to the petition his certificate, duly dated, showing that the petition has been signed by the requisite number of voters, and shall immediately present it to the board of supervisors if it is in session, otherwise at its next meeting.

Supplemental petition

Certificate

Presenting to supervisors

Submission at election

25337. Upon the adoption of the ordinance or resolution or the presentation of a petition, the board of supervisors shall submit the proposal to the voters at the next succeeding general election, presidential primary, or countywide special election, occurring subsequent to 90 days after the adoption of the ordinance or resolution or the presentation of the petition.

Certificate of adoption

25338. If the proposal is approved by a majority of the votes cast thereon, the board of supervisors shall file a certificate, signed by the chairman of the board and duly dated, with the Secretary of State, reciting that the proposal to adopt the provisions of Section 26 of Article VI of the Constitution as applicable to the judge of the superior court of the county was

approved by a majority of the votes cast thereon at the election. Upon the filing of the certificate the provisions of Section 26 shall thereupon be applicable to the judge of the superior court of that county, and effective as to all vacancies in the office occurring after the date of filing of the certificate.

DIVISION 14. RECALL

CHAPTER 1. STATE OFFICERS

Scope of chapter

27000. This chapter applies only to state officers.

Short title on petition

27001. Across the top of each page after the first page of every recall petition or section thereof which is circulated, there shall be printed in 18-point gothic type a short title, in not to exceed 20 words, showing the nature of the petition and the subject to which it relates.

Receiving or filing

27002. Officers chargeable by law with receiving or filing in their offices any recall petition shall not receive any petition which does not conform to the provisions of this chapter.

Preservation of petitions

27003. The Secretary of State shall preserve for four years in his office all recall petitions legally filed. He shall thereafter destroy them unless they are in evidence in some action or proceeding then pending.

Date

27004. Before any signatures are obtained to a recall petition, a copy of the text of the petition shall be filed in the office of the Secretary of State, and the recall proceeding shall be deemed to be pending from the date of such filing. The

Signatures

signatures to the petition need not all be appended to one paper. Each signer shall add to his signature the date of signing and the place of his residence, giving street and number. If no street or number exists, then a designation of the place of residence shall be given which will enable the location to be readily ascertained. No petition shall be valid for the purpose for which it was circulated unless it shall be sufficiently signed and filed for verification of signatures with the county clerk in each county wherein such petitions were circulated within six months after the date the text was filed with the office of the Secretary of State or, if not so filed, within six months after the effective date of this section, whichever is later.

CHAPTER 2. COUNTY OFFICERS

"District"

27200. As used in this chapter "district" includes supervisorial district and judicial district.

Recall

27201. The holder of any elective office of any county or of any district, who has held his office at least six months, may be recalled at any time by the voters, by means of the recall procedure set forth in this chapter.

Petition

27202. A petition demanding the election of a successor to the person sought to be recalled shall be filed with the county clerk. The petition shall be signed by voters equal in number to at least 20 percent of the entire vote last cast within the county for all candidates for the office which the incumbent,

sought to be removed, occupies. If the officer is not elected by the county at large, the same percentage is required within those precincts of the county embraced within the district of the county entitled to vote for a successor to the officer named. The petition shall contain a statement, not exceeding 200 words in length, of the grounds on which the recall is sought, for the information of the voters. Any insufficiency of form or substance in this statement shall not affect the validity of the election and proceedings held thereunder.

Same: Signature

27203. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving street and number. If no street or number exists, then a designation of the place of residence shall be given which will enable the location to be readily ascertained. Each separate paper shall have attached to it an affidavit made by a voter of the county or particular district, as the case may be. The affidavit shall contain the residence address of the affiant, and shall state that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant:

(a) Each is the genuine signature of the person whose name it purports to be.

(b) The signer is a voter of the county or particular district.

Same: Dates

27204. Petitions demanding the recall of an officer of a county or district shall indicate the date of each signature thereon.

No such petition is valid for the purpose for which it was circulated after the expiration of six months from the date the first signature was affixed thereto, unless it has been filed in accordance with the provisions of this code.

Examination of petition

27205. Within 10 days from the date on which the petition is filed, the county clerk shall examine and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. He shall attach to the petition his certificate showing the result of his examination. If the county clerk's certificate shows the petition to be insufficient, a supplemental petition, in form a duplicate of the original petition, bearing additional signatures may be filed within 10 days of the date of the certificate of insufficiency. The county clerk shall, within 10 days after the supplemental petition is filed, examine it, and if his certificate shows that the petition is still insufficient, no action shall be taken thereon. The petition shall remain on file as a public record, and the failure to secure sufficient signatures shall not prejudice the filing later of an entirely new petition to the same effect.

Supplemental petition

Public record

New petition

Assistants

27206. The board of supervisors, at the request of the county clerk, shall authorize him to employ, and shall provide for the compensation of, additional assistants to examine the petition and supplementary petition.

Special election

27207. If the petition, together with supplementary petitions, if any, is found to be sufficient, the county clerk shall submit it to the board of supervisors without delay. The board shall at once order a special election to be held within not less than 70 nor more than 75 days after the date of the order, to determine whether the voters will recall the officer. If a regular election is to occur not less than 70 nor more than 95 days from the date of the order calling the special election, the board may, in its discretion, order the holding of the special election at the time the regular election is held.

Recall of county clerk

27208. When the county clerk is the officer sought to be recalled, the duties imposed upon him by this chapter shall be performed by some other person designated by the board of supervisors.

Vacancy

27209. If a vacancy occurs in the office after a recall petition is filed, the election shall nevertheless proceed as provided in this chapter.

Recall of more than one officer

27210. One election is sufficient for the recall and election of one or more elective officials, but a separate petition is necessary to propose the recall of each official.

Nominations

27211. Nominations for any office in connection with a recall election provided for in this chapter shall be made by petition in the manner prescribed for nominations subsequent to or in lieu of primary elections. No party affiliation of a candidate, signer or verification deputy shall be given, nor shall participation in a primary election be any bar to signing the petition.

Statements on sample ballot

27212. With the sample ballot there shall be mailed a printed copy of the grounds set forth in the recall petition seeking the recall of the officer, and of an answer in not more than 200 words, if such an answer is filed with the county clerk, in which the officer may justify his course in office.

Recall question

27213. There shall be printed on the recall ballot, as to every officer whose recall is to be voted on at the election, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (+), his vote for or against the recall.

Candidates

27214. On the recall ballots, under each question, there shall be printed the names of those persons who have been nominated in the manner provided by this code for such office as candidates to succeed the incumbent if he is recalled from office by the recall election. No vote cast shall be counted for any candidate for the office unless the voter also voted on the question of the recall of the person sought to be recalled from that office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office.

Counting vote

27215. If a majority or exactly half of those voting on the question of the recall of any incumbent from office vote "No," the incumbent shall continue in office. If a majority vote "Yes," the incumbent shall be deemed recalled from office, upon the qualification of his successor. Effect of vote

27216. The board of supervisors shall canvass all votes for candidates for the office and declare the result as in a regular election. If the vote recalls the officer, the candidate who has received the highest number of votes for the office shall be declared elected for the remainder of the term. If the person who received the highest number of votes fails to qualify within 10 days after receiving the certificate of election, the office shall become vacant and shall be filled according to law. Canvass of vote; Election declaration; Vacancy

CHAPTER 3. MUNICIPAL OFFICERS

Article 1. In General

27500. Proceedings may be commenced for recall of the holder of any elective office of any city by the service, filing and publication of a notice of intention to circulate a recall petition pursuant to Section 27504 Proceedings may not be commenced against the holder of an office unless, at the time of commencement, the holder has held office for at least six months and no recall petition has been filed against such holder within the preceding six months. Persons subject to recall

27501. A petition demanding the recall of the officer sought to be recalled shall be filed with the clerk of the legislative body of the city The petition shall be signed by not less than 25 percent of the voters of the city on the day the petition is filed with the clerk. Petition

27502. If a vacancy occurs in an office after a recall petition has been filed, the election shall nevertheless proceed as provided in this chapter, except as provided in Section 27519. Vacancy

27503. One election is sufficient for the recall of one or more officers, but a separate petition is necessary to propose the recall of each officer. When the clerk of the legislative body is the officer sought to be recalled, he shall immediately notify the legislative body, and the duties imposed upon him by this chapter shall be performed by some other person designated by the legislative body. The time for the performance of such duties shall not begin to run until after such designation. Recall of more than one officer; Recall against clerk

27504. No signature may be affixed to the petition until the proponents have served, filed and published a notice of intention to circulate a recall petition, containing the name of the officer sought to be recalled and the title of his office, a statement in not more than 500 words of the grounds on which the recall is sought, and the name and address of at least one proponent. The notice of intention shall be served, personally or by certified mail, on the officer sought to be recalled, and a copy thereof with a certificate of the time and manner of service shall be filed with the clerk of the legislative body. Notice of intention to circulate; Publication; Filing

Serving of copy

27505. Within seven days after the filing of the notice of intention, the officer sought to be recalled may file with the clerk of the legislative body an answer in not more than 500 words to the statement of the proponents and, if an answer is filed, shall serve a copy thereof, personally or by certified mail, on one of the proponents named in the notice of intention. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect the validity of the election or proceedings.

Publication of notice, statement, and answer

27506. The notice, statement, and answer, if any, shall be published by the proponents at least once in a newspaper of general circulation published in the city or, if there be no such newspaper, then in a newspaper published in the county and of general circulation within the city. If no newspaper is so published and circulated, then copies of the notice, statement and answer shall be posted in three public places in the city or portion of the city wherein the recall is to be voted on.

Circulation of petition

Contents

27507. Seven days after the publication or posting of the notice, statement and answer, if any, the recall petition may be circulated and signed. The petition shall bear a copy of the notice of intention, statement and answer, if any. If the officer has not answered, the petition shall so state. Signatures shall be secured and the petition filed within 60 days from the filing of the notice of intention.

Signatures in sections

27508. The signatures to the petition need not all be appended to one paper but may be in sections. Each signer shall add to his signature the date of his signing and his residence, giving street and number. If no street or number exist, then a designation of the place of residence shall be given which will enable the location to be readily ascertained. The petition, when filed, must have designated therein the name or number of the respective precinct in which each of the signers resides.

Designation of residence, etc.

Affidavit

27509. Each section of the petition shall have attached to it an affidavit made by a voter of the city or subdivision thereof, as the case may be. The affidavit shall be sworn to before an officer competent to administer oaths, and shall state that the affiant solicited signatures to that particular section and saw written the signatures appearing thereon. The affidavit shall also state that according to the best information and belief of the affiant:

(a) Each signature is the genuine signature of the person whose name it purports to be.

(b) The signer is a qualified voter of the city or subdivision thereof. Any section of a petition may include a number of attached sheets.

Required number of signatures

27510. In order to be acceptable for filing, the petition must on its face purport to have appended to it signatures of voters in the required number. Within 15 days from the date of filing the petition, the clerk shall examine and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. He shall attach to

the petition his certificate showing the result of his examination If the clerk's certificate shows the petition is insufficient, a supplemental petition, in form a duplicate of the original petition, may be filed within 15 days of the date of the certificate of insufficiency. Supplemental petition

27511. The clerk shall, within 15 days after the supplemental petition is filed, examine it, and if his certificate shows that the petition is still insufficient, no action shall be taken thereon. The petition shall remain on file as a public record, and the failure to secure sufficient names shall not prejudice the filing later of an entirely new petition to the same effect. Insufficient signatures; Public record; New petition

27512. If requested by the clerk, the legislative body of the city shall authorize the clerk to employ additional assistants to examine the petition and supplemental petition and shall provide for their compensation. Employment of assistants

27513. If the petition, together with supplementary petitions, if any, is sufficient, the clerk shall submit it to the legislative body of the city without delay. The legislative body shall at once order a special election to be held, not less than 60 nor more than 75 days after the date of the order, to determine whether the voters will recall the officer sought to be recalled. If a regular municipal election is to occur not more than 90 nor less than 60 days from the date of the order, the legislative body may order the special election to be held on the day of the regular election. Submission to legislative body

27514. The clerk shall mail to each voter, at least 10 days prior to the election, a sample ballot and a separate printed copy of the statement of the proponents and of the answer, if any, of the officer sought to be recalled. If the recall of more than one officer is sought, the statement and answer for each shall be printed together and shall be clearly distinguished from those for any other officer. Sample ballots

27515. There shall be printed on the recall ballot, as to each officer whose recall is to be voted on, the following question: "Shall (name of person) be recalled from the office of (title of the office)?" Following which question shall be the words "yes" and "no" on separate lines, with a voting square at the right of each, in which the voter shall indicate by stamping a cross (+) his vote for or against the recall. Question of recall

27516. On the recall ballots, under each question, there shall be printed the names of those persons who have been nominated in the manner provided by this code for nominations at municipal elections as candidates to succeed the incumbent if he is recalled from office by the recall election. No vote cast shall be counted for any candidate for the office unless the voter also voted on the question of the recall of the person sought to be recalled from that office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. Candidates for office

27517. The governing body of the city shall meet at its usual place of meeting on the first Tuesday after the election to canvass the returns and declare the results as in a Declaration of results, etc.

regular election. If a majority of those voting at the election voted in favor of the recall of any incumbent from office, the incumbent shall be deemed removed from office upon the qualification of his successor.

If all of the members of the legislative body of the city are recalled, and no candidates are elected to succeed them, the recall shall fail and the incumbents shall remain in office.

If all or part of the members of the legislative body of the city are recalled, and not enough candidates are elected to provide a quorum, the appointment of persons to bring the membership up to a quorum shall be by the Governor, after which the quorum shall fill the remaining vacancies by appointment. If there are any unfilled vacancies remaining 30 days after the recall election, and more than 75 days will elapse before the next general municipal election will be held, the legislative body shall immediately cause an election to be held to fill the vacancies.

A person appointed to office under this section shall hold office for the remainder of the unexpired term of the recalled officer whose position he is appointed to fill.

(Amended by Stats. 1961, Ch. 1116.)

[ORIGINAL SECTION]

27517. The governing body of the city shall meet at their usual place of meeting on the first Tuesday after the election to canvass the returns and declare the results as in a regular election. If a majority of those voting at the election voted in favor of the recall of any incumbent from office, the incumbent shall be deemed removed from office upon the qualification of his successor.

Same

27518. If the vote recalls the officer, the candidate who has received the highest number of votes for the office shall be declared elected for the unexpired term of the former incumbent. If the person who received the highest number of votes fails to qualify within 10 days after receiving the certificate of election, the office shall become vacant and shall be filled according to law.

Death of officer to be recalled

27519. If the officer sought to be recalled dies more than 40 days prior to the election, the period for filing nomination papers to succeed the officer shall be extended to the 25th day prior to the election.

If the officer sought to be recalled resigns prior to the election, and at the close of the period for filing nomination papers only one person has been nominated for the office or no person has been nominated for the office, an election shall not be held. In such case the governing body of the city shall appoint to the office the person nominated, or, if no person has been nominated, shall appoint any qualified person.

Chartered cities

27520. This chapter does not apply to cities having a charter, adopted under the provisions of Section 8 of Article XI of the Constitution, and having in that charter provision for the recall of elective officials by the voters.

27521. A person who has been recalled, or who has resigned from office while recall proceedings were pending against him, shall not be a candidate for nor appointed to such office within one year after his resignation or recall. Prohibition against candidacy

DIVISION 15. PENAL PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

29000. All the provisions of this division apply to both final elections and primary elections. Scope of division

29001. Every person who willfully violates any of the provisions of the laws of this State relating to election is, unless a different punishment is prescribed by this code, punishable by a fine not exceeding one thousand dollars ($1,000) or by imprisonment in the state prison not exceeding five years, or by both. General penalty

29002. Every person charged with the performance of any duty under the provisions of any law of this State relating to elections, who willfully neglects or refuses to perform it, or who, in his official capacity, knowingly and fraudulently acts in contravention or violation of any of the provisions of such laws, is, unless a different punishment is prescribed by this code, punishable by fine not exceeding one thousand dollars ($1,000) or by imprisonment in the state prison not exceeding five years, or by both. Performance of duty

29003. Every person is guilty of a misdemeanor who makes, offers or accepts any bet or wager upon: Bet or wager

(a) The result of any election.

(b) The success or failure of any person or candidate.

(c) The number of votes to be cast either in the aggregate or for any particular candidate.

(d) The vote to be cast by any person.

CHAPTER 2. PREVENTING ASCERTAINMENT OF TRUE WILL OF VOTERS

Article 1. Preventing Correct Ascertainment of Result of Votes Cast

29100. Every person is punishable by imprisonment in the state prison for not less than two nor more than seven years who: Forged or counterfeit precinct returns

(a) Forges or counterfeits returns of an election purported to have been held at a precinct where no election was in fact held.

(b) Willfully substitutes forged or counterfeit returns of election in the place of true returns for a precinct where an election was actually held.

29101. Every person who willfully adds to or subtracts from the votes actually cast at an election, in any official or unofficial returns, or who alters the returns, is punishable by Altering returns

imprisonment in the state prison for not less than one year nor more than five years.

Aiding or abetting

29102. Every person who aids or abets in the commission of any of the offenses mentioned in Section 14431, 29100, 29101, or 29103 is punishable by imprisonment in the county jail for the period of six months or in the state prison not exceeding two years.

(Amended by Stats. 1961, Ch. 835.)

[ORIGINAL SECTION]

29102. Every person who aids or abets in the commission of any of the offenses mentioned in Sections 14431, 29100, 29101, or 29103 is punishable by imprisonment in the county jail for the period of six months or in the state prison not exceeding two years.

Offenses by election officers

29103. Every officer or clerk of election is punishable by imprisonment in the state prison for not less than two nor more than seven years who:

(a) Aids in changing or destroying any poll list or official ballot.

(b) Aids in wrongfully placing any ballots in the ballot box or in taking any therefrom.

(c) Adds or attempts to add any ballots to those legally polled at any election by fradulently putting them into the ballot box, either before or after the ballots therein have been counted.

(d) Adds to or mixes with, or attempts to add to or mix with, the ballots polled, any other ballots, while they are being counted or canvassed or at any other time, with intent to change the result of the election, or allows another to do so, when in his power to prevent it.

(e) Carries away or destroys, or knowingly allows another to carry away or destroy, any poll list, ballot box, or ballots lawfully polled.

Article 2. Intimidating Voters

Influencing, etc., of votes Felony

29130. Every person is guilty of a felony who by force, threats, menaces, bribery, or any corrupt means, either directly or indirectly, attempts to influence any voter in giving his vote, or to deter him from giving it, or attempts by any means whatever to awe, restrain, hinder, or disturb any voter in the exercise of the right of suffrage.

Misdemeanor

29131. Every person or corporation is guilty of a misdemeanor who, directly or indirectly, by himself or other person in his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens the infliction, by himself or through any other person, of any injury, damage, harm, or loss, or in any manner practices intimidation upon or against any person, in order to induce or compel him to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person at any election, or because any person voted or refrained from voting at any election.

Free exercise of elective franchise

29132. Every person or corporation is guilty of a misdemeanor who, by abduction, duress, or any forcible or fraudulent device or contrivance whatever, impedes, prevents, or otherwise interferes with the free exercise of the elective franchise by any voter; or who compels, induces, or prevails upon any voter either to give or refrain from giving his vote at any election, or to give or refrain from giving his vote for any particular person at any election.

Election offer

29133. Every member of a precinct board who, while acting as such, induces or attempts to induce any voter, either by menace or reward, or promise thereof, to vote differently from the way in which he intended or desired to vote, is guilty of a felony.

Employer: Pay envelope

29134. Every employer, whether a corporation or natural person, is guilty of a misdemeanor who, in paying his employees the salary or wages due them, incloses their pay in pay envelopes upon which there is written or printed the name of any candidate or any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of the employees.

Threat to close shop

29135. Every employer, whether a corporation or a natural person, is guilty of a misdemeanor who, within 90 days of any election, puts up or otherwise exhibits in his factory, workshop, or other establishment or place where his workmen or employees may be working, any handbill or placard containing any threat, notice, or information that in case any particular ticket of a political party, organization, or candidate is elected, work in his place or establishment will cease, in whole or in part, or his place of establishment will be closed up, or the salaries or wages of his workmen or employees will be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employees.

Corporation forfeits charter

29136. Any corporation violating any provision in this article shall forfeit its charter.

Article 3. Bribes

Penalty: Giving bribe

29160. Every person is punishable by imprisonment in the state prison for not less than one nor more than seven years who:

(a) Gives or offers a bribe to any officer or member of any legislative caucus, political convention, committee, or political gathering of any kind, held for the purpose of nominating candidates for offices of honor, trust or profit in this State, with intent to influence the person to whom the bribe is given or offered to be more favorable to one candidate than another.

Receiving bribe

(b) Being a member of any of the bodies mentioned in this section receives or offers to receive any such bribe.

Article 4. Fraud and Deceit

Deceiving voter unable to read

29180. Every person is guilty of a felony who furnishes any voter wishing to vote, who cannot read, with a ballot, informing or giving that voter to understand that it contains a name written or printed thereon different from the name which is written or printed thereon, or defrauds any voter at any election by deceiving and causing him to vote for a different person for any office than he intended or desired to vote for.

Fraudulent ballot

29181. Every person who prints any ballot not in conformity with the provisions of Chapter 2 (commencing at Section 10200) of Division 7 of this code, or who circulates or gives to another any ballot, knowing at the time that the ballot does not conform to the provisions of Chapter 2 (commencing at Section 10200) of Division 7 of this code, is guilty of a misdemeanor.

Article 5. Abuse of Initiative, Referendum and Recall

Definition

29210. As used in this article, "proponent or proponents of an initiative or referendum measure" means the person or persons who submit a draft of a petition proposing the measure to the Attorney General with a request that he prepare a title and summary of the chief purpose and points of the proposed measure.

Same

29211. As used in this article, "proponent or proponents of a recall petition" means the person or persons who have charge or control of the circulation of, or obtaining signatures to, such petitions.

Filing petition with intent to defeat

29212. Every person is guilty of a misdemeanor who, either as principal or agent, files in the office of the Secretary of State, county clerk, or in the office of any other officer designated by law to receive such filing a petition or any section of a petition relating to the Constitution or the laws of this State, authorized by the Constitution or laws of this State regulating the statewide initiative or referendum, with the intention of thereby defeating that initiative or referendum measure which is embraced in the petition. Nothing in this section applies to any person who, in good faith, files a petition embracing an initiative or referendum measure which conflicts with a similar measure already on file.

Validity of petition

29213. Any petition, or any section of a petition, filed by any person other than the proponents of an initiative or referendum measure and with an intention of defeating an expression of the public will is null and void.

Misrepresentation in circulating

29214. Every person is punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment, who, circulating, as principal or agent, or having charge or control of the circulation of, or obtaining signatures to, any initiative, referendum or recall petition, misrepresents or

makes any false statement concerning the contents, purport or effect of the petition to any person who signs, or who desires to sign, or who is requested to sign, or who makes inquiries with reference to it, or to whom it is presented for his signature.

False statements of contents

29215. Every person is punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment, who willfully or knowingly circulates, publishes or exhibits any false statement or misrepresentation concerning the contents, purport or effect of any initiative, referendum, or recall petition for the purpose of obtaining any signature to, or persuading any person to sign, that petition.

Filing with false signature

29216. Every person is punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment, who files in the office of the clerk or other officer designated by law to receive such filing, any initiative, referendum, or recall petition to which is attached, appended or subscribed any signature which the person filing the petition knows to be false or fraudulent or not the genuine signature of the person whose name it purports to be.

Circulating with false signatures

29217. Every person is punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment, who circulates or causes to be circulated any initiative, referendum, or recall petition, knowing it to contain false, forged, or fictitious names.

False affidavit

29218. Every person is punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment, who makes any false affidavit concerning any initiative, referendum, or recall petition or the signatures appended thereto.

Public official or employee

29219. Every public official or employee is punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment, who knowingly makes any false return, certification or affidavit concerning any initiative, referendum, or recall petition or the signatures appended thereto.

Signing

29220. Every person is punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment, who knowingly signs his own name more than once to any initiative, referendum, or recall petition, or signs his name to any such petition knowing himself at the time of signing not to be qualified to sign it.

Use of fictitious name

29221. Every person who subscribes to any initiative, referendum or recall petition or to any nominating petition a fictitious name, or who subscribes thereto the name of another, or who causes another to subscribe such a name to such a petition, is guilty of a felony and is punishable by imprisonment in the state prison for not less than one nor more than 14 years.

Inducing proponents to abandon petition

29222. Every person who seeks, solicits, bargains for, or obtains any money, thing of value, or advantage of or from any person, firm, or corporation for the purpose or represented purpose of fraudulently inducing, persuading, or seeking the proponent or proponents of any initiative or referendum measure or recall petition to (a) abandon such measure or petition; (b) fail, neglect, or refuse to file in the office of the clerk or other officer designated by law, within the time required by law, such initiative or referendum measure or recall petition after securing the number of signatures required to qualify such measure or petition; (c) stop the circulation of such initiative or referendum measure or recall petition; or (d) perform any act that will prevent or aid in preventing the initiative or referendum measure or recall petition from qualifying as an initiative or referendum measure, or the recall petition from resulting in a recall election, is punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment.

Offenses by proponents

29223. Any proponent of an initiative or referendum measure or recall petition who seeks, solicits, bargains for, or obtains any money or thing of value of or from any person, firm, or corporation for the purpose of abandoning the same or stopping the circulation of petitions concerning the same, or failing or neglecting or refusing to file such measure or petition in the office of the clerk or other officer designated by law within the time required by law after obtaining the number of signatures required under the law to qualify such measure or petition, or performing any act that will prevent or aid in preventing the initiative, referendum or recall proposed from qualifying as an initiative or referendum measure, or resulting in a recall election, is punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment.

Threatening circulation of petition, etc

29224. Any person who seeks, solicits, bargains for, or obtains any money, thing of value or advantage of or from any person, firm, or corporation on the threat or representation or claim or demand that unless such money, thing of value, or advantage is obtained, that an initiative or referendum measure will be proposed and circulated or proposed or circulated affecting either directly or indirectly the business, property or interests of such person, firm, or corporation is punishable by a fine not exceeding five thousand dollars ($5,000), or by im-

prisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment.

Filing referendum measure

29225. Any proponent of a referendum measure shall, within the time required by law for the filing of such measure, file in the office of the clerk or other officer designated by law all petitions and signatures obtained in connection with such measure accompanied by an affidavit that the signatures so filed constitute and are all of the signatures secured or obtained in connection with such measure or petition.

A violation of this section is punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment.

Failure of circulator to surrender petition

29226. Any person working for the proponent or proponents of an initiative or referendum measure or recall petition who solicits signatures to qualify such measure or petition and accepts any payment therefor and who fails to surrender such measure or petition to the proponents thereof for filing is punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment.

Article 6. Interference With Initiative, Referendum, and Recall

Threats

29250. Every person who threatens to commit an assault or battery on a relative of a person circulating a referendum, initiative, or recall petition or to inflict damage on the property of such circulator or such relative, with the intent to dissuade the circulator from circulating the petition or in retribution for such circulation, is guilty of a misdemeanor.

Taking of petition

29251. Every person who forcibly or by stealth takes from the possession of a circulator any initiative, referendum, or recall petition is guilty of a misdemeanor.

Offer to purchase

29252. Every person who offers to buy or does buy from a circulator any referendum, initiative, or recall petition on which one or more persons have affixed their signatures is guilty of a misdemeanor. This section is not intented to prohibit compensation of a circulator, for his services, by a proponent of the petition or his agent.

Forged signature

29253 Every person who solicits any circulator to affix to any initiative, referendum, or recall petition any false or forged signature, or to cause or permit such signature to be affixed, is guilty of a misdemeanor.

CHAPTER 3. ACTING IN UNAUTHORIZED CAPACITY

Article 1. Election Officers

Penalty.

29400. Every person is guilty of a felony, and on conviction shall be punished by imprisonment in the state prison for not less than two nor more than seven years, who at any election:

Acting as officer

(a) Without first having been appointed and qualified, acts as an election officer.

Handling canvassing ballots

(b) Not being an election officer, performs or discharges any of the duties of an election officer in regard to the handling, counting, or canvassing of any ballots.

Penalty

29401. Every person is guilty of a misdemeanor, and is subject to a fine of five hundred dollars ($500), and upon failure to pay the fine shall be imprisoned in the county jail of the county for the period of one day for each two dollars ($2) of the fine, who:

Inability to read, write

(a) Is unable to read and write and acts as a member of any precinct board.

Refusal to serve

(b) Is eligible to serve upon and has been appointed to serve upon a precinct board, and has been properly so notified, but without good or sufficient cause shown to the precinct board or board of supervisors refuses to so serve.

Article 2. Voters

Penalty:

29430. Every person is punishable by imprisonment in the state prison for not less than one nor more than two years who:

Fraudulent vote

(a) Not being entitled to vote at an election, fraudulently attempts to vote at that election.

Double vote

(b) Being entitled to vote, attempts to vote more than once at the same election.

Impersonation

(c) Personates or attempts to personate a voter.

Penalty:

29431. Every person is punishable by imprisonment in the state prison not exceeding two years who:

Advising fraudulent vote

(a) Procures, assists, counsels, or advises another to give or offer his vote at any election, knowing that the person is not qualified to vote.

Aiding or abetting

(b) Aids or abets in the commission of any of the offenses mentioned in Section 29430.

Refused to be sworn or to answer questions

29432. Every person who, after being required by the precinct board at an election, refuses to be sworn or, being sworn, refuses to answer any pertinent questions propounded by the board touching the right of another to vote is guilty of a misdemeanor.

DIVISION 16. LEGISLATIVE DISTRICTS

(Division 16 added by Stats. 1961, Ch. 1234)

CHAPTER 1. CONGRESSIONAL DISTRICTS

Congressional districts

30000. The State is divided into 38 congressional districts which are designated and constituted as follows:

1. The Counties of Del Norte, Humboldt, Mendocino, Sonoma, Marin, and Napa shall constitute the First Congressional District.

2. The Counties of Siskiyou, Shasta, Modoc, Lassen, Amador, Butte, Sierra, Inyo, Mono, Nevada, Alpine, Mariposa, Calaveras, Tuolumne, Plumas, El Dorado, Placer, Tehama, and Trinity shall constitute the Second Congressional District.

3. The County of Sacramento shall constitute the Third Congressional District.

4. The Counties of Lake, Glenn, Colusa, Sutter, Yuba, Yolo and Solano shall constitute the Fourth Congressional District.

5. All that portion of the City and County of San Francisco comprising the 18th and 20th Assembly Districts shall constitute the Fifth Congressional District.

6. All that portion of the City and County of San Francisco comprising the 19th, 21st and 23d Assembly Districts shall constitute the Sixth Congressional District.

7. All that portion of the County of Alameda comprising the 16th and 17th Assembly Districts shall constitute the Seventh Congressional District.

8 All that portion of the County of Alameda comprising the 14th and 15th Assembly Districts shall constitute the Eighth Congressional District.

9. All that portion of the County of Alameda comprising of the 13th Assembly District and all that portion of the County of Santa Clara comprising the 25th Assembly District shall constitute the Ninth Congressional District.

10. All that portion of the County of Santa Clara comprising the 24th and 22d Assembly Districts shall constitute the 10th Congressional District.

11. The County of San Mateo shall constitute the 11th Congressional District.

12 The Counties of Santa Cruz, San Benito, Monterey, and San Luis Obispo shall constitute the 12th Congressional District

13. The Counties of Santa Barbara and Ventura shall constitute the 13th Congressional District.

14. The County of Contra Costa shall constitute the 14th Congressional District.

15. The Counties of San Joaquin, and Stanislaus shall constitute the 15th Congressional District.

16. The Counties of Madera, Merced and Fresno shall constitute the 16th Congressional District.

17. All that portion of the County of Los Angeles comprising the 67th and 68th Assembly Districts shall constitute the 17th Congressional District.

18. The Counties of Kings, Tulare, and Kern shall constitute the 18th Congressional District.

19. All that portion of the County of Los Angeles comprising the 51st and 66th Assembly Districts shall constitute the 19th Congressional District.

20. All that portion of the County of Los Angeles comprising the 43d and 47th Assembly Districts shall constitute the 20th Congressional District.

21. All that portion of the County of Los Angeles comprising the 53d and 55th Assembly Districts shall constitute the 21st Congressional District.

22. All that portion of the County of Los Angeles comprising the 64th and 41st Assembly Districts shall constitute the 22d Congressional District.

23. All that portion of the County of Los Angeles comprising the 52d and the 38th Assembly Districts shall constitute the 23d Congressional District.

24. All that portion of the County of Los Angeles comprising the 54th and 49th Assembly Districts shall constitute the 24th Congressional District.

25. All that portion of the County of Los Angeles comprising the 58th and 50th Assembly Districts shall constitute the 25th Congressional District.

26. All that portion of the County of Los Angeles comprising the 59th and 61st Assembly Districts shall constitute the 26th Congressional District.

27. All that portion of the County of Los Angeles comprising the 42d and 62d Assembly Districts shall constitute the 27th Congressional District.

28. All that portion of the County of Los Angeles comprising the 57th, 60th and 46th Assembly Districts shall constitute the 28th Congressional District.

29. All that portion of the County of Los Angeles comprising the 48th and 45th Assembly Districts shall constitute the 29th Congressional District.

30. All that portion of the County of Los Angeles comprising the 56th and 40th Assembly Districts shall constitute the 30th Congressional District.

31. All that portion of the County of Los Angeles comprising the 63d and 65th Assembly Districts shall constitute the 31st Congressional District.

32. All that portion of the County of Los Angeles comprising the 44th and 39th Assembly Districts shall constitute the 32d Congressional District.

33. The County of San Bernardino shall constitute the 33d Congressional District.

34. All that portion of the County of Orange comprising the 69th and 70th Assembly Districts shall constitute the 34th Congressional District.

35. All that portion of the County of Orange comprising the 71st Assembly District and all that portion of the County of San Diego comprising the 80th Assembly District shall constitute the 35th Congressional District

36. All that portion of the County of San Diego comprising the 76th and 78th Assembly Districts shall constitute the 36th Congressional District.

37. All that portion of the County of San Diego comprising the 77th and 79th Assembly Districts shall constitute the 37th Congressional District.

38. The Counties of Riverside and Imperial shall constitute the 38th Congressional District.

(Added by Stats. 1961. Ch. 1234.)

CHAPTER 2. SENATORIAL DISTRICTS

(Chapter 2 added by Stats. 1961, Ch. 1235)

30100. The State is divided into 40 senatorial districts, which shall be designated and constituted as follows: Senatorial districts

1. The Counties of Modoc, Lassen and Plumas shall constitute the First Senatorial District.

2. The Counties of Del Norte and Siskiyou shall constitute the Second Senatorial District.

3. The County of Humboldt shall constitute the Third Senatorial District.

4. The Counties of Mendocino and Lake shall constitute the Fourth Senatorial District.

5. The Counties of Trinity and Shasta shall constitute the Fifth Senatorial District.

6. The County of Butte shall constitute the Sixth Senatorial District.

7. The Counties of Sierra, Nevada and Placer shall constitute the Seventh Senatorial District.

8. The Counties of Tehama, Glenn and Colusa shall constitute the Eighth Senatorial District.

9. The Counties of El Dorado and Amador shall constitute the Ninth Senatorial District.

10. The Counties of Yuba and Sutter shall constitute the 10th Senatorial District.

11. The Counties of Napa and Yolo shall constitute the 11th Senatorial District.

12. The County of Sonoma shall constitute the 12th Senatorial District.

13 The County of Marin shall constitute the 13th Senatorial District.

14. The City and County of San Francisco shall constitute the 14th Senatorial District.

15. The County of Solano shall constitute the 15th Senatorial District.

16. The County of Alameda shall constitute the 16th Senatorial District.

17. The County of Contra Costa shall constitute the 17th Senatorial District.

18. The County of Santa Clara shall constitute the 18th Senatorial District.

19. The County of Sacramento shall constitute the 19th Senatorial District.

20 The County of San Joaquin shall constitute the 20th Senatorial District.

21. The County of San Mateo shall constitute the 21st Senatorial District.

22 The County of Stanislaus shall constitute the 22d Senatorial District

23. The Counties of Santa Cruz and San Benito shall constitute the 23d Senatorial District.

24. The Counties of Merced and Madera shall constitute the 24th Senatorial District.

25. The County of Monterey shall constitute the 25th Senatorial District.

26. The Counties of Tuolumne, Mariposa and Calaveras shall constitute the 26th Senatorial District.

27 The County of Kings shall constitute the 27th Senatorial District.

28. The Counties of Alpine, Mono and Inyo shall constitute the 28th Senatorial District.

29. The County of San Luis Obispo shall constitute the 29th Senatorial District.

30. The County of Fresno shall constitute the 30th Senatorial District.

31. The County of Santa Barbara shall constitute the 31st Senatorial District.

32. The County of Tulare shall constitute the 32d Senatorial District.

33. The County of Ventura shall constitute the 33d Senatorial District.

34 The County of Kern shall constitute the 34th Senatorial District.

35. The County of Orange shall constitute the 35th Senatorial District.

36. The County of San Bernardino shall constitute the 36th Senatorial District.

37. The County of Riverside shall constitute the 37th Senatorial District.

38 The County of Los Angeles shall constitute the 38th Senatorial District.

39. The County of Imperial shall constitute the 39th Senatorial District.

40. The County of San Diego shall constitute the 40th Senatorial District.

(Added by Stats. 1961, Ch. 1235.)

CHAPTER 3. ASSEMBLY DISTRICTS

(Chapter 3 added by Stats. 1961, Ch 1233)

Precincts not included

30200. Any precinct, or portion of any precinct, not situate within an assembly district, as such districts are described in this chapter, constitutes a part of the adjacent assembly district which is in the same county and has, as shown by the last federal census, a less population than any other such adjacent district.

(Added by Stats. 1961, Ch. 1233.)

Assembly districts

30201. The State is divided into 80 assembly districts, which shall be designated and constituted as follows:

1. The Counties of Del Norte, Mendocino, Lake and Humboldt shall constitute the First Assembly District.

2. The Counties of Siskiyou, Trinity, Shasta, Tehama, Modoc, Lassen, Plumas and Sierra shall constitute the Second Assembly District

3. All that portion of the County of Sacramento not included in the Eighth and Ninth Assembly Districts as fixed and defined by this section, shall constitute the Third Assembly District.

4. The Counties of Glenn, Butte, Colusa, Sutter and Yolo shall constitute the Fourth Assembly District.

5. The Counties of Napa and Solano shall constitute the Fifth Assembly District.

6. The Counties of Yuba, Nevada, Placer, El Dorado, Amador, Alpine, Calaveras, Tuolumne, Mariposa, Mono and Inyo shall constitute the Sixth Assembly District.

7. The Counties of Marin and Sonoma shall constitute the Seventh Assembly District.

8. All that portion of the County of Sacramento bounded and described as follows:

Commencing at the point of intersection of an extension of the center line of K Street in the City of Sacramento with the westerly boundary of the county; thence easterly along the center line of K Street to the center line of Alhambra Boulevard; thence southerly along the center line of Alhambra Boulevard to the center line of the Southern Pacific Railroad right of way near R Street; thence easterly along the center line of said railroad right of way to the center line of 65th Street; thence northerly and northeasterly along the center line of 65th Street and the northeasterly prolongation thereof to the city limit line of the City of Sacramento at Elvas Avenue; thence along said city limit line which meanders northeasterly, southeasterly, easterly and northerly passing south of the Sacramento State College and east of the Sacramento City filtration plant site to the middle of the channel of the American River; thence easterly along said channel to the center line of Watt Avenue; thence north along the center line of Watt Avenue to Interstate Freeway Route 80 (also known as U.S 40 or State Highway Route 3); thence northeasterly along Interstate Freeway Route 80 to the northerly

boundary of the County of Sacramento near Roseville; thence westerly along said northerly boundary of said county to the westerly boundary of said county; thence southerly along the westerly boundary of said county to the point of commencement, shall constitute the Eighth Assembly District.

9. All that portion of Sacramento County lying southwesterly of the following described line:

Commencing at the point of intersection of an extension of the center line of K Street in the City of Sacramento with the westerly boundary of the county; thence easterly along the center line of K Street to the center line of Alhambra Boulevard; thence southerly along the center line of Alhambra Boulevard to the center line of the Southern Pacific Railroad right of way near R Street; thence easterly along the center line of said railroad right of way to the center line of 65th Street; thence northerly and northeasterly along the center line of 65th Street and the northeasterly prolongation thereof to the city limit line of the City of Sacramento at Elvas Avenue; thence southeasterly along said city limit line to the center line of Power Inn Road; thence south along the center line of Power Inn Road to the center line of Elsie Avenue; thence west along the center line of Elsie Avenue to the center line of Stockton Boulevard; thence southeasterly along the center line of Stockton Boulevard and State Highway Route 4 (U.S. 99) to the southerly boundary of the County of Sacramento near Galt, shall constitute the Ninth Assembly District.

10. All that portion of the County of Contra Costa not included within the 11th Assembly District, as fixed and defined by this section, shall constitute the 10th Assembly District.

11. All that portion of Contra Costa County situate westerly of the following described line: Beginning at the intersection of the northerly boundary of Contra Costa County and the boundary line common to the second and third supervisorial districts; thence southerly along said common boundary line to a juncture with the westerly boundary of the San Ramon Valley High School District; thence southerly along last said boundary line to the southerly boundary of Contra Costa County, shall constitute the 11th Assembly District.

12. The County of San Joaquin shall constitute the 12th Assembly District.

13. All that portion of the County of Alameda lying to the southeast of the following described line:

Beginning at the intersection of the westerly boundary of Alameda County with the corporate limit line common to the Cities of Oakland and Hayward; thence northeasterly along said corporate limit line to the corporate limit line common to the Cities of Hayward and San Leandro near the shoreline of San Francisco Bay; thence east, south, east and northeasterly along said common corporate limit line to the center line of the Southern Pacific Railroad near San Lorenzo Creek; thence southeasterly along said Southern Pacific center line to

the southwesterly extension of Bandoni Avenue; thence northeasterly along the center line of Bandoni Avenue to the intersection of Bockman Road and Channel Street; thence northerly along the center line of Channel Street to the center line of Via Manzanas; thence northeasterly along the center line of Via Manzanas and its easterly prolongation to the center line of Hesperian Boulevard; thence southerly along the center line of Hesperian Boulevard to the center line of Hacienda Avenue; thence northeasterly along the center line of Hacienda Avenue to State Highway Route 69, (The Nimitz Freeway); thence northwesterly on said Freeway center line to the center line of San Lorenzo Creek; thence easterly along the center line of said creek to Mattox Road near Mission Boulevard (E. 14th Street); thence along the center lines of the following named streets, to wit: easterly and northeasterly on Mattox Road to Oak Street, southeasterly on Oak Street to Grove Way, southwesterly on Grove Way to Foothill Boulevard, southeasterly on Foothill Boulevard to the center line of San Lorenzo Creek near Russell Way; thence generally northeasterly along said creek to the center line of State Highway Route 5, (Interstate Freeway Route 5W); thence generally northeasterly along said State Highway Route 5 to Eden Canyon Road; thence northerly along Eden Canyon Road to the road in Hollis Canyon; thence generally northeasterly along last said road to its intersection with the east line of Section 32, T. 2 S., R. 1 W., M. D. B. & M.; thence north along said east line of Section 32 and continuing north along the east line of Section 29 of said Township and Range to the easterly boundary of the County of Alameda, shall constitute the 13th Assembly District.

14. All that portion of the County of Alameda bounded and described as follows:

Beginning at the point of intersection of the Lake Merritt Canal and the center line of 12th Street in the City of Oakland; thence northeasterly along said Lake Merritt Canal and the northeasterly prolongation thereof to a point at the intersection of the westerly prolongation of the center line of Brooklyn Avenue in Lake Merritt; thence easterly on said center line of Brooklyn Avenue and the westerly prolongation thereof to the center line of Newton Avenue; thence along the center lines of the following named streets, to wit: southerly on Newton Avenue to Park Boulevard, southwesterly on Park Boulevard to East 20th Street, southwesterly on East 20th Street to 13th Avenue, southwesterly on 13th Avenue to East 14th Street, southeasterly on East 14th Street to Fruitvale Avenue, southwesterly on Fruitvale Avenue to the center line of the main track of the Southern Pacific Railroad; thence southeasterly along said center line of the main track of said railroad to the center line of 73rd Avenue; thence along the center lines of the following named streets, to wit: northeasterly on 73rd Avenue to East 14th Street, southeasterly on East 14th Street to the corporate limit line common to the

Cities of Oakland and San Leandro near Durant Avenue; thence easterly and southeasterly along said common corporate limit line generally near Durant Avenue, Foothill Boulevard, MacArthur Boulevard and San Leandro Creek to the easterly corporate limit of the City of San Leandro westerly from the spillway of Lake Chabot; thence southerly along said easterly corporate limit line of the City of San Leandro passing to the west side of the Alameda County Prison Farm and the Mt. Calvary Cemetery to the southwest corner of said cemetery; thence continuing along said corporate limit line of San Leandro westerly to the vicinity of Foothill Boulevard and continuing southeasterly, southwesterly and again southeasterly to a point at the intersection of said corporate limit line with the center line of 150th Avenue near the southwest corner of the Fairmont Schoolyard; thence southwesterly along the center line of 150th Avenue to the center line of East 14th Street; thence southerly along the center line of East 14th Street to the southeasterly property line of the land now occupied by drive-in movie theaters; thence southwesterly along said property line to the center line of Hesperian Boulevard; thence southerly along Hesperian Boulevard to the center line of State Highway Route 69, (The Nimitz Freeway); thence along said Freeway center line to the center line of Hacienda Avenue; thence southwesterly along the center line of Hacienda Avenue to the center line of Hesperian Boulevard; thence northerly along the center line of Hesperian Boulevard to the easterly prolongation of the center line of Via Manzanas; thence westerly along the center line of Via Manzanas to the center line of Channel Street; thence southerly along the center line of Channel Street to its intersection with Bockman Road and Bandoni Avenue; thence southwesterly along the center line of Bandoni Avenue and its westerly prolongation to the center line of the tracks of the Southern Pacific Railroad; thence northwesterly along said center line of railroad to the corporate limit line of the City of San Leandro near San Lorenzo Creek; thence southwesterly along said corporate limit line of San Leandro to the common corporate limit line of the Cities of San Leandro and Hayward near the shoreline of the San Francisco Bay; thence westerly, northerly and again westerly along last said line to the corporate limit line common to the Cities of Hayward and Oakland; thence southwesterly along last said common corporate limit line to the westerly boundary line of the County of Alameda; thence northwesterly along said westerly county boundary line to the point of intersection of the corporate limit line common to the Cities of Oakland and Alameda near the Oakland Inner Harbor; thence southeasterly along last said common corporate limit line to the southwesterly prolongation of the Lake Merritt Canal; thence northeasterly along said Canal and the southwesterly prolongation thereof to the point of beginning, shall constitute the 14th Assembly District.

15. All that portion of the County of Alameda bounded and described as follows:

Beginning at the intersection of Park Boulevard and the easterly boundary of the County of Alameda; thence in a generally southwesterly direction along the center lines of Park Boulevard, Shepherd Canyon Road, Snake Road, Warren Boulevard and Park Boulevard to the center line of Leimert Boulevard; thence easterly along the center line of Leimert Boulevard to the westerly edge of Dimond Park; thence southerly along said boundary of Dimond Park to the center line of Canon Avenue; thence along the center lines of the following named streets, to wit: southwesterly on Canon Avenue to MacArthur Boulevard, easterly on MacArthur Boulevard to Fruitvale Avenue, southwesterly on Fruitvale Avenue to East 14th Street; thence continuing southwesterly along the center line of Fruitvale Avenue to the center line of the main track of the Southern Pacific Railroad; thence southeasterly along said center line of the main track of said railroad to the center line of 73rd Avenue; thence along the center lines of the following named streets, to wit: northeasterly on 73rd Avenue to East 14th Street, southeasterly on East 14th Street to the corporate limit line common to the Cities of Oakland and San Leandro near Durant Avenue; thence easterly and southeasterly along said common corporate limit line generally near Durant Avenue, Foothill Boulevard, MacArthur Boulevard and San Leandro Creek to the easterly corporate limit of the City of San Leandro westerly from the spillway of Lake Chabot; thence southerly along said easterly corporate limit line of the City of San Leandro passing to the west side of the Alameda County Prison Farm and the Mt. Calvary Cemetery to the southwest corner of said cemetery; thence continuing along said corporate limit line of San Leandro westerly to the vicinity of Foothill Boulevard and continuing southeasterly, southwesterly and again southeasterly to a point at the intersection of said corporate limit line with the center line of 150th Avenue near the southwest corner of the Fairmont Schoolyard; thence southwesterly along the center line of 150th Avenue to the center line of East 14th Street; thence southerly along the center line of East 14th Street to the southeasterly property line of the land now occupied by drive-in movie theaters; thence southwesterly along said property line to the center line of Hesperian Boulevard; thence southerly along Hesperian Boulevard to the center line of State Highway Route 69, (the Nimitz Freeway); thence along said Freeway center line to the center line of San Lorenzo Creek; thence easterly along the center line of said creek to Mattox Road near Mission Boulevard (East 14th Street); thence along the center lines of the following named streets, to wit: easterly and northeasterly on Mattox Road to Oak Street, southeasterly on Oak Street to Grove Way, southwesterly on Grove Way to Foothill Boulevard, southeasterly on Foothill Boulevard to the center line of San Lorenzo Creek near Russell Way; thence generally

northeasterly along said creek to the center line of State Highway Route 5, (Interstate Freeway Route 5W); thence generally northeasterly along said State Highway Route 5 to Eden Canyon Road; thence northerly along Eden Canyon Road to the road in Hollis Canyon; thence generally northeasterly along last said road to the intersection with the east line of Section 32, T. 2 S., R. 1 W., M. D. B. & M.; thence north along said east line of Section 32 and continuing north along the east line of Section 29 of said Township and Range to the easterly boundary of the County of Alameda; thence generally northwesterly along said county boundary line to the point of beginning, shall constitute the 15th Assembly District.

16. All that portion of the County of Alameda bounded and described as follows:

Beginning at the point of intersection of the Lake Merritt Canal and the center line of 12th Street in the City of Oakland; thence along the center line of the following named streets, to wit: northwesterly on 12th Street to Alice Street, northeasterly on Alice Street to 14th Street, northwesterly on 14th Street to Broadway, northeasterly on Broadway to Telegraph Avenue, northerly on Telegraph Avenue to Ashby Avenue, westerly on Ashby Avenue to Fulton Street, northerly on Fulton Street and Oxford Street to Center Street, westerly on Center Street to Shattuck Avenue, northerly on Shattuck Avenue to Virginia Avenue, easterly on Virginia Avenue to Spruce Street, northerly on Spruce Street to the easterly boundary of Alameda County near Summit Reservoir; thence meandering southeasterly along said easterly boundary of said county to the center line of Park Boulevard; thence in a generally southwesterly direction along the center lines of Park Boulevard, Shepherd Canyon Road, Snake Road, Warren Boulevard and Park Boulevard to the center line of Liemert Boulevard; thence easterly along the center line of Liemert Boulevard to the westerly edge of Dimond Park; thence southerly along said boundary of Dimond Park to the center line of Canon Avenue; thence along the center lines of the following named streets, to wit. southwesterly on Canon Avenue to MacArthur Boulevard, easterly on MacArthur Boulevard to Fruitvale Avenue, southwesterly on Fruitvale Avenue to East 14th Street, northwesterly on East 14th Street to 13th Avenue, northeasterly on 13th Avenue to East 20th Street, northwesterly on East 20th Street to Park Boulevard, northeasterly on Park Boulevard to Newton Avenue, northerly on Newton Avenue to Brooklyn Avenue, westerly on Brooklyn Avenue and the westerly prolongation thereof to a point in Lake Merritt at the intersection of the northeasterly prolongation of the Lake Merritt Canal; thence southwesterly along said Lake Merritt Canal and the northeasterly prolongation thereof to the point of beginning, shall constitute the 16th Assembly District.

17. All that portion of the County of Alameda bounded and described as follows:

Beginning at the point of intersection of the corporate limit line common to the Cities of Oakland and Alameda with the westerly boundary line of the County of Alameda near the Oakland Inner Harbor; thence southeasterly along said common corporate limit line to the southwesterly prolongation of the Lake Merritt Canal; thence northeasterly along said canal and the southwesterly prolongation thereof to the intersection of the center line of 12th Street in the City of Oakland; thence along the center lines of the following named streets, to wit: northwesterly on 12th Street to Alice Street, northeasterly on Alice Street to 14th Street, northwesterly on 14th Street to Broadway, northeasterly on Broadway to Telegraph Avenue, northerly on Telegraph Avenue to Ashby Avenue, westerly along Ashby Avenue to Fulton Street, northerly on Fulton Street and Oxford Street to Center Street, westerly on Center Street to Shattuck Avenue, northerly on Shattuck Avenue to Virginia Avenue, easterly on Virginia Avenue to Spruce Street, northerly on Spruce Street to the easterly boundary of Alameda County near Summit Reservoir; thence northerly along said easterly county boundary to the northerly boundary of said county; thence westerly along said northerly boundary of Alameda County to the westerly boundary of said county; thence southeasterly along said westerly county boundary to the point of beginning, shall constitute the 17th Assembly District.

18. All that portion of the City and County of San Francisco bounded and described as follows:

Commencing at the point of intersection of the center lines of Leavenworth and Green; thence along the center line of the following named streets, to wit: west on Green to Van Ness Avenue, south on Van Ness Avenue to Clay Street, west on Clay Street and the westerly extension thereof to Presidio Avenue, southerly and southwesterly on Presidio and Masonic Avenues to Fulton Street, west on Fulton Street to Stanyan Street, south on Stanyan Street to Parnassus Avenue, westerly on Parnassus Avenue to 4th Avenue, south on 4th Avenue to Kirkham Street, west on Kirkham Street to 7th Avenue, south on 7th Avenue to Laguna Honda Boulevard, southerly on Laguna Honda Boulevard to Clarendon Avenue, northeasterly on Clarendon Avenue, Twin Peaks Boulevard, and Clayton Street to 17th Street, east on 17th Street to Douglass Street, south on Douglass Street to 19th Street, east on 19th Street to Mission Street, northeasterly on Mission Street to South Van Ness Avenue, north on South Van Ness Avenue to Market Street, northeasterly on Market Street to Leavenworth Street, north on Leavenworth Street to the point of beginning, shall constitute the 18th Assembly District.

19. All that portion of the City and County of San Francisco bounded and described as follows:

Commencing at the point of intersection of the shoreline of the Pacific Ocean and the westerly extension of the center line of Lincoln Way; thence along the center line of the following named streets, to wit: easterly on Lincoln Way and South Drive to Stanyan Street, south on Stanyan Street to Parnassus Avenue, westerly on Parnassus Avenue to 4th Avenue, south on 4th Avenue to Kirkham Street, west on Kirkham Street to 7th Avenue, south on 7th Avenue to Laguna Honda Boulevard, southerly on Laguna Honda Boulevard, Dewey Boulevard, Claremont Boulevard and Portola Drive to Sloat Boulevard at St. Francis Circle, westerly along Sloat Boulevard to 19th Avenue, south on 19th Avenue to Holloway Avenue, easterly on Holloway Avenue to Ashton Avenue, north on Ashton Avenue to Ocean Avenue, northwesterly on Ocean Avenue to Fairfield Way, northerly on Fairfield Way, Kenwood Way and Manor Drive to Upland Drive, easterly on Upland Drive to North Gate Drive, northerly on North Gate Drive to Monterey Boulevard, easterly on Monterey Boulevard, San Jose Avenue, and Bosworth Street to Mission Street, southwesterly on Mission Street to Rolph Street, southeasterly on Rolph Street and South Hill Boulevard to the southern boundary of the City and County of San Francisco; thence west along said county boundary to the shoreline of the Pacific Ocean; thence northerly along said shoreline to the point of commencement, shall constitute the 19th Assembly District.

20. All that portion of the City and County of San Francisco bounded and described as follows:

Commencing at the point of intersection of the center line of Leavenworth Street and the shoreline of the Bay of San Francisco; thence easterly and southerly along said shoreline to the intersection of the shoreline in the South Basin with the center line of Palou Avenue near Fitch Street; thence along the center line of the following named streets, to wit: northwest on Palou Avenue to Silver Avenue, southwest on Silver Avenue to Bayshore Boulevard, northerly on Bayshore Boulevard to Cortland Avenue, westerly on Cortland Avenue to Mission Street, northeast on Mission Street to Valencia Street, north on Valencia Street to 19th Street, east on 19th Street to Mission Street, northerly on Mission Street to South Van Ness Avenue, north on South Van Ness Avenue to Market Street, northeasterly on Market Street to Leavenworth Street, north on Leavenworth Street to Union Street, east on Union Street to Stockton Street, north on Stockton Street to Francisco Street, west on Francisco Street to Columbus Avenue, northwest on Columbus Avenue to Leavenworth Street, north on Leavenworth Street to the point of beginning, and including all the piers and islands in the Bay of San Francisco, and the islands in the Pacific Ocean which are within the territorial boundaries of the City and County of San Francisco, shall constitute the 20th Assembly District.

21. All that portion of the City and County of San Francisco bounded and described as follows:

Commencing at the point of intersection of the westerly extension of the center line of Lincoln Way and the shoreline of the Pacific Ocean; thence northerly and easterly along the shorelines of the Pacific Ocean and the Bay of San Francisco to the intersection of last said shoreline and Leavenworth Street; thence along the center line of the following named streets, to wit: south on Leavenworth Street to Columbus Avenue, southeast on Columbus Avenue to Francisco Street, east on Francisco Street to Stockton Street, south on Stockton Street to Union Street, west on Union Street to Leavenworth Street, south on Leavenworth Street to Green Street, west on Green to Van Ness Avenue, south on Van Ness Avenue to Clay Street, west on Clay Street and the westerly extension thereof to Presidio Avenue, southerly and southwesterly on Presidio and Masonic Avenues to Fulton Street, west on Fulton Street to Stanyan Street, south on Stanyan Street to South Drive, westerly on South Drive and Lincoln Way to the point of beginning, shall constitute the 21st Assembly District.

22. Beginning at a point on the northerly boundary of Santa Clara County at the intersection of said County boundary with the centerline of the Bayshore Freeway, State Highway Route 68; thence southeasterly along said Route 68, to Dry Creek thence southwesterly along Dry Creek to El Camino Real, State Highway Route 2; thence southeasterly along El Camino Real to Saratoga-Sunnyvale Road, State Highway Route 114; thence south along Saratoga-Sunnyvale Road to Prospect Avenue near the north city limit of the City of Saratoga; thence easterly along Prospect Avenue and Campbell Avenue to the Southern Pacific Railroad in the City of Campbell; thence northeasterly along said railroad to a point at the intersection of the railroad and the southerly extension of Richmond Avenue; thence continuing northeasterly along said Southern Pacific Railroad to Fruitdale Avenue; thence east along Fruitdale Avenue to Los Gatos Creek; thence northeasterly along said creek to Lincoln Avenue in the City of San Jose; thence southeasterly along Lincoln Avenue to Guadalupe River near Almaden Road; thence southerly along Guadalupe River to Alamitos Creek south of Almaden Union School; thence along Alamitos Creek in a generally southerly direction to McKean Road; thence generally southeasterly along McKean Road, Uvas Road, Watsonville Road, and Day Road to State Highway Route 2 (US 101); thence northwesterly along said State Highway Route 2 to Buena Vista Avenue; thence northeasterly along Buena Vista Avenue to New Avenue; thence southeasterly along New Avenue to Roop Road; thence northeasterly along Roop Road to Gilroy Hot Springs Road; thence northerly and easterly along Gilroy Hot Springs Road to Canada Road; thence southeasterly on Canada Road to the south line of Section 18, Township 10 South, Range 5 East, M. D. B. and M.; thence east along section lines to the

range line between Ranges 5 East and 6 East, M. D. B. and M.; thence north along said range line about three miles to the township line between Townships 9 South and 10 South, M. D. B. and M.; thence east along said township line and the north line of Rancho San Luis Gonzaga to the easterly boundary of Santa Clara County; thence southerly along said easterly boundary to the southeast corner of Santa Clara County; thence generally westerly along the southerly boundary of Santa Clara County and northwesterly along the southwesterly boundary of said County and continuing northerly and easterly along the boundary line of said County to the point of beginning, shall constitute the 22nd Assembly District.

23. All that portion of the City and County of San Francisco bounded and described as follows:

Commencing at the point of intersection of the shoreline of the South Basin of the Bay of San Francisco with the center line of Palou Avenue, near Fitch Street; thence along the center line of the following named streets, to wit: northwest on Palou Avenue to Silver Avenue, southwest on Silver Avenue to Bayshore Boulevard, northerly on Bayshore Boulevard to Cortland Avenue, westerly on Cortland Avenue to Mission Street, northeast on Mission Street to Valencia Street, north on Valencia Street to 19th Street, west on 19th Street to Douglass Street, north on Douglass Street to 17th Street, west on 17th Street to Clayton Street, generally in a southwesterly direction on Clayton Street, Twin Peaks Boulevard, Clarendon Avenue, Laguna Honda Boulevard, Dewey Boulevard, Claremont Boulevard and Portola Drive to Sloat Boulevard at St. Francis Circle, westerly along Sloat Boulevard to 19th Avenue, south on 19th Avenue to Holloway Avenue, easterly on Holloway Avenue to Ashton Avenue, north on Ashton Avenue to Ocean Avenue, northwesterly on Ocean Avenue to Fairfield Way, northerly on Fairfield Way, Kenwood Way and Manor Drive to Upland Drive, easterly on Upland Drive to North Gate Drive, northerly on North Gate Drive to Monterey Boulevard, easterly on Monterey Boulevard, San Jose Avenue, and Bosworth Street to Mission Street, southwesterly on Mission Street to Rolph Street, southeasterly on Rolph Street and South Hill Boulevard, to the southern boundary of the City and County of San Francisco; thence east along said county boundary to the shoreline of the Bay of San Francisco; thence generally northeasterly along said shoreline of the Bay of San Francisco to the point of commencement, shall constitute the 23d Assembly District.

24. Beginning at a point on the northerly boundary of Santa Clara County at the intersection of said County boundary with the centerline of the Bayshore Freeway, State Highway Route 68; thence southeasterly along said Route 68, to Dry Creek; thence along said Dry Creek to El Camino Real, State Highway Route 2; thence southeasterly along El Camino Real to Saratoga-Sunnyvale Road, State Highway Route 114; thence south along Saratoga-Sunnyvale Road to Prospect Avenue near

the north city limit of the City of Saratoga; thence easterly along Prospect Avenue and Campbell Avenue to the Southern Pacific Railroad in the City of Campbell; thence northeasterly along said railroad to a point at the intersection of the railroad and the southerly extension of Richmond Avenue; thence north along said extension of Richmond Avenue and along Richmond Avenue to West San Carlos Street; thence west along West San Carlos Street and Stevens Creek Boulevard to Interstate Freeway Route 280, State Highway Route 5; thence northeasterly along said Interstate Freeway Route 280 to Forest Street; thence easterly along Forest Street to the southwesterly extension of Naglee Avenue; thence northeasterly along Naglee Avenue and said extension to Park Avenue; thence northwesterly on Park Avenue to said Interstate Freeway 280; thence northeasterly along said Interstate Freeway 280 to Interstate Freeway Route 680, State Highway Route 69, at the Bayshore Freeway in San Jose; thence northerly along said Interstate Freeway Route 680 to the north county boundary of Santa Clara County; thence westerly along said north county boundary to the point of beginning, shall constitute the 24th Assembly District.

25. All that portion of the County of Santa Clara not included in the 22d and 24th Assembly Districts, as fixed and defined by this section, shall constitute the 25th Assembly District.

26. All that portion of the County of San Mateo not included within the 27th Assembly District, as fixed and defined by this section, shall constitute the 26th Assembly District.

27. All that portion of the County of San Mateo, lying northerly of the following described line: Beginning at the intersection of the shoreline of the Pacific Ocean with the southerly line of the San Pedro Rancho north of Point Montara; thence northeasterly along said southerly line of the San Pedro Rancho to its intersection with the south line of fractional Section 22, T. 4 S., R. 6 W., M. D. B & M.; thence east along said south line of Section 22 and continuing east along the south line of Sections 23 and 24 of said township and range, and again continuing east along the south line of Sections 19, 20, 21, and 22, T. 4 S., R. 5 W., M. D. B. & M. to the boundary line common to the Buri Buri Rancho and the San Mateo Rancho; thence northeasterly along said common rancho boundary to a point on the corporate limit line common to the Cities of Hillsborough and Burlingame near Sanchez Avenue and Newhall Road; thence along said common corporate limit line which meanders along several courses generally in a southeasterly direction in the approximate vicinity of Newhall Road, Terrace Creek, Walnut Avenue, El Camino Real, Bellevue Avenue, Pepper Avenue, Ralston Avenue, and Elm Avenue, to a point at the intersection of Elm Avenue and Barroilhet Avenue, which point is on the corporate limit line common to the Cities of Burlingame and San Mateo; thence along last said common corporate limit

line northeasterly along Barroilhet Avenue to El Camino Real; thence northwesterly along El Camino Real to Peninsular Avenue; thence northeasterly along Peninsular Avenue and last said corporate limit line to the northeasterly right of way of the Southern Pacific Company Railroad; thence southeasterly along said northeasterly right of way line to the intersection with the centerline of 19th Avenue (now or formerly County Road 16 and adopted March 26, 1957, by the California Highway Commission as State Highway Route 105); thence northeasterly along 19th Avenue and its prolongation as adopted State Highway Route 105 to the intersection with the east-west quarter section line in Section 27, T. 4 S., R. 4 W., M. D. B. & M.; thence east along said quarter section line and the east-west quarter section line through Sections 26 and 25 of the last said township and range; thence continuing east along the east-west quarter section line of Sections 30, 29, 28, 27, and 26, T. 4 S., R. 3 W., M. D. B. & M., to the northeasterly boundary of San Mateo County in San Francisco Bay, shall constitute the 27th Assembly District.

28. All that portion of the County of Kern, bounded and described as follows:

Beginning at the Northeast Corner of Section 1, Township 25 South, Range 27 East, M. D. M., said Northeast Corner being a point on the North boundary line of the County of Kern and running thence South along Section Lines 18 miles to the Southeast Corner of Section 36, Township 27 South, Range 27 East, M. D M.; thence West along Section Lines 2 miles to the Northwest Corner of Section 2, Township 28 South, Range 27 East, M D. M.; thence South along Section Lines 6 miles to the Southeast Corner of Section 34, Township 28 South, Range 27 East, M D. M., said Corner being on the 7th Standard parallel; thence East along Section Lines to the intersection of North Chester Avenue, which point of intersection is at the Northeast Corner of Section 1, Township 29 South, Range 27 East, M D. M.; thence South along Section lines to the center line of Kern River; thence Northeasterly along the center line and Northeasterly extension of said Kern River to a point on the North boundary of Section 18, Township 29 South, Range 28 East, MDB&M approximately 200 feet West of the Northeast corner of said Section 18, Township 29 South, Range 28 East, MDB&M; thence East to the Northeast corner of said Section 18, Township 29 South, Range 28 East, MDB&M; thence South along the East boundary of Section 18, Township 29 South, Range 28 East, MDB&M, approximately $\frac{5}{8}$ mile to a point South of the South side canal which point is on the corporate limits of the City of Bakersfield; thence Southwesterly along the line of the corporate limits of the City of Bakersfield to the West boundary line of Union Avenue, which boundary line also lies on the corporate limits of the City of Bakersfield; thence South 0°13'15" West along the West line and extensions thereof of said Union Avenue and along said corporate limits to a point

that is distant 57.75 feet West of and as measured at right angles to the center line of said Union Avenue from the intersection of last named corporate line with the Westerly extension of the South line of Jeffrey Street; thence along the said corporate limits the following courses, North 89°14'40" West, 415.00 feet; thence South 14°10'40" East, 146.50 feet; thence South 6°29'40" West, 183.62 feet; thence South 26°21'00" East, 354.65 feet; thence South 89°14'40" East and parallel with the North line of Section 19, Township 29 South, Range 28 East, MDB&M, a distance of 240 feet to the West boundary of Union Avenue and the corporate limits of the City of Bakersfield; thence South along said West boundary line of said corporate limits to intercept the South boundary of 34th Street; thence East along the Easterly extension of the South boundary of 34th Street and the corporate limits of the City of Bakersfield to the center line of Union Avenue; thence South along the center line of said Union Avenue to intersect the center line of California Avenue, said intersection being a point on the corporate limits of the City of Bakersfield; thence Westerly along the center line of said California Avenue and said corporate limits to the West boundary line of Union Avenue; thence South along the West boundary line of Union Avenue and said corporate limits of the City of Bakersfield to the North boundary line of Brundage Lane; thence East along said North line to the center line of Union Avenue; thence South along said center line to the Northeast corner of Section 6, Township 30 South, Range 28 East, MDB&M; thence South along Section lines 7 miles to the Southeast corner of Section 6, Township 31 South, Range 28 East, MDB&M; thence West along the South boundary line of said Section 6 one mile to the Northwest corner of Section 7, Township 31 South, Range 28 East, MDB&M; thence South along section lines 5 miles to the Southwest corner of Section 31, Township 31 South, Range 28 East, MDB&M; thence East along section lines 3 miles to the Northeast corner of Section 4, Township 32 South, Range 28 East, MDB&M; thence South along section lines 6 miles to the Southeast corner of Section 33, Township 32 South, Range 28 East, MDB&M, said corner being a point on the Eighth Standard Parallel; thence East along the Eighth Standard Parallel to the Northeast corner of Fractional Section 25, Township 12 North, Range 20 West, SBB&M; thence South along section lines to the Northwest corner of Section 18, Township 11 North, Range 19 West, SBB&M; thence Easterly along the North boundary line of said Section 18 to the Northeast corner thereof; thence South along section lines 4 miles, more or less, to the Southwest corner of Section 32, Township 11 North, Range 19 West, SBB&M; thence East along the South boundary line of said Township 11 North, Range 19 West, SBB&M, to the Southeast corner of said Township; thence South along the Southerly extension of the East boundary line of Township 11 North, Range 19 West, SBB&M, to intersect the Easterly extension of the North boundary line

of Township 9 North, Range 19 West, SBB&M; thence East along the Easterly extension of said North boundary line to intersect the Northerly extension of the East boundary line of Township 9 North, Range 19 West, SBB&M; thence South along the said East boundary line and Northerly extension of Township 9 North, Range 19 West, SBB&M, to the Southeast corner of Township 9 North, Range 19 West, SBB&M, being a point on the South boundary line of the County of Kern; thence East to the Southeast corner of said County of Kern; thence North along the Easterly boundary of said county to the Northeast corner thereof; thence Westerly along the Northerly boundary of said county to the point of beginning, shall constitute the 28th Assembly District.

29 All that portion of the County of Kern not included in the 28th Assembly District, as fixed and defined by this section, shall constitute the 29th Assembly District.

30. The County of Stanislaus shall constitute the 30th Assembly District.

31. The Counties of Merced, Madera and San Benito shall constitute the 31st Assembly District.

32. All that portion of the County of Fresno bounded and described as follows:

Commencing at the point of intersection of the center line of Ashlan Avenue and the center line of the main track of the Southern Pacific Railroad running between the Cities of San Francisco, Merced and Fresno; thence along the center line of the following named streets, to wit: east on Ashlan Avenue to Barton Avenue, south on Barton Avenue to Ventura Avenue, west on Ventura Avenue to Chance Avenue, south on Chance Avenue and the extension thereof to Church Avenue, west on Church Avenue to the center line of proposed State Highway Route 4 in the vicinity of Cherry Avenue, said proposed State Highway Route 4 being that certain route adopted by the California Highway Commission as a freeway on January 14, 1959; thence southeasterly along the center line of said proposed freeway route to the center line of Annadale Avenue; thence west along the center line of Annadale Avenue to the center line of Dickenson Avenue; thence north on Dickenson Avenue to the north boundary of Fresno County; thence easterly along said north boundary of Fresno County to the center line of the main track of the Southern Pacific Railroad named above; thence southeasterly along the center line of said track to the point of beginning, shall constitute the 32d Assembly District.

33. All that portion of the County of Fresno not included in the 32d Assembly District shall constitute the 33d Assembly District.

34. The Counties of Monterey and Santa Cruz shall constitute the 34th Assembly District.

35. The Counties of Kings and Tulare shall constitute the 35th Assembly District.

36. The Counties of San Luis Obispo and Santa Barbara shall constitute the 36th Assembly District.

37. The County of Ventura shall constitute the 37th Assembly District.

38. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of the San Gabriel River and the Santa Ana Freeway (Interstate Route 5); thence southwesterly and southerly on the center line of the San Gabriel River to the south boundary of the City of Bellflower and the easterly extension thereof (at Artesia Boulevard); thence generally westerly on said city boundary and its easterly extension to the center line of Downey Avenue; thence north on the center line of Downey Avenue to the center line of 70th Street; thence west on 70th Street and the westerly extension thereof to the center line of Orange Avenue; thence north on the center line of Orange Avenue to the center line of 72nd Street; thence west on the center line of 72nd Street and the westerly extension thereof to the boundary of the City of Long Beach; thence southerly on said city boundary to the center line of Greenleaf Drive and the easterly extension thereof; thence west on the center line of Greenleaf Drive and its easterly extension to the city boundary of the City of Compton near Compton College; thence south on last said city boundary to the center line of Artesia Boulevard; thence west on the center line of Artesia Boulevard to the center line of Central Avenue; thence along the center lines of the following named streets, to wit: northerly on Central Avenue to Rosecrans Avenue, east on Rosecrans Avenue to Alameda Street, northerly on Alameda Street to Imperial Highway, easterly on Imperial Highway to Atlantic Avenue, southwesterly on Atlantic Avenue to Century Boulevard, southeasterly on Century Boulevard to the intersection of the center lines of Century Boulevard and Check Avenue near the Long Beach Freeway; thence on a line from said intersection southeasterly to the northwesterly corner of the City of Paramount; thence southeasterly and southerly on the boundary of said city to Century Boulevard; thence southeasterly on Century Boulevard to Paramount Boulevard; thence south on Paramount Boulevard to the boundary of the City of South Gate; thence southeasterly and northerly on said city boundary to the center line of Gardendale Street; thence along the center lines of the following named streets or State Highway, to wit: westerly on Gardendale Street to Paramount Boulevard, northeasterly on Paramount Boulevard to Stewart and Gray Road, southeasterly on Stewart and Gray Road to Downey Avenue, northeasterly on Downey Avenue and its northeasterly prolongation to the Santa Ana Freeway (Interstate Route 5), southeasterly on the Santa Ana Freeway to the point of beginning, shall constitute the 38th Assembly District.

39. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Atlantic Avenue and Anaheim Street; thence east along the center line of Anaheim Street to the center line of Orange Avenue; thence north on the center line of Orange Avenue to the center line of the right of way of the Pacific Electric Railway; thence northwesterly along the center line of said railway right of way to the center line of Atlantic Avenue; thence along the center lines of the following named streets, to wit: north on Atlantic Avenue to Bixby Road, east on Bixby Road to Cherry Avenue, north on Cherry Avenue to Carson Street (U.S. 91), east on Carson Street to the boundary of the City of Lakewood; thence generally easterly, northerly, easterly, southerly and easterly on said city boundary to an angle point therein in the northerly line of Carson Street (at the San Gabriel River); thence easterly on said northerly line 100 feet, more or less, to the easterly boundary of the City of Long Beach (in the San Gabriel River); thence generally southeasterly along the boundary of the City of Long Beach to the easterly boundary of the County of Los Angeles; thence southerly along said boundary to the southerly extension of the center line of Atlantic Avenue (in the Pacific Ocean); thence north on the center line of Atlantic Avenue and the southerly extension thereof to the point of beginning, shall constitute the 39th Assembly District.

40. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the center lines of the intersection of Alameda Street and Sixth Street; thence along the center lines of the following named streets, to wit: northwesterly on Sixth Street to Hill Street, northeasterly on Hill Street to Fourth Street, northwesterly on Fourth Street to Third Street, northwesterly on Third Street to Alvarado Street, southwesterly on Alvarado Street to Seventh Street, northwesterly on Seventh Street to Hoover Street, north on Hoover Street and its extension to Sixth Street, west on Sixth Street to Vermont Avenue, south on Vermont Avenue to Ninth Street, west on Ninth Street to Irolo Street, north, northeasterly, and north on Irolo Street and on Normandie Avenue to Third Street, west on Third Street to Western Avenue, north on Western Avenue to Beverly Boulevard, east on Beverly Boulevard to Normandie Avenue, north on Normandie Avenue to the Hollywood Freeway, southeasterly on the Hollywood Freeway to the Pasadena Freeway, northeasterly on the Pasadena Freeway to the Golden State Freeway, southeasterly on the Golden State Freeway to Mission Road, northeasterly on Mission Road to Valley Boulevard, easterly on Valley Boulevard to the northerly extension of Indiana Street, southerly on Indiana Street and its northerly and southerly extensions to the San Bernardino Freeway, easterly and northeasterly on the San Bernardino Freeway to Eastern Avenue, southerly on Eastern Avenue to Blanchard Street, westerly on Blanchard Street to Brannock

Avenue, north on Brannock Avenue to the easterly extension of Fairmount Street, west on Fairmount Street and the easterly and westerly extensions thereof to Geraghty Avenue, south on Geraghty Avenue to Blanchard Street, west on Blanchard Street to Gage Avenue, south on Gage Avenue to Blanchard Street, northwesterly and westerly on Blanchard Street to the easterly boundary of the City of Los Angeles; thence generally southerly and westerly along said city boundary to the center line of Alameda Street; thence north along the center line of Alameda Street to the point of beginning, shall constitute the 40th Assembly District.

41. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Van Nuys Boulevard and Sherman Way; thence along the center line of the following named streets, to wit: west on Sherman Way to White Oak Avenue, north on White Oak Avenue to Saticoy Street, west on Saticoy Street to Lindley Avenue, north on Lindley Avenue to Roscoe Boulevard, east on Roscoe Boulevard to Balboa Boulevard, north on Balboa Boulevard to Rinaldi Street, west on Rinaldi Street to Hesperia Avenue, northerly on Hesperia Avenue to the northwesterly boundary of the City of Los Angeles in Aliso Canyon; thence northwesterly along said city boundary to the grant boundary of the Rancho Ex Mission de San Fernando common with the northerly boundary of the City of Los Angeles; thence southeasterly, northeasterly and southeasterly along said common boundary to the north boundary of the City of Los Angeles in the vicinity of Grapevine Canyon; thence east, south, east, southeasterly (passing to the west and south of the U.S. Veterans Reservation) on said city boundary and continuing southwesterly along said city boundary to the center line of Pacoima Canyon Road; thence along the center line of the following named streets, to wit: southwesterly on Pacoima Canyon Road and Harding Street to Fenton Avenue, southeast on Fenton Avenue to Maclay Street, southwest on Maclay Street to Foothill Boulevard, southeast on Foothill Boulevard to Arroyo Street, southwest on Arroyo Street and Arroyo Avenue to Glenoaks Boulevard, southeast on Glenoaks Boulevard to Osborne Street, southwesterly on Osborne Street to Nordhoff Street, west on Nordhoff Street to Van Nuys Boulevard, south on Van Nuys Boulevard to the point of beginning, shall constitute the 41st Assembly District.

42. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Magnolia Boulevard and Ledge Avenue; thence along the center line of the following named streets, to wit: south on Ledge Avenue to Addison Street, west on Addison Street to Riverton Avenue, south on Riverton Avenue to Morrison Street, west on Morrison Street to Vineland Avenue, north on Vineland Avenue to Morrison Street, west on Morrison Street to Lanker-

shim Boulevard, northwesterly on Lankershim Boulevard to Chandler Boulevard, west on Chandler Boulevard to Van Nuys Boulevard, north on Van Nuys Boulevard to Nordhoff Street, east on Nordhoff Street to Osborne Street, northeasterly on Osborne Street to the road on top of Hansen Dam; thence southeasterly and northeasterly along the road on top of Hansen Dam to the easterly grant boundary of the Rancho Ex Mission de San Fernando; thence southeasterly along said grant line which coincides with parts of Clybourn Avenue, Stonehurst Avenue, Sunland Boulevard and the corporate limits common to the Cities of Burbank and Los Angeles to the center line of Magnolia Boulevard; thence westerly on the center line of Magnolia Boulevard to the point of beginning, shall constitute the 42d Assembly District.

43. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Montrose Avenue and Verdugo Boulevard; thence along the center lines of streets, as follows: southerly on Verdugo Boulevard and Verdugo Road to Broadway, westerly on Broadway to Brand Boulevard, southerly on Brand Boulevard to Los Feliz Road, westerly and southwesterly on Los Feliz Road and Los Feliz Boulevard to the Golden State Freeway, southeasterly on the Golden State Freeway to Glendale Boulevard, southerly on Glendale Boulevard to Cove Avenue, northwesterly on Cove Avenue to Silver Lake Boulevard, westerly in a direct line to the intersection of West Silver Lake Drive and Redesdale Avenue, southwesterly on Redesdale Avenue to Landa Street, westerly on Landa Street to Griffith Park Boulevard, northeasterly on Griffith Park Boulevard to Fountain Avenue, westerly on Fountain Avenue to Sunset Boulevard, northwest and west on Sunset Boulevard to Normandie Avenue, south on Normandie Avenue to Melrose Avenue, west on Melrose Avenue to Gower Street, north on Gower Street to Franklin Avenue, easterly on Franklin Avenue to Beachwood Drive, northerly on Beachwood Drive to the south line of Section 35, Township 1 North, Range 14 West, S. B. B. & M.; thence west on the south line, north on the west line and east on the north line, all of said Section 35 in said township and range, to the westerly boundary of the Rancho de Los Felis, thence northerly and northeasterly along said rancho boundary to the southeasterly extension of the center line of Main Street; thence northwesterly along last said extension to the center line of Riverside Drive; thence easterly along the center line of Riverside Drive to the common boundary between the Cities of Burbank and Glendale, near Chavez Street and Riverside Drive; thence northeasterly, northwesterly and northeasterly along said common boundary to the center line of San Fernando Boulevard near Spazier Avenue and San Fernando Boulevard; thence along the center lines of the following named streets, to wit: northwesterly on San Fernando Boulevard to Amherst Drive, northeasterly on Amherst Drive to

Sixth Street, northwesterly on Sixth Street to Andover Drive, southwesterly on Andover Drive to Glenoaks Boulevard, northwesterly on Glenoaks Boulevard to Buena Vista Street, north on Buena Vista Street to Keswick Street, west on Keswick Street to the boundary of the City of Los Angeles as the same existed April 30, 1961; thence northeasterly, northwesterly, easterly and northerly on last said city boundary to the northwest corner of the city boundary of the City of Glendale; thence easterly, southerly and southeasterly on said Glendale city boundary to the center line of Montrose Avenue; thence southerly on said center line to the point of beginning, shall constitute the 43d Assembly District.

44. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Atlantic Avenue and Anaheim Street; thence east along the center line of Anaheim Street to the center line of Orange Avenue; thence north on the center line of Orange Avenue to the center line of the right of way of the Pacific Electric Railway, thence northwesterly along the center line of said railway right of way to the center line of Atlantic Avenue; thence along the center lines of the following named streets, to wit: north on Atlantic Avenue to Bixby Road, east on Bixby Road to Cherry Avenue, north on Cherry Avenue to Carson Street (U.S. 91), east on Carson Street to the boundary of the City of Lakewood; thence generally easterly, northerly, easterly, southerly and easterly on said city boundary to an angle point therein in the northerly line of Carson Street (at the San Gabriel River); thence easterly on said northerly line 100 feet more or less to the easterly boundary of the City of Long Beach; thence northerly on said boundary (in the San Gabriel River) to the center line of South Street; thence easterly on said center line to the center line of the San Gabriel River; thence northerly along the center line of said river to the south boundary of the City of Bellflower and the easterly extension thereof (at Artesia Boulevard); thence generally westerly on said city boundary and its easterly extension to the center line of Downey Avenue; thence north on the center line of Downey Avenue to the center line of 70th Street; thence west on 70th Street and the westerly extension thereof to the center line of Orange Avenue; thence north on the center line of Orange Avenue to the center line of 72nd Street; thence west on the center line of 72nd Street and the westerly extension thereof to the boundary of the City of Long Beach; thence southerly on said city boundary to the center line of Greenleaf Drive and the easterly extension thereof; thence west on the center line of Greenleaf Drive and its easterly extension to the city boundary of the City of Compton near Compton College; thence south on last said city boundary to the center line of Artesia Boulevard; thence west on the center line of Artesia Boulevard to the center line of Avalon Boulevard; thence southerly on the center line of Avalon Boulevard to the

boundary of the City of Los Angeles, near Avalon Boulevard and the Atchison, Topeka and Santa Fe Railway, as the same existed April 30, 1961; thence east, southwesterly, easterly and southeasterly along said city boundary to a point in the Dominguez Channel; thence southeasterly from said point along the southeasterly extension of said boundary of the City of Los Angeles to a point on said city boundary at Anaheim Street; thence generally southwesterly and southerly on last said city boundary passing to the west of Long Beach Harbor to the boundary of the County of Los Angeles (in the Pacific Ocean); thence generally easterly along said county boundary to the center line of Atlantic Avenue and the southerly extension thereof; thence north on the center line of Atlantic Avenue and its southerly extension to the point of beginning, shall constitute the 44th Assembly District.

45. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of State Highway Route 168 (Rosemead Boulevard) and State Highway Route 77 (Valley Boulevard); thence along the center lines of the following named city streets or State Highway Routes, to wit: east along State Highway Route 77 (Valley Boulevard) to Temple City Boulevard and Ellis Lane, northeasterly along Temple City Boulevard and Ellis Lane to Lower Azusa Road, easterly on Lower Azusa Road to El Monte Avenue, northerly on El Monte Avenue to Live Oak Avenue (near the southerly boundary of the City of Arcadia), westerly on Live Oak Avenue to Baldwin Avenue, northerly on Baldwin Avenue to Las Tunas Drive, southwesterly, westerly and again southwesterly on Las Tunas Drive and Main Street to Atlantic Boulevard, south on Atlantic Boulevard; thence to Garvey Avenue, westerly on Garvey Avenue to its intersection with the north line of Section 29 T. 1 S., R. 12 W., S. B. B. & M.; thence west along said section line to the center line of the San Bernardino Freeway (State Highway Route 26, Interstate Highway Route 10); thence southwesterly along the center line of said freeway to the center line of Eastern Avenue; thence along the center lines of the following named streets, to wit: southerly on Eastern Avenue to Blanchard Street, westerly on Blanchard Street to Brannock Avenue, north on Brannock Avenue to the easterly extension of Fairmount Street, west on Fairmount Street and the easterly and westerly extensions thereof to Geraghty Avenue, south on Geraghty Avenue to Blanchard Street, west on Blanchard Street to Gage Avenue, south on Gage Avenue to Blanchard Street, northwesterly and westerly on Blanchard Street to the easterly boundary of the City of Los Angeles; thence south along said city boundary (in and near Indiana Street) to the center line of the Santa Ana Freeway (Interstate Highway Route 5); thence easterly and southeasterly along the center line of said freeway to the southwesterly extension of the center line of Kern Avenue; thence northeasterly along the

center line of Kern Avenue and its southwesterly extension to the center line of Third Street; thence east along the center lines of Third Street and Pomona Boulevard to the northwest corner of the City of Montebello; thence easterly, southeasterly, northeasterly, easterly, and southeasterly along last said city boundary and its various courses, as it existed on April 30, 1961, to the center line of Lincoln Avenue; thence northeasterly on said center line to the center line of San Gabriel Boulevard; thence southeasterly and easterly on said center line to the center line of the Rio Hondo River; thence generally northerly along the Rio Hondo to the center line of Rosemead Boulevard (State Highway Route 168); thence northwesterly and north along the center line of Rosemead Boulevard to the point of beginning, shall constitute the 45th Assembly District.

46. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center line of Western Avenue and the southwesterly extension of that portion thereof running northeasterly from Paseo del Mar with the shoreline of the Pacific Ocean west of Whites Point; thence northeasterly and generally northerly on the center line of Western Avenue and its southwesterly extension to the center line of Palos Verdes Drive North; thence southwesterly on the center line of Palos Verdes Drive North to a point opposite a southeasterly corner of the City of Rolling Hills Estates, said southeasterly corner being approximately 2700 feet northeasterly of Narbonne Avenue; thence in a direct line to said southeasterly corner; thence generally northerly and westerly along said city boundary to the boundary common to the Cities of Torrance and Rolling Hills Estates; thence south, west and northwesterly on said common boundary and the boundary of the City of Torrance, as the same existed April 30, 1961, to the center line of Hawthorne Avenue; thence easterly and northerly on Hawthorne Avenue to the center line of 190th Street; thence west on 190th Street to the boundary of the City of Redondo Beach at Dominguez Park; thence southerly on said city boundary to the center line of Beryl Street; thence on the center lines of the following named streets, to wit: southwesterly on Beryl Street to Flagler Lane, northerly on Flagler Lane to Redondo Beach Boulevard, west on Redondo Beach Boulevard to Aviation Boulevard, north on Aviation Boulevard to Robinson Street, east on Robinson Street to Aviation Boulevard, north on Aviation Boulevard to Imperial Highway, west on Imperial Highway to Sepulveda Boulevard, northerly on Sepulveda Boulevard to the boundary of the City of Los Angeles, as the same existed on April 30, 1961; thence southwesterly on last said city boundary to a point on said boundary near Playa Del Rey; thence continuing northwesterly along said city boundary and the northwesterly extension thereof to the center line of Washington Street; thence northeasterly on the center line

of Washington Street to the center line of Del Avenue; thence northwesterly on the center line of Del Avenue to the center line of Venice Boulevard; thence southwesterly on the center line of Venice Boulevard and the southwesterly extension thereof to the boundary of the County of Los Angeles (in the Pacific Ocean); thence generally southeasterly along said county boundary to said southwesterly extension of Western Avenue; thence northeasterly along said extension to the point of beginning. Also including the Islands of Santa Catalina and San Clemente, shall constitute the 46th Assembly District.

47. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the point of intersection of the westerly boundary of the City of Arcadia with the center line of Huntington Drive; thence northerly along said city boundary to an angle point therein at the southeast corner of the intersection of Foothill Boulevard and Michillinda Avenue; thence northerly to an angle point in said city boundary at the northeast corner of said intersection; thence northerly along said city boundary to the boundary of the City of Sierra Madre; thence, west, north, southeast, east, and north along said boundary of the City of Sierra Madre to the southeast corner of Section 7, Township 1 North, Range 11 West, S.B.B. & M.; thence west along the south line of said Section 7 to the southwest corner of the southeast $\frac{1}{4}$ of said Section 7; thence north along quarter section lines to the north line of said Section 7; thence west along the north lines of said Section 7 and of Section 12, Township 1 North, Range 12 West, S.B.B. & M. to the southeast corner of Section 2, Township 1 North, Range 12 West, S.B.B. & M.; thence west along the south line of said Section 2 to the southeast corner of the southwest $\frac{1}{4}$ of said Section 2; thence north and west along the lines of said southwest $\frac{1}{4}$ to the west line of said Section 2; thence north along said west line to the township line between Township 1 North, and Township 2 North, S B.B. & M.; thence west along said township line to the westerly boundary of the City of Pasadena as same existed on April 30, 1961; thence in a generally northwesterly direction along the west boundary of the City of Pasadena to the north line of Section 25, Township 2 North, Range 13 West, S. B. B. & M.; thence west along the north lines of Sections 25 and 26, last said township and range, to the northeast corner of the northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of said Section 26; thence south and west along the lines of said northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ to the west line of said Section 26; thence north along the east lines of Sections 27 and 22, last said township and range, to the northeast corner of said Section 22; thence west along the north lines of Sections 22 and 21, last said township and range, to the northeast boundary of the City of Glendale; thence generally southerly and southeasterly on said city boundary to the center line of Montrose Avenue, thence southerly along the center lines of

Montrose Avenue, Verdugo Boulevard and Verdugo Road to the center line of Broadway; thence easterly and southeasterly along the center line of Broadway to the boundary of the City of Glendale; thence northeasterly and easterly along said boundary to the west boundary of the City of Pasadena; thence southerly along said west boundary to the center line of the Colorado Freeway; thence along center lines of streets as follows: easterly on the Colorado Freeway to Arroyo Boulevard, southerly on Arroyo Boulevard to California Boulevard, easterly on California Boulevard to Marengo Avenue, southerly and southeasterly on Marengo Avenue to the boundary of the City of San Marino (at Los Robles Avenue); thence generally easterly, northerly, easterly and southerly along said city boundary to the center line of Huntington Drive; thence easterly along said center line to the point of beginning, shall constitute the 47th Assembly District.

48. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of Atlantic Boulevard and Garvey Avenue; thence westerly along the center line of Garvey Avenue to its intersection with the north line of Section 29, T. 1 S., R. 12 W., S. B. B. & M.; thence west along said section line to the center line of the San Bernardino Freeway; thence along the center lines of the following named streets, to wit: southwesterly along the San Bernardino Freeway to the southerly extension of Indiana Street, north on Indiana Street and its northerly and southerly extensions to Valley Boulevard; thence westerly on Valley Boulevard to Mission Road, southwesterly along Mission Boulevard to the Golden State Freeway, northwesterly along the Golden State Freeway to the Pasadena Freeway, southwesterly along the Pasadena Freeway to the Hollywood Freeway, northwesterly along the Hollywood Freeway to Normandie Avenue, north along Normandie Avenue to Sunset Boulevard, east and southeast on Sunset Boulevard to Fountain Avenue, easterly on Fountain Avenue to Griffith Park Boulevard, southwesterly on Griffith Park Boulevard to Landa Street, easterly on Landa Street to Redesdale Avenue, northeasterly on Redesdale Avenue to West Silver Lake Drive, easterly in a direct line to the intersection of Silver Lake Boulevard and Cove Avenue, southeasterly on Cove Avenue to the center line of Glendale Boulevard; thence in a northerly, northwesterly, and northeasterly direction along the center line of Glendale Boulevard to the southerly boundary of the City of Glendale near the Southern Pacific Railroad; thence southeasterly, northeasterly and northwesterly along said boundary and its various courses to the southerly boundary of the Forest Lawn Memorial Park; thence southeasterly, northeasterly and southeasterly along said Park boundary to the westerly extension of the center line of the east-west portion of Roderick Road near Verdugo Road; thence easterly along the center line of said road and the westerly extension thereof, to the center line

of Verdugo Road; thence northerly along the center line of Verdugo Road to the center line of York Boulevard; thence meandering in a southeasterly direction along the center line of York Boulevard to the westerly boundary of the City of South Pasadena near the Pasadena Freeway; thence southerly and easterly along last said City boundary to the center line of Huntington Drive; thence along the center lines of the following streets, to wit: southerly along Huntington Drive to Main Street, east, southeast and east, along Main Street to Curtis Avenue, north on Curtis Avenue to Woodward Avenue, northeast along Woodward Avenue to Garfield Avenue, southeast on Garfield Avenue to Main Street, southwest on Main Street to Atlantic Boulevard, south along Atlantic Boulevard to the point of beginning, shall constitute the 48th Assembly District.

49. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at an angle point in the boundary of the City of Arcadia, at or near the southeast corner of the intersection of Michillinda Avenue and State Highway Route 9 (Foothill Boulevard); thence northerly to an angle point in said boundary at the northeast corner of said intersection; thence northerly along said boundary to the boundary of the City of Sierra Madre; thence west, north, southeast, east, and north along said boundary of the City of Sierra Madre to the southeast corner of Section 7, T. 1 N., R. 11 W., S. B. B & M.; thence west along the south line of said section 7 to the southwest corner of the southeast $\frac{1}{4}$ of said section 7; thence north along quarter section lines to the north line of said section 7; thence west along the north lines of said Section 7 and of Section 12, T. 1 N, R 12 W, S. B. B. & M. to the southeast corner of Section 2, T 1 N., R 12 W., S. B. B. & M.; thence west along the south line of said section 2 to the southeast corner of the SW $\frac{1}{4}$ of said Section 2; thence north and west along the lines of said SW $\frac{1}{4}$ to the west line of said Section 2; thence north along said west line to the township line between T. 1 N, & T 2 N., S B. B. & M; thence west along said township line to the westerly boundary of the City of Pasadena as same existed on April 30, 1961; thence meandering in a general northwesterly and northerly direction along said westerly city boundary to its most northerly intersection with the center line of State Highway Route 61 (Angeles Crest Highway); thence in a general northeasterly direction along said State Highway Route 61 to the center line of Angeles Forest Highway (Forest Highway 59); thence northwesterly and northeasterly along said Angeles Forest Highway to the township line between T. 3 N., and T. 4 N., S. B. B. & M.; thence east along said township line to the easterly boundary of the County of Los Angeles; thence generally southerly and westerly along said county boundary to the center line of Brea Canyon Road; thence northeasterly and northerly on said center line to a point approximately 2,000 feet south of Fifth Avenue; thence

northwesterly, northerly, and northeasterly along the center line of the most westerly Brea Canyon Road and its prolongation to the southeasterly boundary of the City of Walnut as it existed on April 30, 1961; thence meandering in a general northeasterly, northerly, and westerly direction along last said city boundary to the northwest corner of the City of Walnut; thence westerly along the southerly boundary of Tract No. 930 (M.B. 17-38, 39) to the center line of Azusa Avenue; thence northerly on said center line to the intersection of the center lines of Francisquito Avenue and Azusa Avenue; thence along the center lines of the following named streets or State Highway Routes, to wit: west on Francisquito Avenue to Valinda Avenue, northerly on Valinda Avenue and its northerly prolongation to Glendora Avenue, northeasterly on Glendora Avenue and its northeasterly prolongation to the San Bernardino Freeway (State Highway Route 26), easterly on the San Bernardino Freeway to Azusa Avenue, north on Azusa Avenue to the westerly prolongation of Covina Boulevard, east on Covina Boulevard and its prolongation to Valley Center Avenue, north on Valley Center Avenue and its north prolongation to State Highway Route 9 (U S 66, Alosta Avenue), west on said State Highway Route 9 (Alosta Avenue and Foothill Boulevard) to Fish Canyon Road, north along Fish Canyon Road to Royal Oaks Drive, northeasterly and easterly along Royal Oaks Drive to Melcanyon Road, north on Melcanyon Road to the northerly line of Rancho Azusa; thence westerly along the northerly line of Rancho Azusa to the intersection with the boundary of the City of Duarte as it existed on April 30, 1961; thence generally southerly and westerly along said city boundary to the center line of Huntington Drive; thence west along the center line of Huntington Drive to the center line of Sawpit Wash; thence southerly along Sawpit Wash to the easterly prolongation of the southerly boundary of the City of Monrovia, near Hurstview Avenue, as same existed on April 30, 1961; thence west along said boundary of the City of Monrovia and its easterly prolongation thereof and meandering in a general southwesterly, westerly, northerly, and westerly direction to an angle point therein on the easterly side of Peck Road northerly of El Norte Street; thence westerly in a direct line to an angle point in said boundary of the City of Monrovia on the westerly side of Peck Road; thence generally westerly and northerly along said city boundary to the center line of Foothill Boulevard; thence westerly on said center line to a Westerly boundary of the City of Arcadia (at Baldwin Avenue); thence southerly and westerly on the boundary of the City of Arcadia to the point of beginning, shall constitute the 49th Assembly District.

50. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the point of intersection of the center lines of the San Bernardino Freeway (State Highway Route 26) and the northeasterly prolongation of Glendora Avenue in the

City of West Covina; thence westerly along the center line of the San Bernardino Freeway to the center line of Big Dalton Wash; thence southwesterly along the center line of Big Dalton Wash to its intersection with the center line of Walnut Creek near Francisquito Avenue; thence meandering in a southwesterly direction along the center line of Walnut Creek to the center line of Valley Boulevard, near the San Gabriel River; thence northwesterly along the center line of Valley Boulevard to the center line of Garvey Avenue; thence west along the center line of Garvey Avenue to the center line of Rio Hondo; thence southerly along the center line of Rio Hondo to the center line of San Gabriel Boulevard; thence southeasterly on the center lines of San Gabriel Boulevard and Siphon Road and the prolongation thereof to the center line of the San Gabriel River; thence southwesterly along the center line of San Gabriel River to the center line of Beverly Boulevard; thence southeasterly along the center line of Beverly Boulevard to the center line of Pioneer Boulevard; thence northeasterly along the center line of Pioneer Boulevard to the south boundary of Rose Hills Memorial Park near Strong Avenue; thence southeasterly and easterly along last said boundary to the southeast corner of Rose Hills Memorial Park; thence southerly along the easterly boundary of Rose Hills Memorial Park and its southerly prolongation to the northerly boundary of the City of Whittier as the same existed on April 30, 1961; thence generally easterly and southerly along the boundary of the City of Whittier to the center line of Mar Vista Street; thence along the center lines of the following named streets or State highway routes, to wit: southeasterly along Mar Vista Street to Catalina Avenue, southwesterly along Catalina Avenue to State Highway Route 2 (Whittier Boulevard), southeasterly along said State Highway Route 2 to Gunn Avenue, southwesterly on Gunn Avenue to Telegraph Road, northwesterly on Telegraph Road to Carmenita Road, south along Carmenita Road to State Highway Route 176 (Imperial Highway), east along said State Highway Route 176 to Luitwieler Avenue, north along Luitwieler Avenue to Leffingwell Road, northeasterly on Leffingwell Road to Scott Avenue, north on Scott Avenue to State Highway Route 2 (Whittier Boulevard), southeasterly along State Highway Route 2 to Santa Gertrudes Avenue, northerly and northeasterly on Santa Gertrudes Avenue to Arbela Drive, northwesterly on Arbela Drive to the boundary of Rancho La Habra; thence northeasterly, north, northeasterly, north, southeasterly and southerly along the boundary of Rancho La Habra (A portion of the last two courses are on the south boundary of Rancho La Puente) to the south boundary of the County of Los Angeles near Fullerton Road; thence east along the south boundary of the County of Los Angeles to the center line of Brea Canyon Road; thence northeasterly and northerly on said center line to a point approximately 2,000 feet south of Fifth Avenue; thence northwesterly, northerly

and northeasterly along the center line of the most westerly Brea Canyon Road, and its prolongation, to the southeasterly boundary of the City of Walnut as it existed on April 30, 1961; thence meandering in a general northeasterly, northerly, and westerly direction along last said City boundary to the northwest corner of the City of Walnut; thence westerly along the southerly boundary of Tract No. 930 (M.B. 17-38, 39) to the center line of Azusa Avenue; thence northerly on said center line to the intersection of the center lines of Franciscquito Avenue and Azusa Avenue; thence along the center lines of the following named streets, to wit: west on Francisquito Avenue to Valinda Avenue, northerly on Valinda Avenue and its northerly prolongation to Glendora Avenue, northwesterly on Glendora Avenue and its northwesterly prolongation to the point of beginning, shall constitute the 50th Assembly District.

51. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of State Highway Route 170 (Norwalk Boulevard) and Lakeland Road in the City of Norwalk; thence west along the center line of Lakeland Road to the center line of Pioneer Boulevard; thence south along the center line of Pioneer Boulevard to the center line of Imperial Highway; thence west on Imperial Highway to the center line of Studebaker Road; thence north on Studebaker Road to the easterly extension of Leeds Street; thence west on said extension and center line and its westerly extension to the center of the San Gabriel River; thence northerly along the center of the San Gabriel River to the center line of the Santa Ana Freeway (U.S. Route 101 and Interstate Route 5); thence northwesterly along the center line of the Santa Ana Freeway to the intersection of the southwesterly extension of the center line of Kern Avenue; thence northeasterly along the center line of Kern Avenue and its southwesterly extension to the center line of Third Street; thence east along the center lines of Third Street and Pomona Boulevard to the northwest corner of the City of Montebello; thence easterly, southeasterly, northeasterly, easterly, and southeasterly along last said city boundary and its various courses, as it existed on April 30, 1961, to the center line of Lincoln Avenue; thence northeasterly on said center line to the center line of San Gabriel Boulevard; thence southeasterly on the center lines of San Gabriel Boulevard and Siphon Road and the prolongation thereof to the center line of the San Gabriel River; thence southwesterly along the center line of San Gabriel River to the center line of Beverly Boulevard; thence southeasterly along the center line of Beverly Boulevard to the center line of Pioneer Boulevard; thence northeasterly along the center line of Pioneer Boulevard to the south boundary of Rose Hills Memorial Park near Strong Avenue; thence southeasterly and easterly along last said boundary to the southeast corner of Rose Hills Memorial Park; thence southerly along

the easterly boundary of Rose Hills Memorial Park and its southerly prolongation to the northerly boundary of the City of Whittier, as the same existed on April 30, 1961; thence generally easterly and southerly along the boundary of the City of Whittier to the center line of Philadelphia Street or its northeasterly extension; thence along the center lines of the following named streets, to wit: southwesterly and west on Philadelphia Street to Greenleaf Avenue, south on Greenleaf Avenue to State Highway Route 2 (Whittier Boulevard), northwesterly on said State Highway Route 2 to Santa Fe Springs Road, southwesterly on Santa Fe Springs Road to the center line of the Atchison, Topeka, and Santa Fe Railway right of way; thence southerly along said railway right of way to the center line of Telegraph Road; thence west along the center line of Telegraph Road to the center line of State Highway Route 170 (Norwalk Boulevard), thence south along the center line of State Highway Route 170 to the point of beginning, shall constitute the 51st Assembly District.

52 All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Atlantic Avenue and Century Boulevard; thence southeasterly on the center line of Century Boulevard to the intersection of the center lines of Century Boulevard and Check Avenue near the Long Beach Freeway; thence on a line from said intersection southeasterly to the northwesterly corner of the City of Paramount; thence southeasterly and southerly on the boundary of said city to Century Boulevard; thence southeasterly on Century Boulevard to Paramount Boulevard; thence south on Paramount Boulevard to the boundary of the City of South Gate; thence southeasterly and northerly on said city boundary to the center line of Gardendale Street; thence along the center lines of the following named streets or state highway, to wit: westerly on Gardendale Street to Paramount Boulevard, northeasterly on Paramount Boulevard to Stewart and Gray Road, southeasterly on Stewart and Gray Road to Downey Avenue, northeasterly on Downey Avenue and its northeasterly prolongation to the Santa Ana Freeway (Interstate Route 5), northwesterly on the Santa Ana Freeway to the easterly boundary of the City of Los Angeles at the intersection of Indiana Street and the Santa Ana Freeway; thence generally southerly and westerly on said Los Angeles City boundary to the center line of Alameda Street; thence along the center lines of the following named streets, to wit: southerly on Alameda Street to Tweedy Boulevard, southeasterly on Tweedy Boulevard to Atlantic Boulevard, south and southwesterly on Atlantic Avenue to the point of beginning, shall constitute the 52d Assembly District.

53. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Manchester Avenue and the Harbor Freeway (State Route 165);

thence north on the center line of the Harbor Freeway to the center line of Exposition Boulevard; thence along the center lines of the following named streets, to wit: west on Exposition Boulevard to Vermont Avenue, north on Vermont Avenue to Pico Boulevard, east and southeasterly on Pico Boulevard to Union Avenue, northeasterly on Union Avenue to Olympic Boulevard, southeasterly on Olympic Boulevard to Hill Street, northeasterly on Hill Street to Sixth Street, southeasterly on Sixth Street to Alameda Street, southerly on Alameda Street to Florence Avenue, west on Florence Avenue to Central Avenue, south on Central Avenue to Manchester Avenue, west on Manchester Avenue to the point of beginning, shall constitute the 53d Assembly District.

54. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center line of the Golden State Freeway with the center line of Glendale Boulevard; thence in a northerly and northeasterly direction along the center line of Glendale Boulevard to the southerly boundary of the City of Glendale near the Southern Pacific Railroad; thence southeasterly, northeasterly, and northwesterly along said boundary and its various courses to the southerly boundary of the Forest Lawn Memorial Park; thence southeasterly, northeasterly and southeasterly along said Park boundary to the westerly extension of the center line of the east-west portion of Roderick Road near Verdugo Road; thence easterly along the center line of said road and the westerly extension thereof, to the center line of Verdugo Road; thence northerly along the center line of Verdugo Road to the center line of York Boulevard; thence meandering in a southeasterly direction along the center line of York Boulevard to the westerly boundary of the City of South Pasadena near the Pasadena Freeway; thence southerly and easterly along last said city boundary to the center line of Huntington Drive; thence along the center lines of the following streets, to wit: southerly along Huntington Drive to Main Street, east, southeast, and east, along Main Street to Curtis Avenue, north along Curtis Avenue to Woodward Avenue, northeast along Woodward Avenue to Garfield Avenue, southeast on Garfield Avenue to Main Street, northeast and easterly on Main Street and Las Tunas Drive to Baldwin Avenue, southerly on Baldwin Avenue to Live Oak Avenue, easterly on Live Oak Avenue to the easterly boundary of the City of Arcadia (at Santa Anita Wash); thence generally northeasterly, westerly and northerly along the boundary of the City of Arcadia to the center line of Foothill Boulevard; thence westerly on said center line to a westerly boundary of the City of Arcadia (at Baldwin Avenue); thence southerly, westerly and southerly along the boundary of said city to the center line of Huntington Drive; thence westerly on said center line to the boundary of the City of San Marino; thence generally northerly, westerly, southerly and westerly on said city boundary to the intersec-

tion of Los Robles Avenue and Marengo Avenue; thence along center lines of streets as follows: northwesterly and northerly on Marengo Avenue to California Boulevard, westerly on California Boulevard to Arroyo Boulevard, northerly on Arroyo Boulevard to the Colorado Freeway, westerly on the Colorado Freeway to the west boundary of the City of Pasadena; thence northerly on said city boundary to the boundary of the City of Glendale; thence westerly and southwesterly on said city boundary to the center line of Broadway; thence along center lines of streets as follows: northwesterly and westerly on Broadway to Brand Boulevard, southerly on Brand Boulevard to Los Feliz Road, westerly and southwesterly on Los Feliz Road and Los Feliz Boulevard to the Golden State Freeway, southeasterly on the Golden State Freeway to the point of beginning, shall constitute the 54th Assembly District.

55. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Rosecrans Avenue and the Harbor Freeway (State Route 165); thence northerly on the center line of the Harbor Freeway to the center line of Manchester Avenue; thence along the center lines of the following named streets, to wit: east on Manchester Avenue to Central Avenue, north on Central Avenue to Florence Avenue, east on Florence Avenue to Alameda Street, southerly on Alameda Street to Tweedy Boulevard, southeasterly on Tweedy Boulevard to Atlantic Avenue, south and southwesterly on Atlantic Avenue to Imperial Highway, westerly on Imperial Highway to Alameda Street, southerly on Alameda Street to Rosecrans Avenue, west on Rosecrans Avenue to the point of beginning, shall constitute the 55th Assembly District.

56. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of La Brea Avenue and Jefferson Boulevard; thence along the center lines of the following named streets, to wit: east on Jefferson Boulevard to Crenshaw Boulevard, south on Crenshaw Boulevard to Exposition Boulevard, southeasterly and east on Exposition Boulevard to Vermont Avenue, north on Vermont Avenue to Pico Boulevard, east and southeasterly on Pico Boulevard to Union Avenue, northeasterly on Union Avenue to Olympic Boulevard, southeasterly on Olympic Boulevard to Hill Street, northeasterly on Hill Street to Fourth Street, northwesterly on Fourth Street to Third Street, northwesterly on Third Street to Alvarado Street, southwesterly on Alvarado Street to Seventh Street, northwesterly on Seventh Street to Hoover Street, north on Hoover Street and its extension to Sixth Street, west on Sixth Street to Vermont Avenue, south on Vermont Avenue to Ninth Street, west on Ninth Street to Irolo Street, north, northeasterly, and north on Irolo Street and on Normandie Avenue to Third Street, west on Third Street to Western Avenue, north on Western Avenue to

Beverly Boulevard, east on Beverly Boulevard to Normandie Avenue, north on Normandie Avenue to Melrose Avenue, west on Melrose Avenue to Gower Street, north on Gower Street to the Hollywood Freeway (U.S. Highway Route 101), northwesterly on the Hollywood Freeway to Franklin Avenue, west on Franklin Avenue to Highland Avenue, southwesterly on Highland Avenue to Franklin Avenue, westerly on Franklin Avenue to La Brea Avenue, southerly on La Brea Avenue to San Vicente Boulevard, southeasterly on San Vicente Boulevard to the intersection of Pico Boulevard and San Vicente Boulevard; thence on a line from said intersection southeasterly to the center line intersection of West Boulevard and Venice Boulevard; thence from last said intersection southeasterly on the center line of Venice Boulevard to the center line of Crenshaw Boulevard; thence along the center lines of the following named streets, to wit: southwesterly on Crenshaw Boulevard to Adams Boulevard, west on Adams Boulevard to La Brea Avenue, southwesterly on La Brea Avenue to the point of beginning, shall constitute the 56th Assembly District

57. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Van Nuys Boulevard and Oxnard Street; thence west along the center line of Oxnard Street to the center line of Sepulveda Boulevard; thence south along the center line of Sepulveda Boulevard to the center line of Magnolia Boulevard; thence west on Magnolia Boulevard to the center line of White Oak Avenue; thence along the center lines of the following named streets, and highway routes, to wit: south on White Oak Avenue to Ventura Boulevard, northwest on Ventura Boulevard to Wilbur Avenue, north on Wilbur Avenue to the Ventura Freeway (U.S. Route 101); thence westerly and southwesterly on said Ventura Freeway to the west line of Section 21, Township 1 North, Range 17 West, S. B. B. & M.; thence north along the west line of Sections 21 and 16 of said township and range to the north boundary of the County of Los Angeles; thence west and southwest along the boundary of the County of Los Angeles to the north line of Section 8, Township 1 South, Range 19 West, S. B. B. & M.; thence easterly along section lines to the northeast corner of Section 11, last said township and range; thence southerly along section lines to the northwest corner of Section 13, last said township and range; thence easterly and southerly along the north and east lines of said section to the northwest corner of Section 19, Township 1 South, Range 18 West, S B. B. & M.; thence easterly along section lines to the westerly boundary of the City of Los Angeles at the most westerly corner of the Rancho San Vicente y Santa Monica; thence northeasterly, easterly and southeasterly along the boundary of said Rancho San Vicente y Santa Monica to the easterly corner of said Rancho approximately due west of the southeast corner of Section 10, T. 1 S., R. 15 W., S. B. B. & M.; thence northeasterly in a direct line to

the intersection of the center lines of Angelo Drive and Hillgrove Drive; thence easterly along the center line of Hillgrove Drive to the center line of Benedict Canyon Drive; thence southeasterly on last said center line to the boundary of the City of Beverly Hills; thence northerly, easterly, northerly and easterly on said city boundary to the center line of Summitridge Drive; thence meandering in a general northerly direction on said center line to the south line of Section 2, Township 1 South, Range 15 West, S. B. B. & M.; thence west on said south line to the southwest corner of the southeast ¼ of said Section 2; thence north on ¼ section lines to the north line of said Section 2; thence east on section lines to the center line of Coldwater Canyon Drive; thence northeasterly on said center line to the center line of Eden Drive; thence southeasterly on last said center line to the easterly boundary of Tract No. 21031 (M.B. 607-29 to 31); thence northerly on said boundary to the north line of Section 1, said Township 1 South, Range 15 West; thence east on section lines to the northerly prolongation of the westerly boundary of Tract No. 15007 (M.B. 392-45 to 49); thence southerly on said prolongation and westerly boundary, and southerly on the easterly boundary of Tract No. 17931 (M.B. 654-40 to 42) to the boundary of the City of Beverly Hills, as same existed on April 30, 1961; thence easterly and southerly along the boundary of the City of Beverly Hills to the center line of Doheny Road; thence along the center lines of the following named streets and State Highway Routes, to wit: east on Doheny Road to Sunset Boulevard, east and northeasterly on Sunset Boulevard to Laurel Canyon Boulevard, northerly on Laurel Canyon Boulevard to Hollywood Boulevard, easterly on Hollywood Boulevard to La Brea Avenue, northwesterly on La Brea Avenue to Franklin Avenue, easterly on Franklin Avenue to Highland Avenue, northeasterly on Highland Avenue to Franklin Avenue, east on Franklin Avenue to the Hollywood Freeway (U.S. 101), southeasterly on the Hollywood Freeway to Gower Street, north on Gower Street to Franklin Avenue, easterly on Franklin Avenue to Beachwood Drive, northerly on Beachwood Drive to the south line of section 35, T. 1 N., R. 14 W., S. B. B. & M.; thence west on the south line, north on the west line and east on the north line, all of said section 35 in said township and range, to the westerly boundary of the Rancho de Los Felis, thence northerly and northeasterly along last said Rancho boundary to the southeasterly extension of Main Street, thence along the center lines of the following named streets, to wit: northwesterly on Main Street and the southeasterly extension thereof to Oak Street, southwesterly on Oak Street to Pass Avenue, northwesterly on Pass Avenue to Clark Avenue, southwesterly on Clark Avenue to Addison Street, west on Addison Street to Riverton Avenue, south on Riverton Avenue to Morrison Street, west on Morrison Street to Vineland Avenue, north on Vineland Avenue to Morrison Street, west on Morrison Street to Lankershim Boulevard,

northwesterly on Lankershim Boulevard to Chandler Boulevard, west on Chandler Boulevard to Van Nuys Boulevard, north along Van Nuys Boulevard to the point of beginning, shall constitute the 57th Assembly District.

58. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the point of intersection of the center lines of the San Bernardino Freeway (State Highway Route 26) and Azusa Avenue; thence along the following named streets or State highway routes, to wit: north on Azusa Avenue to the westerly prolongation of Covina Boulevard, east on Covina Boulevard and its prolongation to Valley Center Avenue, north on Valley Center Avenue and its north prolongation to State Highway Route 9 (U.S. 66, Alosta Ave.), west on said State Highway Route 9 (Alosta Ave. and Foothill Blvd.) to Fish Canyon Road, north along Fish Canyon Road to Royal Oaks Drive, northeasterly and easterly along Royal Oaks Drive to Melcanyon Road, north on Melcanyon Road to the northerly line of Rancho Azusa; thence westerly along the northerly line of Rancho Azusa to the intersection with the boundary of the City of Duarte as it existed on April 30, 1961; thence generally southerly and westerly along said city boundary to the center line of Huntington Drive; thence west along the center line of Huntington Drive to the center line of Sawpit Wash; thence southerly along Sawpit Wash to the easterly prolongation of the southerly boundary of the City of Monrovia, near Hurstview Avenue, as same existed on April 30, 1961; thence west along said boundary of City of Monrovia and its easterly prolongation thereof and meandering in a general southwesterly, westerly, northerly, and westerly direction to an angle point therein on the easterly side of Peck Road northerly of El Norte Street; thence westerly in a direct line to an angle point in said boundary of the City of Monrovia on the westerly side of Peck Road; thence westerly and southwesterly along said city boundary to the easterly boundary of the City of Arcadia, as same existed on April 30, 1961; thence southwesterly along the easterly boundary of the City of Arcadia to the center line of Live Oak Avenue; thence along the center lines of the following named streets or State highway routes, to wit: westerly along Live Oak Avenue to El Monte Avenue, southerly along El Monte Avenue to Lower Azusa Road, southwesterly along Lower Azusa Road to Ellis Lane, southwesterly along Ellis Lane and Temple City Boulevard to Valley Boulevard, west along Valley Boulevard to State Highway Route 168 (Rosemead Boulevard), southerly along said State Highway Route 168 to the center line of the Rio Hondo; thence southwesterly along the center line of the Rio Hondo to the center line of Garvey Avenue; thence easterly along the center line of Garvey Avenue to the center line of Valley Boulevard; thence southeasterly along the center line of Valley Boulevard to the center line of Walnut Creek (near the San Gabriel River); thence

meandering in a northeasterly direction along the center line of Walnut Creek to its intersection with Big Dalton Wash near Francisquito Avenue; thence northeasterly along Big Dalton Wash to the center line of the San Bernardino Freeway (State Highway Route 26); thence easterly along said State Highway Route 26 to the point of beginning, shall constitute the 58th Assembly District.

59. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of Washington Boulevard and the southeast boundary of the City of Santa Monica near Dewey Street; thence northeast along said boundary to the center line of Bundy Drive (Centinela Avenue); thence along the center lines of the following named streets, to wit: northwesterly on Bundy Drive to Ocean Park Boulevard southwest on Ocean Park Boulevard to Centinela Avenue, northwesterly on Centinela Avenue to Olympic Boulevard, northeasterly on Olympic Boulevard to Prosser Avenue, southeasterly on Prosser Avenue to Pico Boulevard, northeasterly on Pico Boulevard to the southeasterly extension of the southwesterly boundary of the City of Beverly Hills; thence northwesterly along last said extension and boundary, passing through a point on the south line of Section 11, Township 1 South, Range 15 West, S. B B. & M., near Benedict Canyon Drive and continuing along last said city boundary in a general easterly and northerly direction along last said city boundary to the center line of Summitridge Drive; thence meandering in a general northerly direction on said center line to the south line of Section 2, T. 1 S., R. 15 W., S. B. B. & M.; thence west on said south line to the southwest corner of the southeast $\frac{1}{4}$ of said Section 2; thence north on $\frac{1}{4}$ section lines to the north line of said Section 2; thence east on section lines to the center line of Coldwater Canyon Drive; thence northeasterly on said center line to the center line of Eden Drive; thence southeasterly on last said center line to the easterly boundary of Tract No. 21031 (M.B. 607-29 to 31); thence northerly on said boundary to the north line of Section 1, said T. 1 S., R. 15 W.; thence east on section lines to the northerly prolongation of the westerly boundary of Tract No. 15007 (M.B. 392-45 to 49); thence southerly on said prolongation and westerly boundary, and southerly on the easterly boundary of Tract No. 17931 (M.B. 654-40 to 42) to the boundary of the City of Beverly Hills as same existed on April 30, 1961; thence easterly and southerly along the boundary of the City of Beverly Hills to the center line of Doheny Road; thence along the center lines of the following named streets, to wit: east on Doheny Road to Sunset Boulevard, east and northeasterly on Sunset Boulevard to Laurel Canyon Boulevard, northerly on Laurel Canyon Boulevard to Hollywood Boulevard, easterly on Hollywood Boulevard to La Brea Avenue, southerly on La Brea Avenue to Melrose Avenue, westerly and southwesterly on Melrose Avenue to La Cienega

Boulevard, southerly on La Cienega Boulevard to San Vicente Boulevard; thence southeasterly on San Vicente Boulevard to Carrillo Drive, southwesterly on Carrillo Drive, Olympic Boulevard and Crescent Heights Boulevard to Guthrie Avenue, northwesterly on Guthrie Avenue to La Cienega Boulevard, southerly on La Cienega Boulevard to Beverlywood Street, northwesterly on Beverlywood Street to its terminus approximately 150 feet northwesterly of Cardiff Avenue; thence northerly, parallel with Cardiff Avenue, to the easterly extension of Beverlywood Street; thence westerly along said easterly extension and westerly and southwesterly along the center line of Beverlywood Street to the center line of Beverwil Drive; thence northerly along the center line of Beverwil Drive to the center line of Sawyer Street; thence westerly along the center line of Sawyer Street and the westerly extension thereof to the easterly boundary of Hillcrest Country Club; thence southerly and southwesterly along the easterly and southeasterly boundary of the Hillcrest Country Club and continuing southwesterly along the southeasterly boundary of the Rancho Park to the center line of Lorenzo Drive, last said boundary being approximately coincident with Lorenzo Place; thence along the center lines of the following named streets, to wit: southeasterly on Lorenzo Drive to Motor Avenue, southwesterly, southerly, and southeasterly on Motor Avenue to Venice Boulevard, southwesterly on Venice Boulevard to Washington Boulevard, northwesterly on Washington Boulevard to the point of beginning, shall constitute the 59th Assembly District.

60. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the northwesterly boundary of the County of Los Angeles with the north line of Section 8, Township 1 South, Range 19 West, S. B. B. & M.; thence easterly along section lines to the northeast corner of Section 11, last said township and range; thence southerly along section lines to the northwest corner of Section 13, last said township and range; thence easterly and southerly along the north and east lines of said Section to the northwest corner of Section 19, Township 1 South, Range 18 West. S. B. B. & M.; thence easterly along section lines to the westerly boundary of the City of Los Angeles at the most westerly corner of the Rancho San Vicente y Santa Monica; thence northeasterly, easterly and southeasterly along the boundaries of said Rancho San Vicente y Santa Monica to the easterly corner of said Rancho near Brown Canyon and approximately due west of the southeast corner of Section 10, T. 1 S., R. 15 W., S. B. B. & M.,; thence northeasterly in a direct line to the intersection of the center lines of Angelo Drive and Hillgrove Drive; thence easterly along the center line of Hillgrove Drive to the center line of Benedict Canyon Drive; thence southeasterly on last said center line to the boundary of the City of Beverly Hills; thence meandering in a southerly and southeasterly direction along

said city boundary and the southeasterly extension thereof to the center line of Pico Boulevard; thence along the center lines of the following named streets, to wit: southwesterly on Pico Boulevard to Prosser Avenue, northwesterly on Prosser Avenue to Olympic Boulevard, southwesterly on Olympic Boulevard to Centinela Avenue, southeasterly on Centinela Avenue to Ocean Park Boulevard, northeast on Ocean Park Boulevard to Bundy Drive, southeasterly on Bundy Drive to the southeast boundary of the City of Santa Monica, near Dewey Street; thence southwest along last said city boundary to the center line of Washington Boulevard; thence southeasterly and southwesterly along the center line of Washington Boulevard to the center line of Main Street; thence southeasterly along the center line of Main Street and the southeasterly prolongation thereof to the center line of Mildred Avenue; thence east on the center line of Mildred Avenue to the center line of Alberta Avenue; thence southeast along the center line of Alberta Avenue to the center line of Venice Boulevard; thence southwesterly on the center line of Venice Boulevard and the southwesterly extension thereof, to the boundary of the County of Los Angeles (in the Pacific Ocean); thence in a general northwesterly, northerly and northeasterly direction along the boundary of said county to the point of beginning, shall constitute the 60th Assembly District.

61. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Venice Boulevard and Washington Boulevard; thence northwesterly along the center line of Washington Boulevard to the center line of Main Street; thence southeasterly along the center line of Main Street and the southeasterly prolongation thereof to the center line of Mildred Avenue; thence easterly on the center line of Mildred Avenue to the center line of Alberta Avenue; thence southeast along the center line of Alberta Avenue to the center line of Venice Boulevard; thence northeasterly along the center line of Venice Boulevard to the center line of Dell Avenue; thence southeasterly on the center line of Dell Avenue to the center line of Washington Street; thence southwesterly on the center line of Washington Street to the northwesterly extension of the City boundary of the City of Los Angeles as same existed on April 30, 1961; thence southeasterly along said City boundary and its northwesterly extension to a point on said City boundary near Playa Del Rey; thence continuing northeasterly on said City boundary to the center line of Sepulveda Boulevard; thence northerly on the center line of Sepulveda Boulevard to the center line of the San Diego Freeway (State Highway Route 158); thence northwesterly on the center line of the said San Diego Freeway to the easterly boundary of Culver City near Baldwin Hills as the same existed on April 30, 1961; thence generally northeasterly on said City boundary to the southerly intersection of the boundary of Culver City and the center line of La

Cienega Boulevard; thence easterly on said southerly boundary of Culver City and the easterly prolongation thereof to the boundary of the City of Los Angeles near Baldwin Hills Reservoir as the same existed on April 30, 1961; thence southerly and northeasterly on said city boundary to the center line of La Brea Avenue; thence along the center lines of the following named streets, to wit: northerly on La Brea Avenue to Adams Boulevard, east on Adams Boulevard to Crenshaw Boulevard, northeasterly on Crenshaw Boulevard to Venice Boulevard, northwesterly on Venice Boulevard to the intersection of West Boulevard and Venice Boulevard; thence on a line from said intersection northwesterly to the intersection of the center lines of Pico Boulevard and San Vicente Boulevard; thence northwesterly from last said intersection on the center line of San Vicente Boulevard to the center line of La Brea Avenue; thence following along the center lines of the following named streets, to wit: northerly on La Brea Avenue to Melrose Avenue, westerly and southwesterly on Melrose Avenue to La Cienega Boulevard, southerly on La Cienega Boulevard to San Vicente Boulevard, southeasterly on San Vicente Boulevard to Carrillo Drive, southwesterly on Carrillo Drive, Olympic Boulevard, and Crescent Heights Boulevard to Guthrie Avenue, northwesterly on Guthrie Avenue to La Cienega Boulevard, southerly on La Cienega Boulevard to Beverlywood Street, northwesterly on Beverlywood Street to its terminus approximately 150 feet northwesterly of Cardiff Avenue; thence northerly, parallel to Cardiff Avenue, to the easterly extension of Beverlywood Street; then westerly along said easterly extension and westerly and southwesterly along the center line of Beverlywood Street to the center line of Beverwil Drive; thence northerly along the center line of Beverwil Drive to the center line of Sawyer Street; thence westerly along the center line of Sawyer Street and the westerly extension thereof to the easterly boundary of the Hillcrest Country Club; thence southerly and southwesterly along the easterly and southeasterly boundary of the Hillcrest Country Club and continuing southwesterly along the southeasterly boundary of the Rancho Park to the center line of Lorenzo Drive, last said boundary being coincident with Lorenzo Place; thence along the center lines of the following named streets, to wit: southeasterly on Lorenzo Drive to Motor Avenue, southwesterly, southerly and southeasterly on Motor Avenue to Venice Boulevard, southwesterly on Venice Boulevard to the point of beginning, shall constitute the 61st Assembly District.

62. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the most northwesterly corner of the County of Los Angeles; thence southeasterly along the western boundary of said county to the westerly extension of the south line of Section 14, Township 3 North, Range 17 West, S. B. B. & M.; thence easterly along said westerly extension and the south

line of Sections 14 and 13 of said township and range to the range line between Range 17 West and Range 16 West; thence north along said range line to the north line of Section 19, Township 3 North, Range 16 West, S. B. B. & M.; thence east along the north line of Sections 19, 20, 21, 22, 23, and 24 of last said township and range to the center line of State Highway Route 23 (U.S. Route 6); thence southeasterly on the center line of State Highway Route 23 to the northerly boundary of the City of Los Angeles; thence generally southeasterly, east, south, east, southeasterly and southwesterly along said city boundary to the center line of Pacoima Canyon Road; thence along the center line of the following named streets, to wit: southwesterly on Pacoima Canyon Road and Harding Street to Fenton Avenue, southeast on Fenton Avenue to Maclay Street, southwest on Maclay Street to Foothill Boulevard, southeast on Foothill Boulevard to Arroyo Street, southwest on Arroyo Street and Arroyo Avenue to Glenoaks Boulevard, southeast on Glenoaks Boulevard to Osborne Street, northeasterly on Osborne Street to the road on top of Hansen Dam; thence southeasterly and northeasterly along the road on top of Hansen Dam to the easterly grant boundary of the Rancho Ex Mission de San Fernando; thence southeasterly along said grant line which coincides with parts of Clybourn Avenue, Stonehurst Avenue, Sunland Boulevard and the corporate limits common to the Cities of Burbank and Los Angeles to the center line of Magnolia Boulevard; thence along the center line of the following named streets, to wit: westerly on Magnolia Boulevard to Ledge Avenue, south on Ledge Avenue to Addison Street, east on Addison Street to Clark Avenue, northeasterly on Clark Avenue to Pass Avenue, southeasterly on Pass Avenue to Oak Street, northeasterly on Oak Street to Main Street, southeasterly on Main Street to Riverside Drive, easterly on Riverside Drive to the common boundary between the Cities of Burbank and Glendale, near Chavez Street and Riverside Drive; thence northeasterly, northwesterly and northeasterly along said common boundary to the center line of San Fernando Boulevard near Spazier Avenue and San Fernando Boulevard; thence along the center lines of the following named streets, to wit: northwesterly on San Fernando Boulevard to Amherst Drive, northeasterly on Amherst Drive to 6th Street, northwesterly on 6th Street to Andover Drive, southwesterly on Andover Drive to Glenoaks Boulevard, northwesterly on Glenoaks Boulevard to Buena Vista Street, north on Buena Vista Street to Keswick Street, west on Keswick Street to the boundary of the City of Los Angeles as the same existed April 30, 1961; thence northeasterly, northwesterly, easterly and northerly on last said city boundary to the north line of Section 20, Township 2 North, Range 13 West, S. B. B. & M.; thence east along the north line of Sections 20, 21, and 22 of said township and range to the northeast corner of said Section 22; thence south along the east line of Sections 22 and 27 of said township and range to the southwest corner of the

NW ¼, of the NW ¼ of Section 26 in said township and range; thence east and north along the boundaries of said NW ¼ of the NW ¼ to the north line of said Section 26; thence east along last said north line of Sections 26 and 25 of said township and range to the westerly boundary of the City of Pasadena as the same existed April 30, 1961; thence north along said westerly city boundary to its most northerly intersection with the center line of State Highway Route 61 (Angeles Crest Highway); thence in a general northeasterly direction along said State Highway Route 61 to the center line of Angeles Forest Highway (Forest Highway 59); thence northwesterly and in a general northeasterly direction along said Angeles Forest Highway to the township line between T. 3 N. and T. 4 N., S B. B. & M.; thence east along said township line to the easterly boundary of the County of Los Angeles; thence northerly along said county boundary to the northern boundary of the County of Los Angeles; thence west along said county boundary to the point of beginning, shall constitute the 62d Assembly District.

63. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of La Brea Avenue and Jefferson Boulevard; thence along the center lines of the following named streets or State Highways, to wit: east on Jefferson Boulevard to Crenshaw Boulevard, south on Crenshaw Boulevard to Exposition Boulevard, southeasterly and east on Exposition Boulevard to Normandie Avenue, south on Normandie Avenue to Manchester Avenue, west on Manchester Avenue to Van Ness Avenue, north on Van Ness Avenue to 76th Street, west on 76th Street to 8th Avenue, south on 8th Avenue to 79th Street, west on 79th Street to Victoria Avenue, north on Victoria Avenue to 74th Street, west on 74th Street and its west prolongation to the south prolongation of West Boulevard, north on the south prolongation of West Boulevard to Florence Avenue, west and southwesterly on Florence Avenue to San Diego Freeway (State Highway Route 158), southerly on San Diego Freeway to El Segundo Boulevard, west on El Segundo Boulevard to Aviation Boulevard, north on Aviation Boulevard to Imperial Highway, west on Imperial Highway to Sepulveda Boulevard (U S. Highway Route 101 Alternate), northerly on said Sepulveda Boulevard to the San Diego Freeway (State Highway Route 158), northwesterly on said San Diego Freeway to the easterly boundary of Culver City, near Baldwin Hills, as the same existed on April 30, 1961; thence generally northeasterly on said city boundary to the southerly intersection of the boundary of Culver City and the center line of La Cienega Boulevard; thence easterly on said southerly boundary of Culver City and the easterly prolongation thereof to the boundary of the City of Los Angeles, near Baldwin Hills Reservoir, as the same existed on April 30, 1961; thence southerly and northeasterly on said city boundary to the center line of La Brea

Avenue; thence northerly on the center line of La Brea Avenue to the point of beginning, shall constitute the 63d Assembly District.

64. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Oxnard and Van Nuys Boulevard; thence along the center line of the following named streets, to wit: north on Van Nuys Boulevard to Sherman Way, west on Sherman Way to White Oak Avenue, north on White Oak Avenue to Saticoy Street, west on Saticoy Street to Lindley Avenue, north on Lindley Avenue to Roscoe Boulevard, east on Roscoe Boulevard to Balboa Boulevard, north on Balboa Boulevard to Rinaldi Street, west on Rinaldi Street to Hesperia Avenue, northerly on Hesperia Avenue to the northwesterly boundary of the City of Los Angeles in Aliso Canyon; thence northwesterly along said city boundary to the grant boundary of the Rancho Ex Mission de San Fernando common with the northerly boundary of the City of Los Angeles; thence southeasterly and northeasterly along last said boundary to the center line of State Highway Route 23 (U.S. Route 6); thence along the center line of State Highway Route 23 to the north line of Section 24, Township 3 North, Range 16 West S B B & M; thence west along said section line and the north line of Sections 23, 22, 21, 20, and 19 of said township and range to the range line between Range 16 West and Range 17 West; thence south along said range line to the south line of Section 13, Township 3 North, Range 17 West, S B B. & M; thence westerly along the south line of Sections 13 and 14 of said township and range and the westerly extension thereof to the western boundary of the County of Los Angeles; thence in a southeasterly, west, south and west direction along said county boundary to the west line of Section 16, Township 1 North, Range 17 West, S. B B. & M.; thence south along said section line and the west line of Section 21 in said township and range to the center line of the Ventura Freeway (U.S. Route 101); thence northeasterly along the center line of said freeway to the center line of Wilbur Avenue; thence south along the center line of Wilbur Avenue to Ventura Boulevard; thence southeasterly along the center line of Ventura Boulevard to the center line of White Oak Avenue; thence north on the center line of White Oak Avenue to the center line of Magnolia Boulevard; thence northeasterly on the center line of Magnolia Boulevard to the center line of Sepulveda Boulevard; thence north on the center line of Sepulveda Boulevard to the center line of Oxnard Street; thence east on the center line of Oxnard Street to the point of beginning, shall constitute the 64th Assembly District.

65. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of El Segundo Boulevard and the Harbor Freeway (State Highway Route 165); thence along the center lines of the following

named streets or State Highway Routes, to wit: northerly on the Harbor Freeway to Exposition Boulevard, west on Exposition Boulevard to Normandie Avenue, south on Normandie Avenue to Manchester Avenue, west on Manchester Avenue to Van Ness Avenue, north on Van Ness Avenue to 76th Street, west on 76th Street to 8th Avenue, south on 8th Avenue to 79th Street, west on 79th Street to Victoria Avenue, north on Victoria Avenue to 74th Street, west on 74th Street and its west prolongation to the south prolongation of West Boulevard, north on the south prolongation of West Boulevard to Florence Avenue, west and southwesterly on Florence Avenue to the San Diego Freeway (State Highway Route 158), southerly on the San Diego Freeway to El Segundo Boulevard, east on El Segundo Boulevard to the point of beginning, shall constitute the 65th Assembly District.

66. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the easterly boundary of the County of Los Angeles with the northerly boundary of the City of Long Beach (Northerly of Fullerton Road); thence generally westerly and northerly on the boundary of said city to the center line of South Street; thence easterly on said center line to the center of the San Gabriel River; thence northerly along the center of the San Gabriel River to its intersection with the westerly extension of Leeds Street; thence easterly on said extension and center line and its easterly extension to the center line of Studebaker Road; thence southerly on said center line to the center line of Imperial Highway; thence easterly on said center line to the center line of Pioneer Boulevard; thence northerly along said center line to the center line of Lakeland Road; thence easterly on said center line to the center line of Norwalk Boulevard; thence north on said center line to the center line of Telegraph Road; thence east on Telegraph Road to the center line of the Atchison, Topeka and Santa Fe Railway right of way; thence northerly along said railway right of way to the center line of Santa Fe Springs Road; thence along the center lines of the following named streets or State Highway Routes, to wit: northeasterly along Santa Fe Springs Road to State Highway Route 2 (Whittier Boulevard), southeasterly along said State Highway Route 2 to Greenleaf Avenue, north along Greenleaf Avenue to Philadelphia Street, east and northeasterly on Philadelphia Street and its extension to the boundary of the City of Whittier, near Whittier College, as same existed on April 30, 1961; thence generally easterly and southerly along the boundary of the City of Whittier to the center line of Mar Vista Street; thence along the center lines of the following named city streets or State Highway Routes, to wit: southeasterly along Mar Vista Street to Catalina Avenue, southwesterly along Catalina Avenue to State Highway Route 2 (Whittier Boulevard), southeasterly along said State Highway Route 2 to Gunn Avenue, southwesterly on Gunn Avenue to Telegraph

Road, northwesterly on Telegraph Road to Carmenita Road, south along Carmenita Road to State Highway Route 176 (Imperial Highway), east along said State Highway Route 176 to Luitwieler Avenue, north along Luitwieler Avenue to Leffingwell Road, northeasterly on Leffingwell Road to Scott Avenue, north on Scott Avenue to State Highway Route 2 (Whittier Boulevard), southeasterly along State Highway Route 2 to Santa Gertrudes Avenue, northerly and northeasterly on Santa Gertrudes Avenue to Arbela Drive, northwesterly on Arbela Drive to the boundary of Rancho La Habra; thence northeasterly, north, northeasterly, north, southeasterly, and southerly along the boundary of Rancho La Habra (a portion of the last two courses are on the south boundary of Rancho La Puente) to the south boundary of the County of Los Angeles near Fullerton Road; thence in a general southwesterly direction along the east boundary of the County of Los Angeles to the point of beginning, shall constitute the 66th Assembly District.

67. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Torrance Boulevard and Hawthorne Avenue; thence north on Hawthorne Avenue to the center line of 190th Street; thence west on 190th Street to the boundary of the City of Redondo Beach at Dominguez Park; thence southerly on said city boundary to the center line of Beryl Street; thence on the center lines of the following named streets or State highway, to wit: southwesterly on Beryl Street to Flagler Lane, northerly on Flagler Lane to Redondo Beach Boulevard, west on Redondo Beach Boulevard to Aviation Boulevard, north on Aviation Boulevard to Robinson Street, east on Robinson Street to Aviation Boulevard, north on Aviation Boulevard to El Segundo Boulevard, east on El Segundo Boulevard to the Harbor Freeway (State Route 165), south on the Harbor Freeway to Rosecrans Avenue, east on Rosecrans Avenue to Central Avenue, southerly on Central Avenue to Artesia Boulevard, west on Artesia Boulevard to Avalon Boulevard, south on Avalon Boulevard to Victoria Street, west and southwesterly on Victoria Street to 190th Street, west on 190th Street to Western Avenue, south on Western Avenue to Torrance Boulevard, westerly on Torrance Boulevard to the point of beginning, shall constitute the 67th Assembly District.

68. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Hawthorne Avenue and Torrance Boulevard; thence on the center lines of the following named streets, to wit: easterly on Torrance Boulevard to Western Avenue, north on Western Avenue to 190th Street, east on 190th Street to Victoria Street, northeasterly and east on Victoria Street to Avalon Boulevard, southerly on Avalon Boulevard to the boundary of the City of Los Angeles, near Avalon Boulevard and the Atchison, To-

peka, and Santa Fe Railway, as the same existed April 30, 1961; thence east, southwesterly, easterly and southeasterly along said city boundary to a point in the Dominguez Channel; thence southeasterly from said point along the southeasterly extension of said boundary of the City of Los Angeles to a point on said city boundary at Anaheim Street; thence generally southwesterly and southerly on last said city boundary passing to the west of Long Beach Harbor to the boundary of the County of Los Angeles (in the Pacific Ocean); thence generally westerly along said county boundary to the center line of Western Avenue and the southwesterly extension of that portion thereof running northeasterly from Paseo Del Mar (west of Whites Point); thence northeasterly and generally northerly on the center line of Western Avenue and its southwesterly extension to the center line of Palos Verdes Drive North; thence southwesterly on the center line of Palos Verdes Drive North to a point opposite a southeasterly corner of the City of Rolling Hills Estates, said southeasterly corner being approximately 2700 feet northeasterly of Narbonne Avenue; thence in a direct line to said southeasterly corner; thence generally northerly and westerly along said city boundary to the boundary common to the Cities of Torrance and Rolling Hills Estates; thence south, west and northwesterly on said common boundary and the boundary of the City of Torrance, as the same existed April 30, 1961, to the center line of Hawthorne Avenue; thence easterly and northerly on Hawthorne Avenue to the point of beginning, shall constitute the 68th Assembly District.

69. All that portion of the County of Orange bounded and described as follows:

Beginning at the intersection of the center line of Interstate Freeway Route 5 (The Santa Ana Freeway) and the center line of Katella Avenue in the City of Anaheim; thence northwesterly along said Interstate Freeway Route 5 to the center line of West Street; thence along the center lines of the following named streets, to wit: northerly along West Street to LaPalma Avenue, east on LaPalma Avenue to Olive Street, southeasterly on Olive Street to North Street, northeasterly on North Street to East Street, northerly on East Street to LaPalma Avenue, easterly on LaPalma Avenue to the center line of State Highway Route 175 (U.S. 91); thence southeasterly and northeasterly along said State Highway Route 175 to Jefferson Street; thence northerly on Jefferson Street to Orangethorpe Avenue; thence westerly on Orangethorpe Avenue to Linda Vista Street; thence north on Linda Vista Street to Palm Drive; thence northwesterly on Palm Drive to Placentia Avenue; thence southwesterly on Placentia Avenue to Chapman Avenue; thence west on Chapman Avenue to Spadra Road; thence north on Spadra Road to the intersection of Fullerton-Spadra Road and Brea Boulevard; thence northwesterly, north, and northeasterly on Fullerton-Spadra Road and Fullerton Road to the northerly boundary of Orange

County; thence westerly, southerly and generally southwesterly along the Orange County boundary to the intersection of the center line of Katella Avenue near the City of Los Alamitos; thence along the center lines of the following named streets and State highways, to wit: east on Katella Avenue to State Highway Route 170 (Los Alamitos Boulevard), south on State Highway Route 170 to State Highway Route 179 (Garden Grove Boulevard), east on State Highway Route 179 to Knott Street, north on Knott Street to Katella Avenue, east on Katella Avenue to the point of beginning, shall constitute the 69th Assembly District.

70. All that portion of the County of Orange bounded and described as follows:

Beginning at the intersection of the center line of Interstate Freeway Route 5 (the Santa Ana Freeway) and the center line of Katella Avenue in the City of Anaheim; thence southeasterly along the center line of said Interstate Freeway Route 5 to the center line of the Santa Ana River; thence southwesterly along the center line of the Santa Ana River to the center line of 17th Street; thence along the center lines of the following named streets or State highway, to wit: east on 17th Street to English Street, south along English Street to 8th Street, east along 8th Street to Broadway, south along Broadway to Church Street, east along Church Street to Main Street, south along Main Street to Edinger Avenue, east along Edinger Avenue and the easterly prolongation thereof to State Highway Route 43, south and southwesterly along said State Highway Route 43 (Newport Boulevard) to Main Street, north along Main Street to Sunflower Avenue, west along Sunflower Avenue to Bear Street, north along Bear Street to Wakeham Avenue, west along Wakeham Avenue to Fairview Road, south along Fairview Road to Huntzinger Avenue, west along Huntzinger Avenue and the west prolongation thereof to the center line of the Santa Ana River; thence southwesterly along the center line of the Santa Ana River to the shore line of the Pacific Ocean near the southerly end of Huntington Beach State Park; thence meandering in a northwesterly direction along the shoreline of the Pacific Ocean to the Orange County boundary near the San Gabriel River; thence in a northeasterly direction along the Orange County boundary to the center line of Katella Avenue near the City of Los Alamitos; thence along the center lines of the following named streets and state highways, to wit: east on Katella Avenue to State Highway Route 170 (Los Alamitos Boulevard), south on State Highway Route 170 to State Highway Route 179 (Garden Grove Boulevard), east on State Highway Route 179 to Knott Street, north on Knott Street to Katella Avenue, east on Katella Avenue to the point of beginning, shall constitute the 70th Assembly District.

71 All that portion of the County of Orange not included in the 69th and 70th Assembly Districts, as fixed and defined by this section, shall constitute the 71st Assembly District

72. All that portion of the County of San Bernardino within the following described boundaries:

Beginning at the intersection of the north line of Section 30, Township 3 North, Range 7 West, S.B B & M., San Bernardino County, State of California, with the county boundary line between San Bernardino and Los Angeles Counties; thence easterly along section lines to the northeast corner of Section 27 of aforesaid Township 3 North, Range 7 West; thence southerly along section line to the southeast corner of said Section 27; thence easterly along section lines to the northeast corner of the west half of Section 31, Township 3 North, Range 6 West; thence southerly along the east line of the west half of said Section 31 to the southeast corner thereof; thence easterly along the township line between Townships 2 and 3 North to the northeast corner of Section 5, Township 2 North, Range 6 West; thence southerly along section line to the southeast corner of said Section 5; thence easterly along section line to the northeast corner of Section 9, same township and range; thence southerly along section line to the northwest corner of the south half of Section 10, same township and range; thence easterly along the north line of the south half of said Section 10 to the northeast corner thereof; thence southerly along section line to the southeast corner of said Section 10; thence easterly along section line to the northeast corner of the west half of Section 14, same township and range; thence southerly along the east line of the west half of said Section 14 and Section 23, same township and range, to the southeast corner of the west half of said Section 23; thence easterly along section lines to the northeast corner of Section 25, same township and range; thence southerly along the range line between Ranges 5 and 6 West to the northwest corner of Section 31, Township 2 North, Range 5 West; thence easterly along section line to the northeast corner of said Section 31; thence southerly along section line to the northeast corner of Section 6, Township 1 North, Range 5 West; thence southerly along the east line of said Section 6 and along the extension of said line southerly to an intersection with the center line of the main channel of Lytle Creek; thence southeasterly following the center line of the main channel of said Lytle Creek to an intersection with the range line between Ranges 4 and 5 West; thence southerly along said range line to an intersection with the center line of Base Line Street; thence easterly along said Base Line Street to an intersection with the center line of Sterling Avenue; thence southerly along the center line of said Sterling Avenue to an intersection with the center line of the main channel of the Santa Ana River; thence southwesterly along the center line of the main channel of said Santa Ana River to an intersection with the county boundary line between San Bernardino and Riverside Counties; thence westerly, northerly and westerly following said boundary line between San Bernardino County and the Counties of Riverside, Orange and Los Angeles along its

various courses to an intersection with the north line of aforesaid Section 30, Township 3 North, Range 7 West, S.B.B. & M., being the place of beginning, shall constitute the 72d Assembly District.

73. All that portion of the County of San Bernardino not included within the 72d Assembly District, as fixed and defined by this section, shall constitute the 73d Assembly District.

74. The County of Riverside shall constitute the 74th Assembly District.

75. The County of Imperial shall constitute the 75th Assembly District.

76. That portion of the County of San Diego bounded and described as follows:

Beginning at the intersection of the easterly prolongation of Loring Street in Pacific Beach with the centerline of State Highway Route 2 (Interstate Route 5, U.S. 101); thence in a generally northerly direction along said State Highway to the center line of the access road leading to the railway station at Elvira; thence northeasterly along the center line of said access road to the center line of the Atchison, Topeka, and Santa Fe Railway; thence northeasterly along the center line of said railway, passing through Rose Canyon, to the intersection with the center line of Miramar Road near Linda Vista; thence northeasterly and easterly along the center line of Miramar Road to the west line of Section 8, Township 15 South, Range 2 West, S. B. B. & M.; thence north along said west line of section 8 to the northwest corner of said section 8; thence east along the north line of said section 8 to the center line of State Highway Route 77 (U.S. 395); thence north along the center line of last said State Highway to the center line of Pomerado Road; thence northeasterly along the center line of Pomerado Road to the township line between Townships 14 South and 15 South, S. B. B. & M.; thence east along said township line and the easterly prolongation thereof to the east line of Section 6, Township 15 South, Range 2 East, S. B. B. & M.; thence south along said east line of section 6 and continuing south along the east line of Sections 7, 18, 19, 30, and 31 of Township 15 South, Range 2 East, S. B. B. & M., and continuing south along the east line of Section 6, Township 16 South, Range 2 East, S. B. B. & M, to the center line of Dehesa Road; thence southwesterly along the center line of Dehesa Road to its intersection with the east-west ¼ section line through Section 12, Township 16 South, Range 1 East, S. B. B. & M.; thence west along said east-west ¼ section line and continuing west along the east-west ¼ section line through Sections 11, 10, 9, and 8 to the center line of Greenfield Drive; thence northwesterly along the center line of Greenfield Drive to the southerly boundary of the City of El Cajon south of the Immaculate Heart Seminary; thence in a generally westerly and southwesterly direction along said boundary of the City of El Cajon, as the same existed February 1, 1961, through its several courses to Hardin Drive; thence westerly

on Hardin Drive and its extension to the easterly extension of Shadow Road. Thence westerly along Shadow Road to the center line of State Highway Route 12 (Interstate Route 8, U.S. 80); thence westerly and southwesterly along said State Highway center line to the center line of El Cajon Boulevard near Spring Street; thence southwesterly along the center line of El Cajon Boulevard to the westerly boundary of the City of La Mesa near Keeney Street; thence generally northwesterly along said city boundary to a point at its intersection with the southerly prolongation of Pennsylvania Avenue; thence north along the center line of Pennsylvania Avenue and its northerly and southerly prolongations to the drainage channel at the outlet of Murray Reservoir; thence northeasterly along said drainage channel to the Murray Reservoir Dam; thence northwesterly along said dam to the westerly shoreline of said reservoir; thence northerly along said shoreline to its intersection with a direct line between the northwest corner of Section 18, Township 16 South, Range 1 W., S. B. B. & M., and the intersection of the center lines of Rainier Avenue and Mission Gorge Road in Grantville; thence westerly along said direct line to its intersection with the center line of Waring Road; thence southwesterly along the center line of Waring Road to the center line of State Highway Route 12 (Interstate 8, U S. 80); thence southwesterly along said State Highway to the center line of Texas Street; thence northerly along the center line of Texas Street to the middle of the San Diego River; thence southwesterly along the middle of the San Diego River to the intersection with the northeasterly prolongation of the center line of Cosoy Way; thence along the center lines of the following named streets, to wit: southwesterly along Cosoy Way and its northeasterly and southeasterly prolongations to Harney Street near Harney Crescent Drive, southwesterly along Harney Street to San Diego Avenue, southeasterly along San Diego Avenue to Conde Street, southwesterly along Conde Street and the southwesterly prolongation thereof to the Pacific Highway, southeasterly along the Pacific Highway to Enterprise Street, southwesterly along Enterprise Street to Midway Drive, northwesterly along Midway Drive and Ingram Street to the northerly shoreline of Mission Bay near Crown Point; thence generally northerly and easterly along said shoreline of Mission Bay to the westerly extension of Gesner Street; thence easterly along the westerly extension of Gesner Street to the center line of State Highway Route 2; thence northwesterly along the center line of said State Highway Route 2 to the point of beginning, shall constitute the 76th Assembly District.

77. All that portion of the County of San Diego bounded and described as follows:

Beginning at the point of intersection of the center line of Eberhart Street and the westerly boundary of the City of La Mesa near 69th Street; thence south along said westerly boundary of the City of La Mesa and the southerly extension thereof

to the center line of State Highway Route 200 near Broadway; thence southeasterly along the center line of said State Highway Route 200 to the northerly prolongation of the center line of 69th Street; thence south along the center line of 69th Street and its northerly and southerly prolongations to the center line of Lisbon Street and the westerly prolongation thereof; thence east and northeasterly along the center lines of said westerly prolongation, Lisbon Street and Jamacha Road to the easterly boundary of the City of San Diego east of Cardiff Street; thence south, east, southeasterly and southwesterly along the various courses of said city boundary as the same existed February 1, 1961, to the center line of Paradise Valley Road; thence southwesterly along the center line of last said road to the boundary of the City of San Diego near the northerly prolongation of Guadalcanal Road; thence in a westerly direction through the various courses of said city boundary and the westerly extension thereof (portions of which coincide with the northerly boundary of the City of National City) to the middle of the San Diego Bay; thence southeasterly along the middle of the San Diego Bay to the intersection of the southerly boundary of the City of Coronado north of the City of Imperial Beach; thence southwesterly along said city boundary to the shoreline of the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to the southwest corner of the County of San Diego; thence easterly along the southerly boundary of said county to its intersection with the east line of Section 28, Township 18 South, Range 3 East, S. B. B. & M.; thence north along said east line of section 28 and continuing north along the east line of Section 21 of said township and range to the intersection of the center line of State Highway Route 200 (SSR 94) about 2 miles east of Barrett Junction; thence in a generally northwesterly direction passing near Barrett Junction, Engineer Springs, Jamul and Spring Valley to the intersection of the center line of Palm Avenue; thence northwesterly along the center line of Palm Avenue to the center line of La Mesa Boulevard; thence generally northeasterly along the center line of La Mesa Boulevard to the center line of El Cajon Boulevard; thence generally southwesterly along the center line of El Cajon Boulevard to a point on the boundary of the City of La Mesa near Keeney Street; thence west, south, west, south and west along said boundary of the City of La Mesa to the point of beginning, shall constitute the 77th Assembly District.

78. That portion of the County of San Diego bounded and described as follows:

Beginning at the point of intersection of the shoreline of the Pacific Ocean with the westerly extension of the center line of Beryl Street in Pacific Beach; thence southerly, easterly and southerly along the shoreline of the Pacific Ocean to the southerly boundary of the City of Coronado, north of the City of Imperial Beach; thence northwesterly along said city boundary to the middle of the San Diego Bay near the

Otay River; thence northerly and northwesterly along the middle of the San Diego Bay, passing between Coronado and the mainland, to the westerly extension of the center line of Ash Street; thence easterly along the center line of Ash Street and its westerly and easterly extensions to the center line of Park Boulevard; thence northeasterly and northerly along the center line of Park Boulevard to the center line of El Cajon Boulevard; thence east and northeasterly along the center line of El Cajon Boulevard to the center line of Amherst Street; thence along the center lines of the following named streets, to wit: southeasterly along Amherst Street to 67th Street, northerly on 67th Street to Amherst Street, east on Amherst Street to 68th Street, south on 68th Street to Eberhart Street, east on Eberhart Street to a point on the westerly boundary of the City of La Mesa near 69th Street; thence continuing east, north, east, north, and again easterly along said city boundary to a point on the city boundary near El Cajon Boulevard and Keeney Street; thence generally northwesterly along said city boundary to a point at its intersection with the southerly prolongation of Pennsylvania Avenue; thence north along the center line of Pennsylvania Avenue and its northerly and southerly prolongations to the drainage channel at the outlet of Murray Reservoir; thence northeasterly along said drainage channel to the Murray Reservoir Dam; thence northwesterly along said dam to the westerly shoreline of said reservoir; thence northerly along said shoreline to its intersection with a direct line between the northwest corner of Section 18, Township 16 South, Range 1 West, S. B. B. & M., and the intersection of the center lines of Rainier Avenue and Mission Gorge Road in Grantville; thence westerly along said direct line to its intersection with the center line of Waring Road; thence southwesterly along the center line of Waring Road to the center line of State Highway Route 12 (Interstate Route 8, U.S. 80); thence southwesterly along said State highway to the center line of Texas Street; thence northerly along the center line of Texas Street to the middle of the San Diego River; thence southwesterly along the middle of the San Diego River to the intersection with the northeasterly prolongation of the center line of Cosoy Way; thence along the center lines of the following named streets, to wit: southwesterly along Cosoy Way and its northeasterly and southeasterly prolongations to Harney Street near Harney Crescent Drive, southwesterly along Harney Street to San Diego Avenue, southeasterly along San Diego Avenue to Conde Street, southwesterly along Conde Street and the southwesterly prolongation thereof to the Pacific Highway, southeasterly along the Pacific Highway to Enterprise Street, southwesterly along Enterprise Street to Midway Drive, northwesterly along Midway Drive and Ingram Street to the northerly shoreline of Mission Bay near Crown Point; thence generally northerly and easterly along said shoreline of Mission Bay to the westerly extension of Gesner Street; thence easterly

along the westerly extension of Gesner Street to the center line of State Highway Route 2; thence northwesterly along the center line of said State Highway Route 2 to the Intersection with the easterly prolongation of the center line of Loring Street in Pacific Beach; thence westerly along the center line of Loring Street and its easterly and westerly prolongations to a point north of the intersection of the center lines of Beryl Street and Academy Drive; thence south to said intersection of the center lines of Beryl Street and Academy Drive; thence westerly along Beryl Street and its westerly extension to the point of beginning; including North Island, Coronado and the Peninsula of San Diego; shall constitute the 78th Assembly District.

79. That portion of the County of San Diego bounded and described as follows:

Beginning at the point of intersection of the westerly extension of the boundary common to the Cities of National City and San Diego with the line along the middle of the San Diego Bay; thence northwesterly along the middle of San Diego Bay, passing between Coronado and the Mainland, to the westerly extension of the center line of Ash Street; thence easterly along the center line of Ash Street and its westerly and easterly extensions to the center line of Park Boulevard; thence northeasterly and northerly along the center line of Park Boulevard to the center line of El Cajon Boulevard; thence east and northeasterly along the center line of El Cajon Boulevard to the center line of Amherst Street; thence along the center lines of the following named streets, to wit: southeasterly along Amherst Street to 67th Street, northerly on 67th Street to Amherst Street, east on Amherst Street to 68th Street, south on 68th Street to Eberhart Street, east on Eberhart Street to a point on the westerly boundary of the City of La Mesa near 69th Street; thence south along said westerly boundary of the City of La Mesa and the southerly extension thereof to the center line of State Highway Route 200 near Broadway; thence southeasterly along the center line of said State Highway Route 200 to the northerly prolongation of the center line of 69th Street; thence south along the center line of 69th Street and its northerly and southerly prolongations to the center line of Lisbon Street and the westerly prolongation thereof; thence east and northeasterly along the center lines of said westerly prolongation, Lisbon Street and Jamacha Road to the easterly boundary of the City of San Diego east of Cardiff Street; thence south, east, southeasterly and southwesterly along the various courses of said city boundary as the same existed February 1, 1961, to the center line of Paradise Valley Road; thence southwesterly along the center line of last said road to the boundary of the City of San Diego near the northerly prolongation of Guadalcanal Road; thence in a westerly direction through various courses of said city boundary and the westerly extension thereof (portions of which coincide with the northerly

boundary of the City of National City) to the point of beginning, shall constitute the 79th Assembly District.

80. All that portion of the County of San Diego not included in the 76th, 77th, 78th, and 79th Assembly Districts, as fixed and defined by this section, shall constitute the 80th Assembly District.

(Added by Stats. 1961, Ch. 1233.)

CHAPTER 24

An act to amend Sections 31004 and 31005 of the Vehicle Code, relating to binder requirements for loads of hay.

[Approved by Governor March 16, 1961 Filed with Secretary of State March 17, 1961]

In effect September 15, 1961

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

SECTION 1. Section 31004 of the Vehicle Code is amended to read:

Binders

31004. Loads of baled hay shall be secured to the vehicle by not less than two binders which shall extend across the load and be securely attached to the vehicle bed at the front and rear ends near each corner.

SEC. 2. Section 31005 of said code is amended to read:

Ratchets

31005. (a) When ratchets are employed as binder tighteners on loads of baled hay, at least two longitudinal binders shall be crossed at the approximate top center of the load to attach from left front to right rear and right front to left rear of the vehicle bed.

(b) When ratchets are not employed as binder tighteners on loads of baled hay, the binders shall extend longitudinally over the load, or one binder shall extend over the front of the load and be anchored near each corner on the front and one binder shall extend over the rear of the load and be anchored near each corner on the rear. The binders shall be tightened by drawing the binders together at the approximate top load center using pulleys, double blocks, fence stretcher, or equally effective mechanical means, all of which shall have a breaking strength at least equal to that of the binder. If a shortening knot is used in the front or rear binder, the binder shall be at least one-inch diameter manila rope.

CHAPTER 25

An act to amend Section 29330 of the Government Code, relating to the establishment of increases in revolving funds by the board of supervisors.

[Approved by Governor March 16, 1961 Filed with Secretary of State March 17, 1961]

In effect September 15, 1961

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

SECTION 1. Section 29330 of the Government Code is amended to read:

29330. The board may at any time increase, reduce or discontinue any revolving fund established by its order. If the revolving fund is ordered reduced, the officer using it shall immediately return to the county treasurer the amount necessary to reduce the fund as ordered by the board. If the fund is discontinued, the officer shall immediately refund it to the county treasurer. A reasonable time shall be allowed the officer to reimburse himself by demand on the county for expenditures legally made from the fund. If the revolving fund is ordered increased, the officer entrusted with the fund shall comply with the provisions of this article relative to the amount of the fund as increased by the board.

CHAPTER 26

An act to add Section 558 to, and to amend Section 27459 of, the Vehicle Code, relating to snow-tread tires.

In effect September 15, 1961

[Approved by Governor March 16, 1961. Filed with Secretary of State March 17, 1961.]

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

SECTION 1. Section 558 is added to the Vehicle Code, to read:

Snow-tread tire

558. A "snow-tread tire" is a tire which has a relatively deep and aggressive tread pattern compared with conventional passenger tread pattern.

SEC. 2. Section 27459 of said code is amended to read:

27459. In any case where a passenger vehicle may be required by the Department of Public Works to be equipped with tire chains the department may provide, in the alternative, that the vehicle may be equipped with snow-tread tires on at least two drive wheels except that such tires shall not be used on icy surfaces, and except that such tires shall not be used in any event unless the weather and surface conditions at the time are such that the stopping, tractive and cornering abilities of the tires are adequate. The snow-tread tires shall be of a type and design manufactured for use on ice and snow as a replacement for tire chains and shall be in good condition.

CHAPTER 27

An act to amend Section 1744.1 of the Code of Civil Procedure, relating to children's courts of conciliation.

In effect September 15, 1961

[Approved by Governor March 16, 1961. Filed with Secretary of State March 17, 1961.]

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

SECTION 1. Section 1744.1 of the Code of Civil Procedure is amended to read:

1744.1. In each county having a population of 100,000 or less, as determined by the 1960 federal census, the superior court may appoint, with the consent and approval of the board of supervisors, the following persons to assist the conciliation court in disposing of its business and carrying out its functions:

(a) One counselor of conciliation who shall have the power to:

(1) Hold conciliation conferences with parties to, and hearings in, proceedings under this chapter, and make recommendations concerning such proceedings to the judge of the conciliation court.

(2) Provide such supervision in connection with the exercise of its jurisdiction as the judge of the conciliation court may direct.

(3) Cause such reports to be made, such statistics to be compiled and such records to be kept as the judge of the conciliation court may direct.

(4) Hold such hearings in all conciliation court cases as may be required by the judge of the conciliation court, and make all investigations as may be required by the court, and in general perform all such duties as may be required by the court to carry out the intent of this chapter.

(b) One assistant commissioner of conciliation.

(c) One secretary.

(d) Such office assistants as may be required to properly handle the clerical work of the court.

The salaries of persons appointed under this section shall be fixed by the board of supervisors of the county. All persons appointed under this section may be dismissed for any reason by a majority vote of the judges of the superior court of the county.

The superior court or board of supervisors may, at any time, abolish any or all positions created pursuant to this section.

CHAPTER 28

An act to amend Sections 25102, 29705 and 29747 of the Government Code, relating to claims against a county.

[Approved by Governor March 16, 1961 Filed with Secretary of State March 17, 1961]

In effect September 15, 1961

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

SECTION 1. Section 25102 of the Government Code is amended to read:

Books

25102. The board shall cause to be kept:

(a) Its minute book.

(b) An ordinance book.

(c) An "allowance book" in which shall be recorded all orders for the allowance of money from the county treasury,

to whom made, and on what account. The orders shall be dated, numbered, and indexed through each year. In any county using certified duplicate lists of claims allowed, one list is the "allowance book" within the meaning of this section. If the auditor in any county maintains an index of claims allowed, the index required by this section may be dispensed with. In lieu of recording in the allowance book, claims or duplicates thereof may be filed with the clerk of the board, who shall make an alphabetical index of the claims filed. In any county, the board of supervisors by resolution may dispense with the allowance book, in which event the warrant book filed with the county auditor shall serve in place of both the allowance book and the warrant book.

(d) A "warrant book" to be kept by the county auditor, in which shall be entered, in the order of drawing, all warrants drawn on the treasury, with their number and reference to the order on the minute book, with the date, amount, on what account, and name of payee. In any county using a list of claims allowed for an allowance book, the list filed in the office of the auditor is the warrant book within the meaning of this section.

SEC. 2. Section 29705 of the Government Code is amended to read:

Adoption of forms

29705. The board may adopt forms for the submission and payment of claims and may prescribe and adopt warrant forms separate from claim forms, to the end that the approved claims may be retained in the auditor's office as vouchers supporting the warrants issued. The forms so adopted may not be inconsistent with the provisions of this article or of any other statutes or regulations expressly governing any such claims or the presentation thereof, and shall provide:

(a) For the approval of the officer directing the expenditure. In counties having a system under which expenditures may be initiated by requisition, the approval may be omitted from claims initiated by requisition.

(b) For the approval of the purchasing agent or other officers issuing the purchase order under which the charge was incurred, or having charge of contracts or schedules of salaries under which the claim arose.

(c) For the approval of at least one member of the board. In lieu of the supervisor's approval on each claim there may be substituted duplicate lists of claims allowed, showing, as to each claim, the name of the claimant, the amount allowed, and the date of allowance. The lists shall be certified to the board by the clerk of the board or other competent officer or employee designated by it for the purpose, as being a true list of claims properly and regularly coming before the board. Upon allowance of claims each of the lists, after amendment if necessary, shall be certified to as having been allowed by the board, the date allowed, and that such lists are correct by one member of the board or by the clerk of the board and filed, one in the office of the clerk of the board and one in the office

of the auditor. When filed the lists constitute respectively the "allowance book" and the "warrant book." If the allowance book is dispensed with by the board of supervisors under the authority of Section 25102, a single list of claims may be substituted in lieu of a supervisor's approval on each claim, which list shall be processed and certified as required for duplicate lists and shall be filed in the office of the county auditor as the warrant book.

(d) For the certificate of the clerk of the board as to the date and amount of allowance of the claim by the board. If the duplicate lists of claims allowed are filed, the certificate may be omitted, but in its stead there shall appear on each claim a reference by date, number, or otherwise to the list on which the claim appears listed as allowed.

(e) For the certificate of the clerk of the board or of the auditor as to the correctness of the computations.

(f) For the auditor's approval.

SEC. 3. Section 29747 of the Government Code is amended to read:

29747. The auditor shall prepare duplicate lists of all claims he allows, showing as to each claim: date allowed, warrant number, name of claimant, and amount allowed. He shall certify that the lists are correct, file one copy in the office of the board and preserve the other or a photographic copy thereof in his own office. As to such claims the lists constitute, respectively, the allowance book and the warrant book. If the allowance book is dispensed with by the board of supervisors pursuant to Section 25102, the auditor shall prepare only a single list of all claims he allows, in the form and according to the procedure required for duplicate lists, and shall file the list in his office as the warrant book.

Lists of claims allowed

CHAPTER 29

An act to amend Section 12210 of the Business and Professions Code, relating to the duties of county sealers of weights and measures.

[Approved by Governor March 23, 1961. Filed with Secretary of State March 23, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 12210 of the Business and Professions Code is amended to read:

12210. (a) Each sealer shall, within his county inspect, try and test all weights, scales, beams, measures of any kind, instruments or mechanical devices for weighing or measurements, and tools, appliances and accessories connected with any or all such instruments or measures, sold, or used by any proprietor, agent, lessee or employee in proving the size, quantity, extent,

area, weight or measurement of quantities, things, produce, articles for distribution or consumption, purchased or offered or submitted by such person or persons for sale, hire or reward and ascertain if the same are correct.

(b) Each sealer shall, when so directed by the board of supervisors of his county, and only upon the written request of any person, firm or corporation, calibrate, test, weigh, and measure, and certify to the accuracy of, noncommercial weights and measures and weighing and measuring devices, and instruments, tools, and accessories connected therewith, used in determining the length, volume, area, mass, and weight of machines, machine parts, engines, tools, and instruments, and accessories thereof, manufactured. constructed, assembled, or used by said person, firm or corporation within the county. The board of supervisors may authorize the sealer to establish from time to time a schedule of fees to cover the cost of such service and to charge and collect the fees.

CHAPTER 30

An act to add Section 3002 to, and to amend Sections 3285, 3351, and 3355 of, the Health and Safety Code, relating to communicable diseases.

In effect September 15, 1961

[Approved by Governor March 23, 1961 Filed with Secretary of State March 23, 1961]

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

SECTION 1. Section 3002 is added to the Health and Safety Code, to read:

Service or notice

3002. Whenever in this division, service or notice of any order or demand is provided for, it shall be sufficient to do so by registered or certified mail if a receipt therefor signed by the person to be served or notified is obtained. The receipt shall be prima facie evidence of such service or notice in any civil or criminal action.

SEC. 2. Section 3285 of said code is amended to read:

Health officer

3285. Each health officer is hereby directed to use every available means to ascertain the existence of, and immediately to investigate, all reported or suspected cases of tuberculosis in the infectious stages within his jurisdiction and to ascertain the sources of such infections. In carrying out such investigations, each health officer is hereby invested with full powers of inspection, examination and quarantine or isolation of all persons known to be infected with tuberculosis in an infectious stage and is hereby directed:

(a) To make such examinations as are deemed necessary of persons reasonably suspected of having tuberculosis in an infectious stage and to isolate or isolate and quarantine such persons, whenever deemed necessary for the protection of the public health.

(b) Follow local rules and regulations regarding examinations, quarantine, or isolation, and all general and special rules, regulations, and orders of the state department in carrying out such examination, quarantine or isolation.

(c) Whenever the health officer shall determine on reasonable grounds that an examination of any person is necessary for the preservation and protection of the public health, he shall make an examination order in writing, setting forth the name of the person to be examined, the time and place of the examination, and such other terms and conditions as may be necessary to protect the public health. Nothing contained in this subdivision shall be construed to prevent any person whom the health officer determines should have an examination for infectious tuberculosis from having such an examination made by a physician of his own choice who is licensed to practice medicine under the provisions of Chapter 5 (commencing with Section 2000), Division 2 of the Business and Professions Code under such terms and conditions as the health officer shall determine on reasonable grounds to be necessary to protect the public health.

(d) Whenever the health officer shall determine that quarantine or isolation in a particular case is necessary for the preservation and protection of the public health, he shall make an isolation or quarantine order in writing, setting forth the name of the person to be isolated, the period of time during which the order shall remain effective, the place of isolation or quarantine, and such other terms and conditions as may be necessary to protect the public health.

(e) Upon the making of an examination, isolation, or quarantine order as provided in this section, a copy of such order shall be served upon the person named in such order.

(f) Upon the receipt of information that any examination, quarantine, or isolation order, made and served as herein provided, has been violated, the health officer shall advise the district attorney of the county in which such violation has occurred, in writing, and shall submit to such district attorney the information in his possession relating to the subject matter of such examination, isolation, or quarantine order, and of such violation or violations thereof.

SEC. 3. Section 3351 of said code is amended to read:

Violation of order Misdemeanor, confinement, etc

3351. Any person who, after service upon him of an order of a health officer directing his isolation or examination as provided in Section 3285, violates or fails to comply with the same or any provision thereof, is guilty of a misdemeanor, and, upon conviction thereof, in addition to any and all other penalties which may be imposed by law upon such conviction, may be ordered by the court confined until such order of such health officer shall have been fully complied with or terminated by such health officer, but not exceeding six months from the date of passing judgment upon such conviction; further provided, that the court, upon suitable assurances that such order of such health officer will be complied with, may place

any person convicted of a violation of such order of such health officer upon probation for a period not to exceed two years, upon condition that the said order of said health officer be fully complied with; and provided further, that upon any subsequent violation of such order of such health officer, such probation shall be terminated and confinement as herein provided ordered by the court

SEC. 4. Section 3355 of said code is amended to read:

Prosecution by district attorney

3355. The district attorney of the county in which a violation of Sections 3285 and 3351 may be committed, shall prosecute all such violations and, upon the request of a health officer, shall prosecute, as provided in Section 3351, violations of any isolation or examination order of a health officer made and served as provided in Section 3285 or Section 3002 or Section 3002.

CHAPTER 31

An act to amend Section 2512 of, and to add Section 2513 to, the Revenue and Taxation Code, relating to property taxes.

In effect September 15, 1961

[Approved by Governor March 23, 1961 Filed with Secretary of State March 23, 1961]

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

SECTION 1. Section 2512 of the Revenue and Taxation Code is amended to read:

Remittance, when deemed received

2512. If a remittance to cover a payment required by law to be made to a taxing agency on or before a specified date is sent through the United States mail, properly addressed with postage prepaid, it shall be deemed received on the date shown by the post office cancellation mark stamped upon the envelope containing the remittance or on the date it was mailed if proof satisfactory to the agency establishes that the mailing occurred on an earlier date.

If a remittance to cover a payment required by law to be made to the agency on or before a specified time on a specified date is sent through the United States mail, properly addressed with postage prepaid, and the cancellation mark is placed on the envelope after it is deposited in the mail:

(a) Where the cancellation mark shows both date and time, the remittance shall be deemed received on the date shown by the cancellation mark and by the time specified by law for that date.

(b) Where the cancellation mark shows only the date, the remittance shall be deemed received within the time and date specified when the cancellation mark bears a date on or before which payment is required.

The taxing agency need not accept such a payment if it is received more than 30 days after the date and time set by law for the payment.

SEC. 2. Section 2513 is added to said code, to read:

Application, tax statement or claim for credit, when deemed filed

2513. If an application, tax statement or claim for credit or refund required by law to be filed with a taxing agency on or before a specified date is filed with the agency through the United States mail, properly addressed with postage prepaid, it shall be deemed filed on the date shown by the post office cancellation mark stamped on the envelope containing it, or on the date it was mailed if proof satisfactory to the agency establishes that the mailing occurred on an earlier date.

If an application, tax statement or claim for credit or refund required by law to be filed with the agency on or before a specified time on a specified date is sent through the United States mail, properly addressed with postage prepaid, and the cancellation mark is placed on the envelope after it is deposited in the mail:

(a) Where the cancellation mark shows both date and time, the application, tax statement or claim for credit or refund shall be deemed filed on the date shown by the cancellation mark and by the time specified by law for that date.

(b) Where the cancellation mark shows only the date, the application, tax statement or claim for credit or refund shall be deemed filed within the time and date specified when the cancellation mark bears a date on or before the specified date of filing.

CHAPTER 32

An act to amend Section 24102 of the Health and Safety Code, relating to swimming pools.

[Approved by Governor March 23, 1961. Filed with Secretary of State March 23, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 24102 of the Health and Safety Code is amended to read:

24102. The state department shall make and enforce such rules and regulations pertaining to public swimming pools as it deems proper; provided, that no rule or regulation as to design or construction of pools shall apply to any pool which has been constructed before the adoption of such rule or regulation, if such pool as constructed is reasonably safe and the manner of such construction does not preclude compliance with the requirements of such rules and regulations as to bacteriological and chemical quality and clarity of the water in such pool.

CHAPTER 33

An act to amend Section 16 of the Yuba County Water Agency Act (Chapter 788 of the Statutes of 1959), relating to revenue bonds issued by the Yuba County Water Agency, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 24, 1961. Filed with Secretary of State March 24, 1961.]

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

SECTION 1. Section 16 of the Yuba County Water Agency Act (Chapter 788 of the Statutes of 1959) is amended to read:

Sec. 16. If the board by resolution determines that a bonded indebtedness to pay for the acquisition or construction of any works for any purposes of the agency or for refunding any outstanding bonds should be incurred and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the agency is authorized and shall have the power to define such works as an "enterprise" and to issue revenue bonds all in the manner and as provided in the Revenue Bond Law of 1941 as amended, and for such purpose the agency shall be considered a "local agency," as defined by Section 54307 of the Government Code; provided, however, that notwithstanding the provisions of Section 54310 of the Government Code, the board shall have the power, subject to the limitations of Section 4.1 hereof, to borrow money and issue revenue bonds for, and to define "enterprise" to include systems, plants, works or undertakings for the generation, production, transmission and sale of hydroelectric energy as authorized in this act; and provided, further, that notwithstanding the provisions of Section 54400 of the Government Code, the board may determine and provide, in any resolution for the issuance of revenue bonds, for maturity dates of the revenue bonds not exceeding 50 years from their date of issuance.

Urgency

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

The Yuba County Water Agency has completed a feasibility report on the development of the Yuba River and has received the recommendation from its Advisory Council to proceed to hold the bond election for this development at the earliest possible date. Unless this act takes effect immediately, the urgently needed development of water resources on the Yuba River will be substantially delayed.

CHAPTER 34

An act to add Article 6 (commencing with Section 1251) to Chapter 1, Division 6 of the Military and Veterans Code, relating to annexation of territory to veterans' memorial districts.

[Approved by Governor March 27, 1961. Filed with Secretary of State March 27, 1961.]

In effect September 15, 1961

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

SECTION 1. Article 6 (commencing with Section 1251) is added to Chapter 1, Division 6 of the Military and Veterans Code, to read:

Article 6 Annexation

District boundaries

1251. The boundaries of any district organized or existing under this chapter may be altered and new territory annexed to, and incorporated within, it pursuant to this article.

1252. To qualify for annexation, new territory shall be contiguous to the existing district.

Proceedings

1253. Proceedings may be commenced for the annexation of territory to an existing district by petition filed with the county clerk and signed by registered voters residing within the territory to be annexed equal in number to at least eight percent of the number of votes cast in the territory proposed to be annexed for the office of Governor at the last general election at which a Governor was elected. If both incorporated and unincorporated territory are included within the new territory, the petition shall be signed by registered voters equal in number in each territory to at least eight percent of the votes so cast therein for Governor.

Petition

1254. The petition shall be addressed to the board of supervisors of the county within which the district is situated, shall be signed by the number of qualified registered voters specified in Section 1253, and shall propose and set forth:

(a) The annexation of new territory under this article.

(b) The calling by the board of supervisors of a meeting to conduct a hearing upon the question whether the new territory should be annexed.

(c) An accurate description of the boundaries of the new territory specifying what portion of the territory is incorporated and what portion unincorporated.

Hearing on petition

1255. Within 10 days after the filing of such petition the county clerk shall find and certify whether the petition is signed by the requisite number of qualified registered electors of the territory proposed to be annexed and of the incorporated and unincorporated portions thereof and shall present the petition with the certificate of his findings attached thereto to the board of supervisors at its first regular meeting held 10 days from the date of filing of the petition. At such regular meeting the board shall ascertain whether the petition in all

respects complies with the requirements therefor, except that the certificate shall be conclusive evidence of the sufficiency of the signatures to the petition. If the board finds that the petition complies with such requirements, it shall at the same regular meeting fix a time and place for the hearing of the petition not less than 20 days nor more than 40 days after the date of such meeting, and shall direct the clerk of the board to publish a notice once a week for three successive weeks in a newspaper circulated in the territory which is proposed to be annexed, and which the board deems most likely to give notice to the inhabitants of the territory.

Notice of hearing

1256. The notice required in Section 1255 shall state the fact that the board has fixed the time and place, which shall be stated in the notice, for a hearing on the matter of the annexation of territory to the memorial district. The notice shall describe the territory or shall specify the exterior boundaries of the territory proposed to be annexed to the district.

Resolution to annex, written objections

1257. If, at the close of the hearing, the board of supervisors determines to annex the territory, or any portion thereof, it shall so declare by resolution. The annexation shall be effective upon the date of the adoption of the resolution unless one percent or more of the voters living within the territory to be annexed have at or prior to hearing filed written objections to the annexation. If written objections to the proposed annexation are made by the number of voters specified in this section, the annexation shall not be effective until it is approved by a majority vote of the voters of the territory proposed to be annexed. The election shall be conducted substantially as provided in Sections 1179, 1180, and 1181.

Declaration of result

1258 The declaration of the result and recordation of the statement of the election shall be carried out substantially pursuant to Sections 1182 and 1183 of this chapter except that the words "formation of the district" shall be replaced in each instance by the words "annexation of the new territory."

1259. Territory forming a part of any existing district at the time of presentation of a petition for annexation, shall not be annexed pursuant to this article.

CHAPTER 35

An act to amend Section 2160.9 of the Welfare and Institutions Code, relating to the computation of old age security grants.

In effect September 15, 1961

[Approved by Governor March 27, 1961. Filed with Secretary of State March 27, 1961.]

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

SECTION 1. Section 2160.9 of the Welfare and Institutions Code is amended to read:

2160.9. Notwithstanding any other provision of this chapter, free board, lodging and other items of need furnished free to a recipient of aid under this chapter shall constitute income to the recipient in computing the grant of assistance provided for in this chapter. However, such free items shall not be evaluated at an amount higher than specified for such items in the assistance standard established by the State Social Welfare Board. If a recipient pays less for an item of need than the amount specified in the basic budget formulated by the State Social Welfare Board, the difference shall not be considered deductible income unless it is established that the difference is in fact a regular contribution toward the support of the recipient. For the purpose of this section, casual income or the value of inconsequential assistance furnished without charge to the recipient by another shall not be deducted from his grant. This section shall not apply to medical services provided pursuant to Chapter 1 of Part 3 of Division 5 of this code.

CHAPTER 36

An act to amend Section 68 of the Agricultural Code, relating to county livestock inspectors.

[Approved by Governor March 27, 1961. Filed with Secretary of State March 27, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 68 of the Agricultural Code is amended to read:

68. A livestock inspector may be appointed by the board of supervisors whenever the public welfare demands the services of such inspector. Such inspector shall serve at the pleasure of the appointive power and shall receive a salary fixed by the board of supervisors of the county, payable at the same time, in the same manner, and from the same fund as other county officers are paid. Such inspector shall act under the supervision of the director and shall enforce throughout the county all the provisions of this code relating to the health and sanitary surroundings of livestock, poultry and rabbits and within unincorporated territory all orders and ordinances of the board of supervisors relating to such subjects. He may establish such quarantine, sanitary, and other regulations within his jurisdiction as he deems necessary. He shall attend such meetings as shall be deemed necessary and advisable by the board of supervisors.

CHAPTER 37

An act to amend Section 13606 of the Government Code, relating to the compiling and publication of the State Blue Book, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 27, 1961. Filed with Secretary of State March 27, 1961.]

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

SECTION 1. Section 13606 of the Government Code is amended to read:

Blue Book

13606. In the year 1961, in the year 1963 and in every fourth year thereafter the State Printing Office shall, with the approval of the department, compile or cause to be compiled, published and distributed a State Blue Book.

The Blue Books shall be compiled following the adjournment of the session of the Legislature in the year for which the Blue Book is to be compiled and published and material therein pertaining to the Legislature shall be compiled under the direction of the Secretary of the Senate and the Chief Clerk of the Assembly as pertaining to their respective houses. The Blue Book compiled and published in 1961 shall be an abridged book and shall contain only such material as the Joint Committee on Legislative Organization finds to be appropriate for an abridged book.

The cost of such compilation, publication and distribution shall be paid from any appropriation made for that purpose.

Urgency

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

The State Blue Book gives in detail the organization and functions of the state government and a summary of the resources and facilities of the State. It is an important reference work, giving not only a record of the State's progress to date, but providing a basis of information and data upon which to plan for continued advancement. This act provides for the continued periodic compilation, publication and distribution of the Blue Book, beginning with the year 1961. In order that the persons involved in compiling the Blue Book may acquire, assemble and verify the vast amounts of necessary data and information required for the Blue Book in time for its publication in 1961, it is necessary that work be authorized and started immediately to compile and publish the Blue Book. Therefore, it is necessary that this act take effect immediately.

CHAPTER 38

An act to add Article 1.5 (commencing with Section 1266) to Chapter 5 of Part 1 of Division 1 of, and to repeal Chapter 4 (commencing with Section 3901) of Part 3 of Division 1 of, the Unemployment Insurance Code, relating to unemployment compensation.

[Approved by Governor March 28, 1961. Filed with Secretary of State March 28, 1961.]

In effect September 15, 1961

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

SECTION 1. Article 1.5 (commencing with Section 1266) is added to Chapter 5 of Part 1 of Division 1 of the Unemployment Insurance Code, to read:

Article 1.5. Retraining Benefits

Policy

1266. Experience has shown that the ability of a large number of the population of California to compete for jobs in the labor market is impaired by advancement in technological improvements and the widespread effects of automation and relocation in our economy. It is the policy of this State to assist such individuals by providing unemployment compensation or extended duration benefits during a period of retraining to fit them for new jobs and thus avoid their being forced to remain in a job classification where work opportunities no longer exist or are diminishing.

Eligibility while retraining

1267. Notwithstanding any other provision of this division, an unemployed individual otherwise eligible for unemployment compensation or extended duration benefits shall not become ineligible for such benefits because of his enrollment in and satisfactory pursuit of a retraining course of instruction which the director has approved for the individual. As used in this article, "individual" includes an exhaustee as defined in Section 3503.

Application for determination

1268. An unemployed individual who files a claim for unemployment compensation or extended duration benefits may apply to the department for a determination of potential eligibility for benefits during a period of retraining.

Determination of potential eligibility

1269. A determination of potential eligibility for benefits under this article shall be issued to an unemployed individual if the director finds that:

(a) Reasonable employment opportunities for which the unemployed individual is fitted by training and experience do not exist or have substantially diminished in the labor market area in this State in which he is claiming benefits.

(b) The retraining course of instruction relates to an occupation or skill for which there are, or are expected to be in the

immediate future, reasonable employment opportunities in any labor market area in this State in which the individual intends to seek work.

(c) The retraining course of instruction is one prescribed by the Director of Employment.

(d) The individual has the required qualifications and aptitudes to complete the course successfully.

Eligibility

1270. Notwithstanding the provisions of subdivision (c) of Section 1253, an unemployed individual who is able to work is eligible to receive benefits under this article with respect to any week during a period of retraining only if the director finds that:

(a) He has been determined potentially eligible under Section 1269.

(b) He submits with each claim a written certification executed by a responsible person connected with the retraining program certifying that he was enrolled in and satisfactorily pursuing the retraining course of instruction.

Failure to submit certification

1271. If an individual fails to submit for any week during a period of retraining the certification required by Section 1270, he shall be ineligible to receive any unemployment compensation or extended duration benefits for that week. This section shall not render an individual ineligible for unemployment compensation or extended duration benefits for any week during a period of retraining if on or before Monday of that week he notifies the department that his retraining course of instruction has been or is being discontinued or terminated prior to that week.

Qualification when refusing employment

1272. An unemployed individual otherwise eligible for benefits under this article shall not be disqualified for refusing suitable employment offered to him, or failing to apply for suitable employment when notified by a public employment office, or for leaving his most recent work, if the acceptance of or applying for suitable employment or continuing the most recent work would require him to terminate his retraining course of instruction.

Federal benefits

1273. Notwithstanding any other provision of this article, no payment of retraining benefits shall be made to any individual for any week or part of any week with respect to which he is entitled to receive retraining benefits as a result of participation by this State pursuant to the provision of any federal law providing for the payment of such benefits.

SEC. 2. Chapter 4 (commencing with Section 3901) of Part 3 of Division 1 of said code is repealed.

CHAPTER 39

An act to amend Section 6322.1 of the Business and Professions Code, relating to law library funds.

[Approved by Governor March 28, 1961 Filed with Secretary of State March 28, 1961]

In effect September 15, 1961

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

SECTION 1. Section 6322.1 of the Business and Professions Code is amended to read:

6322.1. The board of law library trustees of any county may increase the costs provided in Sections 6321 and 6322 to not more than four dollars ($4) for each event there described whenever they shall determine that the increase is necessary to defray the expenses of the law library.

CHAPTER 40

An act to amend Section 1956 of the Government Code, relating to insurance of public officers and employees against liability.

[Approved by Governor March 28, 1961. Filed with Secretary of State March 28, 1961]

In effect September 15, 1961

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

SECTION 1. Section 1956 of the Government Code is amended to read:

1956. The State, a county, city, district, or any other public agency or public corporation may insure its officers, deputies, assistants, agents, and employees against any liability, other than a liability which may be insured against under the provisions of Division 4 of the Labor Code, for injuries or damages resulting from their negligence or carelessness during the course of their service or employment and for the injuries or damages resulting from the dangerous or defective condition of public property, including public property as defined in Article 2, and due to their alleged negligence or carelessness, and for injuries or damages resulting from false arrest or false imprisonment, either by self-insurance, or in any insurer authorized to transact such insurance in the State (except in the case of school district governing boards to the extent they are authorized to place insurance in nonadmitted insurers by Sections 1044 and 15802 of the Education Code). The premium for the insurance is a proper charge against the Treasury of the State, county, city, district, public agency or public corporation.

CHAPTER 41

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

In effect immediately

[Approved by Governor March 28, 1961. Filed with Secretary of State March 28, 1961.]

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

SECTION 1. Section 254.7 of the Revenue and Taxation Code is amended to read:

254.7 Notwithstanding Section 254.5, an affidavit for the welfare exemption for the fiscal year 1960-61 may be filed with the assessor until and including May 15, 1961, by any organization which furnishes care, education, treatment, transportation, and other assistance to handicapped persons and which is entitled to claim the exemption for that year in respect to any property owned by it. All other provisions of Section 254.5, other than those relating to the filing date of affidavits, are nevertheless applicable to this section.

Urgency

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

Some organizations engaged generally in the work of assisting handicapped persons have inadvertently failed to file the required affidavit in support of the welfare exemption applicable to their property for the fiscal year 1960-61 and, as a consequence, are now confronted with possible tax obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by removing the procedural bar to the obtainment of the exemption by such organizations. In doing so, it will fulfill the public policy of the State expressed through such exemption and thereby benefit the people generally.

CHAPTER 42

An act to add Sections 14671.5 and 14696.1 to the Education Code, relating to school district retirement plans, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 28, 1961. Filed with Secretary of State March 28, 1961.]

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

SECTION 1. Section 14671.5 is added to the Education Code, to read:

Consolidation of districts having retirement plans

14671.5. Notwithstanding anything to the contrary in this code, where a city elementary school district having a district retirement plan and a city high school district having a district retirement plan, both plans being under the control and management of a single governing board, become a unified district for elementary and high school purposes on the elementary district boundaries, and the unified school district continues to have jurisdiction over the schools theretofore staffed and operated by the city elementary school district and the city high school district, which schools are governed by the same governing board, and the unified school district continues to retain in its employ those employees who were members of each such district plan, except for separations from service which are normal or which result from such unification, then the district retirement plan for the city elementary district and the district retirement plan for the city high school district shall be consolidated into a single district retirement plan for the unified school district effective on the date the unified school district is effective for all purposes. On that date all of the property, funds, assets and liabilities of the two separate district retirement plans shall become the property, funds, assets, and liabilities of the district retirement plan of the unified school district. The retirement board of the district retirement plan for the unified school district may have more than seven members, if the governing board so provides.

SEC. 2. Section 14696.1 is added to said code, to read:

Two or more districts included in one contract

14696.1. If two or more districts have been included in one contract between the board of administration of the State Employees' Retirement System, and the governing board of said districts, as provided in paragraph (7) of subdivision (b) of Section 14696, and if, since such inclusion, two or more of such districts have been combined into a unified district, the unified district, by amendment to said contract, may, notwithstanding the provisions of Section 20580 of the Government Code, be substituted therein for the districts so combined, and for all purposes of said contract.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Effective July 1, 1961, for all purposes, the Los Angeles City (Elementary) School District and the Los Angeles City High School District will become the Los Angeles Unified School District for elementary and high school purposes (on the boundary lines of the elementary district) governed by the Board of Education of the City of Los Angeles. This board of education is now a governing board for the Los Angeles City School District (Elementary), the Los Angeles City High School District, and the Los Angeles City Junior College District.

The elementary district and the high school district each have their own separate district retirement plans. It is therefore necessary to enact statutory procedure effective well before July 1, 1961, so that these two separate district retirement plans may be merged by July 1, 1961, as the district retirement plan of the Los Angeles Unified School District.

Under existing law there is no procedure prescribed whereby the district retirement plan maintained by a city elementary school district and the district retirement plan maintained by a city high school district may be consolidated or the contract with the State Employees' Retirement System may be amended to substitute the unified district for the districts consolidated when the respective districts unify for elementary and high school purposes and there still remains a district retirement plan maintained by a city junior college district, all three districts being governed by the same governing board.

This lack of legislation prevents the separate district retirement plans from being organized as the school districts are organized and prevents the consolidation of the separate district retirement plans maintained by the districts which have been unified. In order to permit the consolidation of these district retirement plans at the earliest possible time so as to be effective well before July 1, 1961, when the unified school district is effective for all purposes, it is necessary that this act take effect immediately.

CHAPTER 43

An act to amend Sections 28020, 28022 to 28078, inclusive, 69892, 69895, 69896, 69903, 70045.1 and 70045.9 of, to amend and renumber Sections 28102, 28104, 28105, 28109 to 28115, inclusive, 28117-28119, inclusive, 28121 to 28124, inclusive, 28127-28136, inclusive, 28138, 28139, 28141, 28142, 28145, 28146, 28147, 28149-28151, inclusive, 28153-28155, inclusive of, and to repeal Sections 28145.1 and 28145.2 of, the Government Code, relating to the classification of the counties of California and the compensation for public service in such counties as so classified, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 28, 1961. Filed with Secretary of State March 28, 1961.]

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

SECTION 1. Section 28020 of the Government Code is amended to read:

Population of counties

28020. The population of the counties of this State is hereby ascertained and determined to be and is as follows:

1	Los Angeles	6,038,771
2	San Diego	1,033,011

3	Alameda	905,670
4	San Francisco	742,855
5	Orange	703,925
6	Santa Clara	642,315
7	San Bernardino	503,591
8	Sacramento	502,778
9	San Mateo	444,387
10	Contra Costa	409,030
11	Fresno	365,945
12	Riverside	306,191
13	Kern	291,984
14	San Joaquin	249,989
15	Ventura	199,138
16	Monterey	198,351
17	Santa Barbara	168,962
18	Tulare	168,403
19	Stanislaus	157,294
20	Sonoma	147,375
21	Marin	146,820
22	Solano	134,597
23	Humboldt	104,892
24	Merced	90,446
25	Santa Cruz	84,219
26	Butte	82,030
27	San Luis Obispo	81,044
28	Imperial	72,105
29	Napa	65,890
30	Yolo	65,727
31	Shasta	59,468
32	Placer	56,998
33	Mendocino	51,059
34	Kings	49,954
35	Madera	40,468
36	Yuba	33,859
37	Sutter	33,380
38	Siskiyou	32,885
39	El Dorado	29,390
40	Tehama	25,305
41	Nevada	20,911
42	Del Norte	17,771
43	Glenn	17,245
44	San Benito	15,396
45	Tuolumne	14,404
46	Lake	13,786
47	Lassen	13,597
48	Colusa	12,075
49	Inyo	11,684
50	Plumas	11,620
51	Calaveras	10,289
52	Amador	9,990
53	Trinity	9,706
54	Modoc	8,308

55	Mariposa	5,064
56	Sierra	2,247
57	Mono	2,213
58	Alpine	397

SEC. 2. Section 28022 of said code is amended to read:

Classification for purposes of regulating compensation

28022. Counties containing a population of 4,000,000 and over are counties of the first class.

SEC. 3. Section 28023 of said code is amended to read:

28023. Counties containing a population of 1,000,000 and under 4,000,000 are counties of the second class.

SEC. 4. Section 28024 of said code is amended to read:

28024. Counties containing a population of 850,000 and under 1,000,000 are counties of the third class.

SEC. 5. Section 28025 of said code is amended to read:

28025. Counties containing a population of 730,000 and under 850,000 are counties of the fourth class.

SEC. 6. Section 28026 of said code is amended to read:

28026. Counties containing a population of 700,000 and under 730,000 are counties of the fifth class.

SEC. 7. Section 28027 of said code is amended to read:

28027. Counties containing a population of 600,000 and under 700,000 are counties of the sixth class.

SEC. 8. Section 28028 of said code is amended to read:

28028. Counties containing a population of 503,000 and under 600,000 are counties of the seventh class.

SEC. 9. Section 28029 of said code is amended to read:

28029. Counties containing a population of 480,000 and under 503,000 are counties of the eighth class.

SEC. 10. Section 28030 of said code is amended to read:

28030. Counties containing a population of 425,000 and under 480,000 are counties of the ninth class.

SEC. 11. Section 28031 of said code is amended to read:

28031. Counties containing a population of 390,000 and under 425,000 are counties of the 10th class.

SEC. 12. Section 28032 of said code is amended to read:

28032 Counties containing a population of 350,000 and under 390,000 are counties of the 11th class.

SEC. 13. Section 28033 of said code is amended to read:

28033. Counties containing a population of 300,000 and under 350,000 are counties of the 12th class.

SEC. 14. Section 28034 of said code is amended to read:

28034. Counties containing a population of 275,000 and under 300,000 are counties of the 13th class.

SEC. 15. Section 28035 of said code is amended to read:

28035. Counties containing a population of 220,000 and under 275,000 are counties of the 14th class.

SEC. 16. Section 28036 of said code is amended to read:

28036. Counties containing a population of 199,000 and under 220,000 are counties of the 15th class.

SEC. 17. Section 28037 of said code is amended to read:

28037. Counties containing a population of 175,000 and under 199,000 are counties of the 16th class.

SEC. 18. Section 28038 of said code is amended to read:

28038. Counties containing a population of 168,700 and under 175,000 are counties of the 17th class.

SEC. 19. Section 28039 of said code is amended to read:

28039. Counties containing a population of 162,000 and under 168,700 are counties of the 18th class.

SEC. 20. Section 28040 of said code is amended to read:

28040. Counties containing a population of 152,000 and under 162,000 are counties of the 19th class.

SEC. 21. Section 28041 of said code is amended to read:

28041. Counties containing a population of 147,000 and under 152,000 are counties of the 20th class.

SEC. 22. Section 28042 of said code is amended to read:

28042. Counties containing a population of 144,000 and under 147,000 are counties of the 21st class.

SEC. 23. Section 28043 of said code is amended to read:

28043. Counties containing a population of 125,000 and under 144,000 are counties of the 22d class.

SEC 24. Section 28044 of said code is amended to read:

28044. Counties containing a population of 100,000 and under 125,000 are counties of the 23d class.

SEC. 25. Section 28045 of said code is amended to read:

28045. Counties containing a population of 88,000 and under 100,000 are counties of the 24th class.

SEC. 26. Section 28046 of said code is amended to read:

28046. Counties containing a population of 84,000 and under 88,000 are counties of the 25th class.

SEC. 27. Section 28047 of said code is amended to read:

28047. Counties containing a population of 82,000 and under 84,000 are counties of the 26th class.

SEC. 28. Section 28048 of said code is amended to read:

28048. Counties containing a population of 77,000 and under 82,000 are counties of the 27th class.

SEC. 29. Section 28049 of said code is amended to read:

28049. Counties containing a population of 70,000 and under 77,000 are counties of the 28th class.

SEC. 30. Section 28050 of said code is amended to read:

28050. Counties containing a population of 65,800 and under 70,000 are counties of the 29th class.

SEC. 31. Section 28051 of said code is amended to read:

28051. Counties containing a population of 62,000 and under 65,800 are counties of the 30th class.

SEC. 32. Section 28052 of said code is amended to read:

28052. Counties containing a population of 58,000 and under 62,000 are counties of the 31st class.

SEC. 33. Section 28053 of said code is amended to read:

28053. Counties containing a population of 55,000 and under 58,000 are counties of the 32d class.

SEC. 34. Section 28054 of said code is amended to read:

28054. Counties containing a population of 51,000 and under 55,000 are counties of the 33d class.

SEC. 35. Section 28055 of said code is amended to read:

28055. Counties containing a population of 48,000 and under 51,000 are counties of the 34th class.

SEC. 36. Section 28056 of said code is amended to read:

28056. Counties containing a population of 37,000 and under 48,000 are counties of the 35th class.

SEC. 37. Section 28057 of said code is amended to read:

28057. Counties containing a population of 33,600 and under 37,000 are counties of the 36th class.

SEC. 38. Section 28058 of said code is amended to read:

28058. Counties containing a population of 33,000 and under 33,600 are counties of the 37th class.

SEC. 39. Section 28059 of said code is amended to read:

28059. Counties containing a population of 31,000 and under 33,000 are counties of the 38th class.

SEC. 40. Section 28060 of said code is amended to read:

28060. Counties containing a population of 28,000 and under 31,000 are counties of the 39th class.

SEC. 41. Section 28061 of said code is amended to read:

28061. Counties containing a population of 24,000 and under 28,000 are counties of the 40th class.

SEC. 42. Section 28062 of said code is amended to read:

28062. Counties containing a population of 19,000 and under 24,000 are counties of the 41st class.

SEC. 43. Section 28063 of said code is amended to read:

28063. Counties containing a population of 17,500 and under 19,000 are counties of the 42d class.

SEC. 44. Section 28064 of said code is amended to read:

28064. Counties containing a population of 17,000 and under 17,500 are counties of the 43d class.

SEC. 45. Section 28065 of said code is amended to read:

28065. Counties containing a population of 15,000 and under 17,000 are counties of the 44th class.

SEC. 46. Section 28066 of said code is amended to read:

28066. Counties containing a population of 14,000 and under 15,000 are counties of the 45th class.

SEC. 47. Section 28067 of said code is amended to read:

28067. Counties containing a population of 13,700 and under 14,000 are counties of the 46th class.

SEC. 48. Section 28068 of said code is amended to read:

28068. Counties containing a population of 13,000 and under 13,700 are counties of the 47th class.

SEC. 49. Section 28069 of said code is amended to read:

28069. Counties containing a population of 12,000 and under 13,000 are counties of the 48th class.

SEC. 50. Section 28070 of said code is amended to read:

28070. Counties containing a population of 11,670 and under 12,000 are counties of the 49th class.

SEC. 51. Section 28071 of said code is amended to read:

28071. Counties containing a population of 11,000 and under 11,670 are counties of the 50th class.

SEC. 52. Section 28072 of said code is amended to read:

28072. Counties containing a population of 10,200 and under 11,000 are counties of the 51st class.

SEC. 53. Section 28073 of said code is amended to read:

28073. Counties containing a population of 9,900 and under 10,200 are counties of the 52d class.

SEC. 54. Section 28074 of said code is amended to read:

28074. Counties containing a population of 9,200 and under 9,900 are counties of the 53d class.

SEC. 55. Section 28075 of said code is amended to read:

28075. Counties containing a population of 7,000 and under 9,200 are counties of the 54th class.

SEC. 56. Section 28076 of said code is amended to read:

28076. Counties containing a population of 4,000 and under 7,000 are counties of the 55th class.

SEC. 57. Section 28077 of said code is amended to read:

28077. Counties containing a population of 2,240 and under 4,000 are counties of the 56th class.

SEC. 58. Section 28078 of said code is amended to read:

28078. Counties containing a population of 1,000 and under 2,240 are counties of the 57th class.

SEC. 59. Section 28102 of said code is renumbered and amended to read:

28104. In a county of the fourth class the officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county. County of fourth class

The fees of grand jurors and trial jurors in the superior court, and trial jurors in the municipal court, in both civil and criminal cases, shall be six dollars ($6) for each day's attendance upon the court or a session of the grand jury. Notwithstanding any other provisions in law, trial jurors and grand jurors shall not be paid any mileage for travel either coming or going in attending the court or a session of the grand jury. Fees of grand jurors and trial jurors in criminal cases shall be a charge against the county or city and county and shall be paid from county or city and county funds on or about the first day of the following month as certified to by the court. Fees in civil cases, unless otherwise provided for, are to be deposited by the litigants and shall be payable to jurors only for each day's actual service upon a jury. Fees of grand jurors and trial jurors in criminal cases shall be a charge against the county or city and county and shall be paid from county or city and county funds on or about the first day of the following month as certified to by the court. Fees in civil cases, unless otherwise provided for, are to be deposited by the litigants and shall be payable to jurors only for each day's actual service upon a jury.

SEC. 60. Section 28104 of said code is renumbered and amended to read:

County of second class

28102. In a county of the second class each supervisor shall receive as compensation for the services required of him by law or by virtue of his office eight thousand four hundred dollars ($8,400) a year. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

The fees of the grand jurors and trial jurors in the superior courts are the amounts provided by law for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile necessarily traveled in attending court, in going only. In criminal cases fees and mileage of trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the juror was in attendance, and the treasurer of the county shall pay the warrants.

SEC. 61. Section 28105 of said code is renumbered and amended to read:

County of tenth class

28110 In a county of the 10th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand five hundred dollars ($10,500) a year.

(b) The district attorney, fifteen thousand dollars ($15,000) a year. The district attorney shall not engage in the private practice of law and shall not, directly or indirectly, refer litigation to any attorney or receive and accept any payment from any attorney or firm of attorneys for his personal account.

(c) Each supervisor, nine thousand six hundred dollars ($9,600) a year for personal services performed by him as supervisor and member of the board of equalization. Each supervisor shall be allowed expenses necessarily incurred in the conduct of his office. He shall file an itemized statement, supported by receipts and vouchers, on the first day of each month, designating the actual expenditure on his part of such expenses for the preceding month. No allowance shall be made to him for such expenses unless they are itemized and designated in his claim.

(d) Grand jurors and trial jurors, six dollars ($6) a day and mileage for each attendance at the rate of seven cents ($0.07) for each mile actually traveled. Grand jurors shall also receive as compensation three dollars ($3) for each day's attendance as a member of any committee of the grand jury called by the secretary or committee of the grand jury or committee chairman and mileage at seven cents ($0.07) for each mile actually traveled in attending such committee meeting.

No official of the county whose compensation is fixed by this section, other than the county auditor if he is also designated as county controller, shall receive any other compensation in any form in any other capacity from the county. The salaries

and expenses provided are in full compensation for the services required of them by law, or by virtue of their offices, and all other fees, mileage, or other remuneration or compensation of any kind or character received by such officers for or by reason of any duty imposed by law on them or by virtue of their offices shall be paid by them into the county treasury at the times and in the manner required by law, except that until the county provides for them and makes available to their use such automobiles as are reasonably necessary to carry out the duties of their offices, they may retain for their own use and benefit such mileage as is allowed by law. In lieu of the mileage allowed members of the board of supervisors, each member shall be supplied by the county with an automobile for use in performance of official duties. All expenses for fuel, oil, supplies, upkeep, and maintenance of automobiles for members of the board of supervisors shall be paid from county funds.

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

SEC. 62. Section 28109 of said code is renumbered and amended to read:

28111. In a county of the 11th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: County of eleventh class

(a) The auditor, nine thousand six hundred dollars ($9,600) a year.

(b) The district attorney, fifteen thousand dollars ($15,000) a year. He shall devote his entire time during office hours to the work of the county and the State and is prohibited from engaging in private work within office hours.

(c) Each supervisor, seven thousand eight hundred dollars ($7,800) a year for all services. In addition, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor shall be paid for the use of the automobile the following sums:

(1) In supervisorial districts containing five hundred (500) miles of road or less, fifty dollars ($50) a month.

(2) In supervisorial districts containing more than five hundred (500) miles, but less than seven hundred fifty (750) miles of road, seventy-five dollars ($75) a month.

(3) In supervisorial districts containing road mileage in excess of seven hundred fifty (750) miles, one hundred dollars ($100) a month.

(d) Grand jurors and trial jurors in the superior court, municipal court, and justice courts, five dollars ($5) a day while engaged in the performance of the duties required of them by law, and mileage at the rate of fifteen cents ($0.15) per mile one way only.

The county officers provided for in this section shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and expenses set forth, except that the members of the board of supervisors, auditor, and district attorney shall be allowed all actual expenses which

are necessary to the performance of their duties. The expenses and the salaries designated in this section for such officers, except as specifically provided, shall be full and complete compensation for giving their entire time and attention to the duties required of them by law or which are for any reason imposed upon or performed by them under the laws of or on behalf of the United States, this State, any political subdivision thereof, or any public corporation.

All other fees, statutory mileage, or other remuneration or compensation of any kind or character received by such officers or their deputies from the United States, this State, any political subdivision thereof, or any public corporation shall be paid into the county treasury, except that this requirement does not apply to that portion of any fees collected which is authorized by statute to be paid to other persons or is necessarily diverted to other persons for the purpose of carrying out the objects of the statute.

SEC. 63. Section 28110 of said code is renumbered and amended to read:

County of ninth class

28109. In a county of the ninth class each supervisor shall receive as compensation for the services required of him by law or by virtue of his office nine thousand six hundred dollars ($9,600) a year, and eight cents ($0.08) for each mile actually traveled when engaged in official business in the county. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

Each grand juror shall receive for each day's attendance, five dollars ($5) and for each mile actually and necessarily traveled from his residence to the county seat, in going only, twenty cents ($0.20) to be allowed but once during each session the juror is required to attend. Each grand juror shall receive for each day's attendance at any committee meeting or session called by a grand jury committee chairman, three dollars ($3).

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

SEC. 64. Section 28111 of said code is renumbered and amended to read:

County of thirteenth class

28113. In a county of the 13th class the following shall receive as compensation for the services required of them by law or by virtue of their office the following sums:

(a) The auditor, twelve thousand five hundred dollars ($12,500) a year and his necessary expenses incurred while traveling in the performance of his official duties. He shall pay into the county treasury all fees and commissions or compensations received by him in his official capacity, other than his official salary.

(b) The district attorney, fifteen thousand dollars ($15,000) a year and the necessary expenses incurred in the discharge of his official duties. All fees and commissions or compensations, other than his official salary, received by him in his

official capacity from any source shall be paid into the county treasury. He shall devote his entire time during office hours to the work of the county and the State and is prohibited from engaging in private work during his term of office, which prohibition shall also apply to his deputies, while so employed.

(c) Each supervisor, twelve thousand dollars ($12,000) a year and actual and necessary expenses incurred in the performance of the duties of his office.

(d) Each member of the grand jury shall be allowed six dollars ($6) for each day's attendance upon sessions of the grand jury, or for each day's attendance as a member of any committee of the grand jury even though a full quorum of the grand jury as a whole be not present, and mileage, at the rate payable to officers and employees of such county, for each mile actually and necessarily traveled in attending meetings of the grand jury which are held within the county, or any session of a grand jury committee duly called by the foreman of the grand jury or chairman of the committee.

For attending as a trial juror, in the superior court for each day's actual attendance, five dollars ($5), and fifteen cents ($0.15) for each mile actually traveled in going only.

For attending as a trial juror, in the municipal court for each day's actual attendance, five dollars ($5), and fifteen cents ($0.15) for each mile actually traveled in going only.

For attending as a trial juror in criminal cases in justice courts, three dollars ($3), for each day of actual service as a juror.

The judge of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant.

SEC. 65. Section 28112 of said code is renumbered and amended to read:

28105. In a county of the fifth class the following shall receive as compensation for the services required of them by law or by virtue of their office the following sums: County of fifth class

(a) The auditor, fourteen thousand four hundred dollars ($14,400) a year.

(b) The district attorney, fifteen thousand six hundred dollars ($15,600) a year for his full-time services. He shall not engage in the private practice of law.

(c) Each supervisor, ten thousand eight hundred dollars ($10,800) a year and the necessary and actual expenses incurred in the performance of the duties of his office.

(d) Grand jurors and trial jurors in superior courts and municipal courts shall receive for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5) a day. In justice courts in civil cases, jurors shall receive for each day's attendance, three dollars ($3). In justice courts and in criminal cases jurors shall receive for each day's attendance, three dollars ($3). Grand jurors and trial jurors in superior courts

and municipal courts shall receive twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the places of service, in going only, mileage to be allowed but once in any one day, during any session of the court where the jurors serve; all other jurors shall receive ten cents ($0.10) per mile. The fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid.

SEC. 66. Section 28113 of said code is renumbered and amended to read:

County of fourteenth class

28114. In a county of the 14th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand six hundred dollars ($9,600) a year.

(b) The district attorney, thirteen thousand dollars ($13,000) a year.

(c) Each supervisor, six thousand dollars ($6,000) a year and actual and necessary expenses, including expenses for meals, incurred in the performance of the duties of his office. In addition, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor shall be paid the sum of eight cents ($0.08) per mile to reimburse him for the use of said automobile. The chairman of the board of supervisors shall receive, as additional compensation, one thousand two hundred dollars ($1,200) a year for services rendered as chairman.

(d) For attendance in the superior court each trial juror shall be allowed five dollars ($5) for each day's attendance, and mileage at the rate of eight cents ($0.08) for each mile actually and necessarily traveled in attending upon and returning from court, mileage to be computed for daily attendance, irrespective of whether the daily attendance covers one or more sessions of court.

Each member of the grand jury shall be allowed five dollars ($5) for each day in attendance upon the sessions of the grand jury or for each day's service as a member of any committee of the grand jury and mileage at the rate of eight cents ($0.08) for each mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury, or any session of a grand jury committee, duly called by the secretary, or committee chairman.

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

SEC. 67. Section 28114 of said code is renumbered and amended to read:

County of twelfth class

28112. In a county of the 12th class the following shall receive as full compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand six hundred dollars ($9,600) a year.

(b) The district attorney, fifteen thousand dollars ($15,000) a year and actual traveling expenses while away from his office on county business. He shall hold no other county office.

(c) Each supervisor, eight thousand four hundred dollars ($8,400) a year and his actual traveling expenses from his residence to the place of meeting of the board at the county seat when attending board meetings and the necessary actual expenses incurred by him while engaged in county business. Each supervisor shall be available for the performance of the duties of his office at all times during county business hours. Each supervisor shall spend one day in each week, other than the day the board is officially in session, at the office of the board in the county courthouse. The particular day which each supervisor shall be on duty shall be determined by unanimous agreement of the board, or if they do not agree then by lot, so that a supervisor will be on duty on Tuesday, Wednesday, Thursday, and Friday of each week.

(d) For acting as a grand juror, each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, six dollars ($6) a day and ten cents ($0.10) for each mile actually traveled in the performance of such duties. No mileage shall be allowed for traveling outside of the county.

Trial jurors in the superior court, municipal court and justice courts shall receive for each day's required attendance in court, six dollars ($6), and ten cents ($0.10) for each mile from their residence to and from the county seat, to be allowed only for each day the jurors are required to and do attend.

SEC. 68. Section 28115 of said code is renumbered and amended to read:

28118. In a county of the 18th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: County of eighteenth class

(a) The county auditor, seven thousand five hundred dollars ($7,500) a year.

(b) The district attorney, ten thousand dollars ($10,000) a year. He shall devote his entire time to the duties of his office and shall not engage in the private practice of law during his term in office.

(c) Each supervisor, six thousand dollars ($6,000) a year for all personal services performed by him as supervisor and member of the board of equalization, and his actual and necessary traveling expenses incurred in performing any of the duties of his office, the claim for which shall be allowed and paid out of the county general fund in the same manner as other claims are allowed and paid. The traveling expenses exclusive of meals and hotel accommodations shall not exceed seven cents ($0.07) a mile.

(d) Each member of the grand jury shall be allowed four dollars ($4) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service

as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of five cents ($0.05) a mile for each mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county. For attending as a trial juror in a criminal action in the superior court, three dollars ($3) per day if called but not sworn to try the cause, and four dollars ($4) per day if called and sworn to try the cause For attending as a trial juror in a civil action in the superior court, four dollars ($4) per day if called but not sworn to try the cause and five dollars ($5) per day if called and sworn to try the cause. For attending as a trial juror in the justice court for each juror sworn to try the cause, two dollars ($2) a day. For each mile actually traveled in attending court as a juror, seven cents ($0 07) a mile each way from the place of residence to the court.

SEC. 69. Section 28117 of said code is renumbered and amended to read:

County of nineteenth class

28119. In a county of the 19th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand three hundred dollars ($9,300) a year.

(b) The district attorney, thirteen thousand five hundred dollars ($13,500) a year, and he shall not engage in private practice.

(c) Each supervisor, six thousand dollars ($6.000) a year and mileage at the rate of ten cents ($0.10) for each mile traveled to and from the meetings of the board. Only one mileage at any one session of the board shall be allowed. The county may furnish automobiles to the supervisors for use on any trips taken in performance of their official duties for which mileage would otherwise be allowed. All expenses for fuel, oil, supplies, upkeep, and maintenance of the automobiles shall be paid from county funds. The use of automobiles is in lieu of any other mileage.

(d) Grand jurors shall receive five dollars ($5) for each day's attendance and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance. Grand jurors and trial jurors in the superior court shall receive ten cents ($0 10) for each mile from their residences to the county seat, to be allowed for each day the jurors are required to and do attend. For attending as a member of a committee of the grand jury, for each day's attendance on the committee, five dollars ($5) and mileage at the rate of ten cents ($0.10) a mile. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amounts due, and the auditor, unless otherwise specifically ordered, shall draw warrants on the first and fifteenth days of each month, and the treasurer shall pay the warrants.

SEC. 70. Section 28118 of said code is renumbered and amended to read:

28115. In a county of the 15th class the following shall receive as full compensation for the services required of them by law or by virtue of their offices the following sums: County of fifteenth class

(a) The auditor, seven thousand seven hundred ninety-five dollars ($7,795) a year. The auditor shall devote his full working time to the duties of his office.

(b) The district attorney, sixteen thousand dollars ($16,000) a year and actual traveling expenses while away from his office on county business, and shall be furnished an automobile for use in the performance of his duties. When traveling in his own car he shall receive nine cents ($0.09) for each mile actually traveled. He shall not personally engage in private law practice.

(c) Each supervisor, five thousand four hundred dollars ($5,400) a year and his necessary expenses when attending to the business of the county. When traveling in his own car on county business he shall receive nine cents ($0.09) for each mile actually traveled.

(d) For acting as a grand juror for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5). For every mile actually traveled as a grand juror in attending court, grand jury meetings, regularly called committee meetings, or when properly appointed by the foreman of the grand jury to make individual investigations, nine cents ($0 09) for each mile actually traveled.

(e) Trial jurors in criminal cases shall receive as compensation for each day's attendance for trial in the superior courts the sum of three dollars ($3) per day, and for each mile actually and necessarily traveled from their residence in attending the superior court, one way only, the sum of fourteen cents ($0.14) per mile.

SEC. 71. Section 28119 of said code is renumbered and amended to read:

28122. In a county of the 22d class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums: County of twenty-second class

(a) The auditor, seven thousand eight hundred dollars ($7,800) a year.

(b) The district attorney, twelve thousand dollars ($12,000) a year.

(c) Each supervisor, six thousand dollars ($6,000) a year for all services rendered including mileage. If required to go on business to any point outside of the county, he shall be allowed actual expenses.

(d) Trial jurors in the superior court five dollars ($5) for each day's attendance. In addition, mileage fees shall be allowed trial jurors for attendance in court at the rate of fourteen cents ($0.14) for each mile traveled one way each day.

(e) Grand jurors, five dollars ($5) for each day's attendance upon the duly called sessions of the grand jury. In addition, mileage fees shall be allowed grand jurors for attendance at grand jury sessions at the rate of ten cents ($0.10) for each mile traveled one way each day.

SEC. 72. Section 28121 of said code is renumbered and amended to read:

County of seventeenth class

28117. In a county of the 17th class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

(a) The auditor, twelve thousand dollars ($12,000) a year. He shall devote his full working time to the duties of his office.

(b) The district attorney, fourteen thousand dollars ($14,000) a year for all services. He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, for all services required of him as supervisor, seven thousand five hundred dollars ($7,500) a year. If necessary official business requires any supervisor to travel beyond the boundaries of the county, he shall receive actual necessary traveling expenses incurred therefor. No other mileage or remuneration shall be allowed; provided, however, county-owned automobiles may be used when traveling on official business both within and without the county.

(d) Grand jurors, six dollars ($6), trial jurors in the superior court, six dollars ($6) and trial jurors in justice courts, six dollars ($6), for each day's attendance. In addition, mileage fees shall be allowed all jurors at the rate of fifteen cents ($0.15) for each mile traveled in attending court or in attending sessions of the grand jury, in going only.

SEC. 73. Section 28122 of said code is renumbered and amended to read:

County of twenty-first class

28121. In a county of the 21st class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eleven thousand five hundred dollars ($11,500) a year.

(b) The district attorney, thirteen thousand seven hundred fifty dollars ($13,750) a year.

He shall devote his entire time to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, five hundred dollars ($500) a month and eight cents ($0.08) for each mile necessarily and actually traveled in attending meetings of the board or in the discharge of county business within the county.

Each supervisor shall be allowed his actual and necessary expenses incurred while traveling to and from the annual convention of the supervisor's association, not to exceed fifty dollars ($50) for each in any one year.

(d) Grand and trial jurors, five dollars ($5) per day.

SEC. 74. Section 28123 of said code is renumbered and amended to read:

28124. In a county of the 24th class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums: County of twenty-fourth class

(a) The auditor, eight thousand dollars ($8,000) a year. When required by the board of supervisors to compile an annual statistical report, he shall receive one hundred fifty dollars ($150) from the general fund of the county as compensation for compiling the report.

(b) The district attorney, ten thousand dollars ($10,000) a year. He shall not engage in private law practice and shall devote all his time and attention during business hours to the duties of his office.

(c) Each supervisor, six thousand dollars ($6,000) a year for all services performed by him as supervisor and as a member of the board of equalization. No mileage allowance is necessary as the county furnishes automobiles for the use of supervisors.

(d) For each day's attendance as a grand juror or a trial juror in the superior court, three dollars ($3) a day; for each mile traveled in attending court as such juror, twelve cents ($0.12), in going only.

A grand juror, when attending as a member of a regularly constituted committee or subcommittee of the grand jury, shall receive the same per diem and mileage as is allowed for attending court.

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

SEC. 75. Section 28124 of said code is renumbered and amended to read:

28123. In a county of the 23d class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: County of twenty-third class

(a) The auditor, nine thousand dollars ($9,000) a year.

(b) The district attorney, twelve thousand dollars ($12,000) a year. He shall be disqualified from engaging in private law practice.

(c) Each supervisor, seven thousand two hundred dollars ($7,200) a year, necessary traveling expenses incurred in the performance of his official duties, and mileage at ten cents ($0.10) a mile for all distances traveled by him as supervisor, mileage not to exceed in any one year one thousand five hundred dollars ($1,500) for each supervisor.

(d) The fees of grand jurors are five dollars ($5) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court, in going only. The fees of trial jurors in the superior courts are five dollars ($5) for each day's attendance and mileage at the rate of fifteen cents ($0 15) for each mile necessarily traveled in attending court, in going only. The fees of jurors

in justice courts are three dollars ($3) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending the court, in going only.

In criminal cases the fees and mileage of all trial jurors shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the jury was in attendance.

The fees of jurors on coroner's juries are two dollars ($2) for each day's attendance, to be paid out of the general fund of the county upon the presentation and filing with the board of supervisors of a duly verified claim, proper allowance of the claim by the board, and the approval of the coroner.

SEC. 76. Section 28127 is renumbered and amended to read:

County of twenty-eighth class

28128 In a county of the 28th class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

(a) The auditor, eight thousand dollars ($8,000) a year.

(b) The district attorney, twelve thousand dollars ($12,000) a year, which is in full for all services performed by him as district attorney. He shall devote his entire time during office hours to the duties of his office, and shall not engage in private law practice during his term of office.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year, which is in full for all services performed by him as supervisor. Each supervisor shall be allowed one hundred dollars ($100) a month as an allowance for mileage traveled within the county in attending the meetings of the board of supervisors and in performing other duties as supervisor, which shall be paid on the first day of each month irrespective of the number of miles traveled within the county. If it is necessary for a supervisor to travel outside the county on official matters pertaining to his duties as supervisor, he shall receive actual and necessary expenses and mileage, and shall file a demand in the same manner as other county officers. Each supervisor may use an automobile provided and maintained by the county in connection with the performance of official duties within and without the county. If an automobile is furnished at county expense, it is in lieu of mileage, except if the automobile is not available at all times through accident or otherwise, mileage at the rate of ten cents ($0.10) a mile shall be allowed during the period of nonavailability. If a supervisor is not furnished an automobile at county expense and it is necessary for him to travel outside the county on official business and transportation is not furnished by common carrier, mileage at the rate of ten cents ($0.10) a mile for all mileage actually traveled outside the county shall be paid.

(d) Grand jurors, for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual

investigations shall receive five dollars ($5) per day and fourteen cents ($0.14) for each mile actually and necessarily traveled from their residences to the places of service, in going only.

Trial jurors in superior and justice courts, in civil and criminal cases, shall receive compensation and mileage as provided by law; provided, nevertheless, that the fees of all trial jurors in all civil cases shall be paid by the litigants as other costs are paid.

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

SEC. 77. Section 28128 of said code is renumbered and amended to read:

28127. In a county of the 27th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: County of twenty-seventh class

(a) The auditor, seven thousand four hundred dollars ($7,400) a year.

(b) The district attorney, twelve thousand dollars ($12,000) a year. He shall devote his entire time during office hours to the work of the county and State and is prohibited from engaging in private work within office hours. This does not preclude him from continuing or concluding any private matter in which he appeared of record prior to taking office.

(c) Each supervisor, for all services required of him as supervisor six thousand dollars ($6,000) a year and his actual expenses necessarily incurred in the performance of county business within the county, not to exceed eight cents ($0.08) a mile, and actual expenses incurred doing county business outside of the county on order of the board of supervisors. He shall also be allowed eight cents ($0.08) a mile going to and from his residence to the courthouse to attend regular and special meetings of the board. In lieu of mileage allowed as a member of the board of supervisors, the chairman of the board shall be supplied by the county with an automobile for use in performance of official duties, and all expenses for fuel, oil, supplies, upkeep, and maintenance of such automobile shall be paid from county funds.

Each juror, for acting as a grand juror for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, five dollars ($5), and seven and one-half cents ($0.075) for each mile actually traveled in the performance of such duties.

Each juror, for acting as a trial juror in criminal or civil cases for each day's attendance for trial, five dollars ($5), and seven and one-half cents ($0.075) for each mile actually and necessarily traveled from their residence to and from the superior court or justice court.

Mileage shall be allowed grand jurors and trial jurors but once for each day they are required to and do attend. No mileage shall be allowed for traveling outside of the county.

SEC. 78. Section 28129 of said code is renumbered and amended to read:

County of thirty-fourth class

28134. In a county of the 34th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand three hundred dollars ($6,300) a year.

(b) The district attorney, ten thousand dollars ($10,000) a year. The district attorney shall devote his entire time during office hours to the work of the county and State and is prohibited from engaging in private work within such office hours; however, this shall not be construed to preclude the district attorney from continuing or concluding any matter in which he has appeared of record prior to October 1, 1949.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year in full for all services performed by him as supervisor, member of the board of equalization, and in any other capacity, and all actual and necessary traveling expenses when traveling on county business. The traveling expenses, exclusive of meals and hotel accommodations, shall not exceed eight cents ($0.08) per mile.

(d) Trial jurors in the superior court, for each day's attendance, six dollars ($6). In justice courts, the jurors sworn to try the case shall receive for each day's attendance three dollars ($3). Each trial juror shall receive mileage at the rate of seven cents ($0.07) each way for each mile actually traveled in attending court, except that in justice courts mileage shall be allowed only to those jurors sworn to try the case.

(e) Grand jurors, for each day's attendance at regular sessions of the grand jury or of any regularly constituted committee or subcommittee thereof, or when appointed in writing by the foreman of the grand jury to make individual investigations, six dollars ($6). A juror excused at his own request is not entitled to a per diem fee. Each juror driving his own automobile upon jury business, or in attendance upon meetings of the jury or committees thereof, shall receive mileage at the rate of seven cents ($0.07) each way for every mile actually and necessarily traveled. Said claims for per diem, for mileage and any incidental expenses incurred by jurors pursuant to the exercise of their official duties (excluding meal expense) shall be paid out of the general fund of the county by the county treasurer upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

SEC. 79. Section 28130 of said code is renumbered and amended to read:

County of twenty-ninth class

28129. In a county of the 29th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand eight hundred dollars ($9,800) a year.

(b) The district attorney, thirteen thousand dollars ($13,000) a year. He shall devote his entire time to the work of the county and State and is prohibited from engaging in private work or practice.

(c) Each supervisor, five thousand dollars ($5,000) a year which shall be in full for all services rendered as supervisor.

(d) Grand jurors and trial jurors in the superior court, five dollars ($5) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court or in attending sessions of the grand jury, in going only. In criminal actions the fees and mileage of trial jurors shall be paid by the treasurer out of the general funds of the county upon warrants drawn by the auditor, who shall draw the warrants upon the written order of the judge of the superior court in which the jurors were in attendance. The compensation provided for by this section shall be paid to incumbent officers.

SEC. 80. Section 28131 of said code is renumbered and amended to read:

28132. In a county of the 32d class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: County of thirty-second class

(a) The auditor, seven thousand two hundred dollars ($7,200) a year.

(b) The district attorney, eleven thousand dollars ($11,000) a year. He shall not during his term of office engage in private practice and he shall devote his full working time to the duties of his office.

(c) Each supervisor, five thousand dollars ($5,000) a year, for all services rendered as supervisor and as member of the board of equalization, and ten cents ($0.10) for each mile actually and necessarily traveled when traveling within or without the county on county business; provided, that the supervisors may use automobiles provided and maintained by the county for such travel, in which case the mileage allowance provided for above shall not be allowed. He shall also be allowed his other actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

(d) Trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and ten cents ($0.10) for each mile actually and necessarily traveled for attending upon and returning from court, such mileage to be computed for each day's attendance.

Each member of the grand jury shall be allowed seven dollars ($7) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of ten cents ($0.10) a mile for each mile actually traveled in attendance upon and

returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county.

SEC. 81. Section 28132 of said code is renumbered and amended to read:

County of thirty-third class

28133. In a county of the 33d class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand two hundred dollars ($9,200) a year.

(b) The district attorney, twelve thousand dollars ($12,000) a year. He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, six thousand dollars ($6,000) a year. He shall also receive the following mileage and traveling expenses: (1) twelve cents ($0.12) a mile in traveling to and from his residence to the county seat in attending sessions of the regular and special meetings of the board of supervisors and in attending sessions of the meetings of the board of supervisors when the board convenes as a board of equalization; and (2) twenty cents ($0.20) a mile to and from his residence while traveling in the county for the purpose of inspecting and viewing roads, not to exceed nine hundred dollars ($900) in any one year; and, (3) eight cents ($0.08) a mile to and from his residence while traveling inside the county in the performance of his duties other than those listed in items (1) and (2), and eight cents ($0.08) a mile to and from his residence when traveling outside the county on business authorized or ratified by the board of supervisors. In addition to the above mileage each member of the board shall receive his other actual travel expenses incurred by him while traveling for any of the purposes set forth in items (1), (2) and (3) of this paragraph.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for the first day's attendance, and six dollars ($6) thereafter, and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the place of service, in going only, to be allowed but once during any one session of the court or grand jury. Jurors in justice courts and coroner's inquests shall receive two dollars ($2) for each day's attendance, and ten cents ($0.10) for each mile actually and necessarily traveled from their residences to the place of service, in going only. The fees of trial jurors in civil cases shall be paid by the litigants, as other costs are paid.

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

SEC. 82. Section 28133 of said code is renumbered and amended to read:

28130. In counties of the 30th class the following shall receive as compensation for the services required of them by law or by virtue of their office, the following sums: County of thirtieth class

1. The auditor, seven thousand five hundred dollars ($7,500) a year.

2. The district attorney, ten thousand five hundred dollars ($10,500) a year and he shall not engage in private law practice during his term of office.

3. Each supervisor, four thousand eight hundred dollars ($4,800) a year for all services performed by him as supervisor and member of the board of equalization, and the use of county automobiles in connection with the performance of official duties.

4. Grand jurors and trial jurors in the superior court in civil and criminal cases, shall receive as compensation for each day's attendance, per day, five dollars ($5); and trial jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, twenty-five cents ($0 25); and grand jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, fifteen cents ($0.15).

If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of the 1955 amendment of this section, such increase in compensation shall nevertheless be payable to the officers designated in this section as soon as it is legally competent to do so.

SEC. 83. Section 28134 of said code is renumbered and amended to read:

28135. In a county of the 35th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: County of thirty-fifth class

(a) The auditor, seven thousand five hundred dollars ($7,500) a year.

(b) The district attorney, ten thousand dollars ($10,000) a year. He shall devote his entire time to the duties of his office and shall not engage in the private practice of law during his term of office.

(c) Each supervisor, for all services required of him as supervisor, four thousand two hundred dollars ($4,200) a year. He shall also receive the following mileage and traveling expenses: when using a privately owned automobile, eight cents ($0.08) for each mile actually traveled each way: (1) in going to and from his residence to the courthouse in attending each day's session of the regular and special meetings of the board of supervisors and in attending each day's session of the meetings of the board of supervisors when the board convenes as a board of equalization, and (2) in the county in the performance of his duties as supervisor and as a member of the county board of equalization. When traveling in a privately owned automobile each member of the board of supervisors shall also be allowed mileage at the rate of eight cents ($0.08) a mile or railroad or bus fare, together with other traveling expenses

incurred in traveling to and from places outside of the county when he is on county business authorized by the board of supervisors.

(d) For attending as a juror in the superior court or in the justice courts, each juror shall be paid three dollars ($3) for each day's attendance upon the court and eight cents ($0.08) a mile for each mile actually traveled each way in attending each day's session of the court.

For serving as a grand juror, each grand juror shall be paid six dollars ($6) for each day's attendance upon the duly called sessions of the grand jury and the meetings of committees appointed by the foreman of the grand jury and for each day's service when authorized in writing by the foreman to make individual investigations When using a privately owned automobile, each grand juror shall also be allowed eight cents ($0.08) a mile for each mile actually traveled by him each way in attending each day's sessions of the grand jury and meetings of committees appointed by the foreman of the grand jury and when making individual investigations upon being authorized in writing to make such investigations by the foreman.

The fees and traveling expenses shall be paid out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in the case of grand jurors and jurors attending the superior court, and upon written order of the judge of the court in which the juror was in attendance in the case of jurors attending the justice courts.

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

SEC. 84. Section 28135 of said code is renumbered and amended to read:

County of thirty-first class

28131. In any county of the 31st class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand six hundred dollars ($6,600) a year, which shall include compensation for the compilation of the annual financial report and classified annual payroll of the county.

(b) The district attorney, ten thousand two hundred dollars ($10,200) a year. He shall devote full time to the duties of district attorney and shall not engage in private practice of law during his term of office.

(c) Each supervisor, for Districts 1 and 5, four thousand eight hundred dollars ($4,800) a year, effective January 1, 1959, and each supervisor, for Districts 2, 3, and 4, four thousand eight hundred dollars ($4,800) a year, effective January 1, 1961, and ten cents ($0.10) for each mile necessarily traveled in the performance of his official duties. The chairman of the board of supervisors may receive twenty-five cents ($0.25) a mile, one way, between his residence and the

county seat, when attending at the county seat for the single purpose of counting the money in the county treasury as required by law.

In the event the constitutional restriction on increases in salaries to incumbent county officers is removed, or if, in any other manner, it becomes legally permissible to pay increased salaries to incumbent officers, the effective dates herein provided shall be disregarded and the salaries provided in this subdivision shall become effective immediately on the removal of the prohibition.

The incumbent supervisors shall receive three thousand six hundred dollars ($3,600) per year until such time as the increased salaries of this section become effective.

(d) Grand jurors in grand jury duty shall receive six dollars ($6), and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance, and grand jurors and trial jurors shall receive ten cents ($0.10) for each mile necessarily traveled in attendance. In justice courts the jurors shall receive five dollars ($5) for each day's attendance and ten cents ($0.10) for each mile necessarily traveled in attendance.

SEC. 85. Section 28136 of said code is renumbered and amended to read:

28138. In a county of the 38th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: County of thirty-eighth class

(a) The auditor, six thousand six hundred dollars ($6,600) a year.

(b) The district attorney, seven thousand two hundred dollars ($7,200) a year.

(c) Each supervisor, three thousand dollars ($3,000) a year and mileage at the rate of twenty cents ($0 20) a mile for the distance usually traveled in going from his home to the county seat and returning.

(d) Grand jurors and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the places of service, in going only. Trial jurors in the justice court shall receive five dollars ($5) for each day's attendance and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the justice courts, in going only.

SEC. 86. Section 28138 of said code is renumbered and amended to read:

28136. In a county of the 36th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: County of thirty-sixth class

(a) The auditor, three thousand six hundred eighty dollars ($3,680) a year.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year. If the office of district attorney is consolidated with that of public administrator, the holder of the consolidated office shall receive a salary of seven thousand five hundred dollars ($7,500) a year, and all fees received by the holder of the consolidated office in performing the duties of public administrator shall be paid into the county treasury.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year.

(d) Grand jurors and trial jurors in the superior court shall receive four dollars ($4) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile actually and necessarily traveled from their residences to the county seat, in going only for each and every day a juror is required by law to attend upon the particular duty assigned to him. Fees and mileage shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

SEC. 87. Section 28139 of said code is renumbered and amended to read:

County of forty-first class

28141. In a county of the 41st class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, three thousand six hundred dollars ($3,600) a year.

(b) The district attorney, seven thousand two hundred dollars ($7,200) a year.

(c) Each supervisor, three thousand dollars ($3,000) a year for all services rendered as supervisor and as member of the board of equalization. Each supervisor shall also receive ten cents ($0.10) a mile for each mile actually and necessarily traveled when traveling within or without the county on county business. In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) Trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and mileage at the rate of ten cents ($0.10) for each mile actually and necessarily traveled from their residences to the county seat. Grand jurors shall receive seven dollars ($7) for each day's attendance and ten cents ($0.10) for each mile actually traveled. The fees and mileage shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

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

SEC. 88. Section 28141 of said code is renumbered and amended to read:

28147. In a county of the 47th class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums: County of forty-seventh class

(a) The auditor, eight hundred dollars ($800) a year.

(b) The district attorney, six thousand dollars ($6,000) a year.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year and mileage from his residence to the county seat at each sitting of the board, at twenty-five cents ($0.25) a mile. Each supervisor is, in addition, allowed three hundred dollars ($300) a year to cover mileage expenses at twenty-five cents ($0.25) a mile in viewing the roads. This salary and mileage are in full for all services.

(d) Grand jurors and trial jurors shall receive the following fees and mileage:

(1) Grand jurors and jurors in the superior court shall be paid six dollars ($6) a day for each day's attendance, and fifteen cents ($0.15) for each mile actually traveled each way while acting as jurors. The judge of the court shall certify to the auditor the number of days' attendance of each juror and his mileage. The auditor shall draw his warrant on the treasurer in favor of each juror and the treasurer shall pay the warrant.

(2) Trial jurors in any justice court shall receive four dollars ($4) for each day's attendance, and fifteen cents ($0.15) for each mile actually traveled each way. The judge of the justice court shall certify to the auditor the number of days' attendance of each juror, and the auditor shall draw his warrant therefor, and the treasurer shall pay the warrant.

(e) Witnesses legally required to appear before the grand jury or the superior court shall receive four dollars ($4) for each day's attendance, and ten cents ($0.10) per mile for each mile actually traveled each day, in going only.

(f) Witnesses legally required to appear in any justice court or before a coroner's jury shall receive three dollars ($3) for each day's attendance, and ten cents ($0.10) per mile for each mile actually traveled each day, in going only.

SEC. 89. Section 28142 of said code is renumbered and amended to read:

28139. In a county of the 39th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: County of thirty-ninth class

(a) The auditor, five thousand two hundred eighty dollars ($5,280) a year.

(b) The district attorney, nine thousand dollars ($9,000) a year. He shall not engage in private law practice during his term of office.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year and ten cents ($0.10) a mile: (1) each way, for traveling to and from his residence to the courthouse while going to or returning from meetings of the board of supervisors, and (2) for each mile actually and necessarily traveled

when traveling, either within or without the county, by order of the board of supervisors on county business.

(d) Grand jurors and all trial jurors in the superior court, for each day's attendance six dollars ($6), and fifteen cents ($0.15) for each mile actually traveled, in going only. The judge of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant.

SEC. 90. Section 28145 of said code is renumbered and amended to read:

County of fiftieth class

28150. In a county of the 50th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) Each supervisor, four thousand two hundred dollars ($4,200) a year and mileage from his residence to the county seat at each sitting of the board, twenty cents ($0.20) a mile, such compensation to be in full for services as supervisor.

(b) Grand and trial jurors, five dollars ($5) per day and such mileage fees as are allowed by law.

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

(d) The district attorney, seven thousand eight hundred dollars ($7,800) a year.

Repeal

SEC. 91. Section 28145.1 of said code is repealed.

Repeal

SEC. 92. Section 28145.2 of said code is repealed.

SEC. 93. Section 28146 of said code is renumbered and amended to read:

County of forty-fifth class

28145. In a county of the 45th class the following shall receive as compensation for the services required of them by law, or by virtue of their offices, the following sums:

(a) The auditor, three thousand five hundred twenty dollars ($3,520) a year.

(b) The district attorney, ten thousand dollars ($10,000) a year, and he shall not engage in the private practice of the law.

(c) Each supervisor, five thousand four hundred dollars ($5,400) a year for all services performed by him, as supervisor and member of the board of equalization; provided, that if and when any county of this class adopts a charter, and the provisions of the charter provide for the election of members of the board of supervisors on a countywide basis, the salary of each supervisor shall be six thousand dollars ($6,000) a year, unless otherwise provided by the charter.

Each supervisor shall receive ten cents ($0.10) a mile for each mile actually and necessarily traveled when traveling within or without the county on county business.

In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) The official reporter of the superior court shall receive as full compensation for taking notes in criminal cases in the superior court, before the grand jury, for preliminary examinations and for coroner's inquests, and for transcribing notes in justice courts preliminary examinations, a monthly salary

of two hundred seventy-five dollars ($275) payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid. He shall receive as compensation for taking notes when required in civil cases a per diem as provided by law, to be paid by the litigants as the court directs, and for transcription of such notes in civil cases, and in criminal cases on appeal from the superior court, such fees as are provided by law. The compensation for transcriptions in criminal cases on appeal from the superior court shall be audited and allowed upon a written order of the court and paid out of the county treasury, and in civil cases shall be paid by the party ordering the transcript, or when ordered by the judge, by either party, or by both or all parties, as the court directs. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

(e) Grand jurors and jurors in the superior court shall be paid seven dollars ($7) a day for each day's attendance, and ten cents ($0.10) per mile each way per each day of service. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor shall draw his warrants for the fees and mileage due the juror, and the treasurer shall pay the warrant.

(f) Witnesses when legally required to attend upon the superior court in criminal cases and upon the juvenile court in juvenile court matters, shall be paid six dollars ($6) a day for each day's actual attendance, and ten cents ($0.10) for each mile actually traveled. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each witness. The auditor shall draw his warrant for the fees and mileage due the witness, and the treasurer shall pay the warrant.

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

SEC. 94. Section 28147 of said code is renumbered and amended to read:

28149. In a county of the 49th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: County of forty-ninth class

(a) The auditor, seven thousand two hundred dollars ($7,200) a year.

(b) The district attorney, eight thousand four hundred dollars ($8,400) a year for his services. He may engage in the private practice of law.

(c) Each supervisor, three thousand dollars ($3,000) a year and thirty cents ($0.30) a mile one way in attending the meetings of the board.

(d) Jurors shall receive the following fees and mileage:

For attending as a grand juror or as a trial juror in the superior court, for each day's actual attendance six dollars ($6), and twenty cents ($0.20) for each mile actually traveled, in going only; for attending as a trial juror in the justice

court, in civil cases only, for each day's actual attendance five dollars ($5), and twenty cents ($0.20) for each mile actually traveled, in going only. The fees of jurors shall be paid to them on each day during the period of their attendance, if demanded, and the mileage shall be paid at the time the fee for the first day's attendance is paid.

SEC. 95. Section 28149 of said code is renumbered and amended to read:

County of forty-sixth class

28146. In a county of the 46th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, three thousand three hundred dollars ($3,300) a year in lieu of all fees and commissions.

(b) The district attorney, five thousand dollars ($5,000) a year.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year for his services as supervisor, and ten cents ($0.10) a mile when traveling while engaged in official business in the county. He shall not receive more than seven hundred dollars ($700) in any one year for mileage as supervisor.

(d) For attending as grand juror or as trial juror, each such juror shall receive such fees and mileage as are now or may hereafter be allowed by law.

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

SEC. 96. Section 28150 of said code is renumbered and amended to read:

County of fifty-first class

28151. In a county of the 51st class the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums:

(a) The auditor, two thousand four hundred dollars ($2,400) a year.

(b) The district attorney, four thousand five hundred dollars ($4,500) a year and necessary traveling expenses to be allowed by the board of supervisors.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year, in full payment for services as member of the board of supervisors and member of the board of equalization, and twenty cents ($0.20) a mile, going only, in traveling from his residence to the county seat at each session of the board. Each supervisor shall also receive his necessary and actual itemized traveling expenses when traveling outside the county by order of the board on business connected with his office, not to exceed five hundred dollars ($500) a year in the aggregate for all members of the board.

(d) For each day's attendance as a grand juror five dollars ($5). For each day's attendance as a trial juror five dollars ($5). Grand and trial jurors shall receive ten cents ($0.10) for each mile actually traveled each way while serving as such grand or trial juror. The county clerk shall certify

to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor shall draw his warrant therefor and the treasurer shall pay the warrant.

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

SEC. 97. Section 28151 of said code is renumbered and amended to read:

County of fifty-fourth class

28154. In a county of the 54th class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums:

(a) The auditor, two thousand four hundred dollars ($2,400) a year and such fees as are allowed by law.

(b) The district attorney, four thousand eight hundred dollars ($4,800) a year.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year, and mileage at the rate of fifteen cents ($0.15) a mile in traveling from his residence to attend regular meetings of the board and in returning.

Each supervisor shall also be allowed fifteen cents ($0.15) a mile for each mile actually traveled in inspecting county roads, not to exceed three hundred dollars ($300) annually.

(d) For attending as a grand juror or as a trial juror in the superior court in criminal cases, three dollars ($3) for each day's attendance. For each mile actually traveled in attending upon the superior court, in going only, twenty-five cents ($0.25). The grand jurors and trial jurors in criminal cases shall be paid by warrants drawn by the county auditor, issued upon the order of the court, or judge thereof. Jurors who serve in civil actions in the superior court shall receive two dollars ($2) a day to be paid by the party demanding the jury.

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

SEC. 98. Section 28153 of said code is renumbered and amended to read:

County of forty-second class

28142. In a county of the 42d class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

(a) The auditor, two thousand five hundred twenty dollars ($2,520) a year and in addition two hundred dollars ($200) annually for preparing the county budget when prepared by him. If the office of recorder is consolidated with that of auditor, the auditor as such shall receive no compensation.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year and such fees as are paid to that officer.

(c) Each supervisor, two thousand four hundred dollars ($2,400) a year and eight cents ($0 08) a mile for mileage and expenses in traveling from his residence to the county seat, but only one mileage shall be allowed for any regular or special session of the board. Actual expense outside the county shall be allowed and paid.

(d) Grand jurors and trial jurors in the superior courts, three dollars and fifty cents ($3.50) for each day's attendance and seven cents ($0.07) for each mile necessarily traveled each way in attending court. In criminal cases the fees and mileage of the trial jurors in the superior court shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer of the county shall pay the warrants. The fees of jurors in justice courts shall be two dollars and fifty cents ($2.50) for each day's attendance and mileage at the rate of seven cents ($0.07) a mile each way traveled in attending court.

SEC. 99. Section 28154 of said code is renumbered and amended to read:

County of fifty-fifth class

28155 In a county of the 55th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, three thousand dollars ($3,000) a year.

(b) The district attorney, six thousand six hundred dollars ($6,600) a year.

(c) Each supervisor, three thousand six hundred dollars ($3.600) a year, for all services required of him by law in any capacity, and ten cents ($0.10) a mile (1) for each mile actually and necessarily traveled when traveling within or without the county on county business. (2) In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) Grand jurors shall be paid seven dollars ($7) a day, and jurors in the superior court shall be paid six dollars ($6) for each day's attendance. Grand and trial jurors shall receive ten cents ($0 10) for each mile actually traveled each way while serving as such grand or trial juror. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor shall draw his warrant for the fees and mileage due the juror, and the treasurer shall pay the warrant.

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

SEC. 100. Section 28155 of said code is renumbered and amended to read:

County of fifty-third class

28153. In a county of the 53d class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand dollars ($6,000) a year, and his actual expenses incurred while attending to the business of the county. The auditor shall also receive mileage at the rate of ten cents ($0.10) a mile for mileage actually traveled in attending to such business.

(b) The district attorney, four thousand eight hundred dollars ($4,800) a year.

(c) Each supervisor, two hundred twenty-five dollars ($225) a month and his actual expenses while attending regular, special and adjourned meetings of the board of supervisors and while attending to the business of the county by the order of the board of supervisors, and mileage at the rate of twenty cents ($0.20) a mile, one way, for mileage actually traveled to attend regular, special and adjourned meetings of the board of supervisors, and at the rate of ten cents ($0.10) a mile while attending to the business of the county by the order of the board of supervisors.

(d) Grand jurors, six dollars ($6), and trial jurors in the superior courts, five dollars ($5), for each day's attendance and mileage at the rate of twenty-five cents ($0.25) for each mile necessarily traveled in attending court, in going only. In the justice courts the jurors shall receive five dollars ($5) for each day's attendance and twenty-five cents ($0.25) for each mile necessarily traveled in attending court, in going only. In criminal cases the fees and mileage of jurors shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer shall pay the warrant.

SEC. 101. Section 69892 of said code is amended to read:

Secretary and assistants

69892. In a county having a population of over 82,000 and not over 1,500,000 as determined by the 1960 federal census, the judge of the superior court may appoint a secretary and two assistant secretaries and not to exceed one additional assistant secretary for each department of the superior court in the county over three. Such appointees shall be exempt from civil service The board of supervisors shall fix the salary of the secretary and assistant secretaries at rates equivalent to the salary rate of county employees holding comparable positions under the county civil service or merit system, or if there is none, at rates equivalent to salary rate of county employees holding comparable positions. The salary of the secretary shall not be less than three hundred dollars ($300) a month and the salary of an assistant secretary shall not be less than two hundred seventy-five dollars ($275) a month.

SEC. 102. Section 69895 of said code is amended to read:

Secretary of the judges when required to act as jury commissioner

69895. In any county with a population of less than 800,000 but more than 710,000, as ascertained pursuant to the 1960 federal census, where the secretary of the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, the salary of the secretary shall be one thousand four hundred twenty-five dollars ($1,425) a month.

In such a county, on the authorization of the judges, the secretary shall have four assistant secretaries, who shall assist also in the performance of the duties of jury commissioner and whose salaries shall be six hundred fifty dollars ($650) a month. The salaries of such secretaries and of such assistants shall be paid by the county in which they serve.

Same

SEC. 103. Section 69896 of said code is amended to read:

69896. In a county with a population of less than 1,500,000 as ascertained pursuant to the 1960 federal census where the secretary for the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, the salary of the secretary shall be fixed by the board of supervisors.

Salary of judges' secretary

SEC. 104. Section 69903 of said code is amended to read:

69903. In any county with a population of less than 1,000,000 but more than 800,000 as ascertained pursuant to the 1960 federal census, where the secretary of the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, his salary shall be not less than six hundred dollars ($600) per month nor more than one thousand two hundred dollars ($1,200) per month, said salary to be fixed within said limits by a majority of the judges of the superior court of such county. In such a county the secretary may have to assist him in the performance of his duties one legal research assistant, who shall be a member of the bar, who shall receive a salary of not less than four hundred dollars ($400) nor more than seven hundred fifty dollars ($750) a month, two administrative assistants, each of whom shall receive a salary of not less than three hundred dollars ($300) nor more than seven hundred dollars ($700) a month, four clerks, who shall receive a salary of not less than three hundred dollars ($300) nor more than five hundred dollars ($500). Such legal research assistant, administrative assistants, and clerks shall be appointed by the secretary with the approval of the presiding judge of the superior court of such county. Each such position shall be exempt from civil service laws. The salaries of such persons shall be fixed by a majority of the judges of the superior court of such county. The salaries of such secretary, legal research assistant, administrative assistants, and such clerks shall be paid by the county in which they serve.

Salary of court reporter; salary of reporter pro tempore

SEC. 105. Section 70045.1 of said code is amended to read:

70045.1. Notwithstanding the provisions of Section 70045 of this code, in any county having a population of 9,000 and not over 9,800, as determined by the 1960 federal census, each regular official court reporter shall receive an annual salary of three thousand six hundred dollars ($3,600) payable in monthly installments out of the salary fund of the county, for the reporting and taking notes in criminal cases in the superior court, and in preliminary examinations of those accused of crime before magistrates, and of proceedings before the grand jury and at coroner's inquests when requested by the coroner, and for other services such reporters shall receive the fees provided for in Article 9 (commencing at Section 69941), Chapter 5, Title 8 of this code, such fees in civil cases to be paid by the litigants as provided by law.

Reporters pro tempore shall be paid a per diem of twenty-five dollars ($25) as provided in Section 69948 of this code

and other fees set forth in Article 9 (commencing at Section 69941), Chapter 5, Title 8 of this code, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties, but a reporter pro tempore shall be paid a per diem or expenses by the county only when the regular official court reporters are occupied in the superior court, or at preliminary examinations, grand jury hearings or coroner's inquests.

SEC. 106. Section 70045.9 of said code is amended to read:

Same

70045.9. Notwithstanding the provisions of Section 70045 of this code, in any county having a population of 58,000 and not over 61,000, as determined by the 1960 federal census, each regular official court reporter shall receive an annual salary of four thousand eight hundred dollars ($4,800) payable in monthly installments out of the salary fund of the county, for the reporting and taking notes in criminal cases in the superior court, and in preliminary examinations of those accused of crime before magistrates, and of proceedings before the grand jury and at coroner's inquests when requested by the coroner, and for other services the said reporters shall receive the fees provided for in Article 9 (commencing at Section 69941), Chapter 5, Title 8 of this code, the said fees in civil cases to be paid by the litigants as provided by law.

Reporters pro tempore shall be paid a per diem of twenty-five dollars ($25) as provided in Section 69948 of this code and other fees set forth in Article 9, Chapter 5, Title 8 of this code, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties, but a reporter pro tempore shall be paid a per diem or expenses by the county only when the regular official court reporters are occupied in the superior court, or at preliminary examinations, grand jury hearings or coroner's inquests.

Policy

SEC. 107. It is the intention of the Legislature in enacting this act to reclassify the counties of the State on the basis of the 1960 federal census. It is not the intention of the Legislature in enacting this act to change the compensation of any person whose compensation it is empowered to regulate, and such compensation shall remain the same as it was on January 1, 1961, except as the Legislature may by law otherwise expressly provide.

Urgency

SEC. 108. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The United States Bureau of the Census has released the population figures for the counties of California as determined by the 1960 federal census, so that the Legislature may reclassify the counties on the basis of the new census figures. On the basis of the 1960 census most of the 58 counties have changed classification. Since the California statutes relating to counties, with few exceptions, designate the county to which the statute relates by number of class, rather than by name of the county, and since there are many bills pending in the Legislature which propose to amend these statutes, it is urgently necessary for the Legislature to establish a single basis of classification for passing on these bills during this session.

CHAPTER 44

An act to add Chapter 3.5 (commencing with Section 12281) to Part 7 of Division 2 of the Revenue and Taxation Code, relating to retaliatory taxes, licenses and fees, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 30, 1961. Filed with Secretary of State March 31, 1961.]

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

SECTION 1. Chapter 3.5 (commencing with Section 12281) is added to Part 7 of Division 2 of the Revenue and Taxation Code, to read:

Filing of a retaliatory tax return

CHAPTER 3.5. RETALIATORY TAXES, LICENSES AND FEES

12281. Annually, on or before May 1st, each insurer subject to the provisions of Article 1.5 (commencing with Section 685), Chapter 1, Part 2, Division 1 of the Insurance Code shall file, in duplicate, with the Insurance Commissioner, in accordance with regulations promulgated by him, a retaliatory tax information return. The regulations may define categories of insurers which the Insurance Commissioner reasonably believes will not owe any retaliatory taxes, licenses or fees, and insurers falling within such categories shall be exempt from making and filing returns.

Late filing; penalty

12282. If an insurer files a retaliatory tax information return after the time has expired for filing such return, the Insurance Commissioner shall note such fact on the copy of the return when it is transmitted to the board, and in making its assessment the board shall add to the amount of the assessment a penalty of fifty dollars ($50) for each day or fraction thereof elapsing between the date the return was required to be filed and the date on which the return was filed, or five hundred dollars ($500), whichever is the smaller.

Review and recommendations of returns

12283. Annually, on or before August 15th, the Insurance Commissioner shall review the returns required by Section 12281 and recommend to the board the amount of retaliatory tax payable by each insurer. One copy of each such return shall be transmitted to the board with the recommendations.

Assessment

12284. Annually, on or before September 15th, the board shall assess in respect to the preceding calendar year, the retaliatory taxes imposed upon insurers, giving consideration to the recommendations of the Insurance Commissioner. Immediately after making the assessment of retaliatory tax against an insurer, the board shall give notice of the assessment to the insurer at its address as it appears in the records of the board. The board shall transmit copies of the notice to the Insurance Commissioner and the Controller.

Application to correct

12285. On or before October 15th any insurer dissatisfied with the assessment of the retaliatory tax may apply to the board to have the assessment corrected in any particular. The application shall state the grounds of the objection to the assessment and the corrections sought.

Modification of assessment

12286. On or before November 15th the board may increase or decrease any assessment of the retaliatory tax with respect to which an application has been filed pursuant to Section 12285. Notice of revision of an assessment of retaliatory tax shall be mailed to each insurer whose assessment is modified and copies thereof shall be transmitted to the Insurance Commissioner and the Controller.

Due date

12287. The retaliatory tax shall be due and payable on or before December 1st and shall be paid by remittance made payable to the Controller. If not paid on or before the due date, the amount of retaliatory tax shall bear interest at the rate of one-half of 1 percent per month or fraction thereof from December 1st until the date of payment, and there shall be paid in addition to the tax and interest, a penalty of 10 percent of the amount of the retaliatory tax.

Deficiency assessments

12288. Deficiency assessments for retaliatory taxes may be made in the same manner as is provided by this part for other deficiency assessments.

12289. All provisions of this part not in conflict with the provisions of this chapter shall apply to the assessment, levy, payment, collection and correction of retaliatory taxes, and the rights and remedies of the State and of insurers provided by this part shall apply to retaliatory taxes.

Dates

12290. Whenever in this part the date, June 15th, is used as the beginning date for computation of interest, attachment of penalties, or the fixing of periods of limitation, the date, December 1st, shall be substituted in lieu thereof with respect to retaliatory taxes.

Urgency

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

The present self-assessment method of collecting retaliatory taxes, licenses and fees imposed on foreign insurers has been found to be highly unsatisfactory to the foreign insurers, as well as to the Department of Insurance. The foreign insurers find it impossible to adequately assess themselves. In many cases the information furnished to the department is not sufficient upon which to make a proper evaluation of the taxes. In order to immediately eliminate the uncertainty and confusion in the collection of these taxes, licenses and fees, this act will provide a method of collection which will adequately protect both the interests of the State as well as of the foreign insurers subject to the retaliatory taxes, licenses and fees.

CHAPTER 45

An act to amend Section 3800 of the Fish and Game Code, relating to nonprotected birds.

In effect September 15, 1961

[Approved by Governor March 30, 1961. Filed with Secretary of State March 31, 1961.]

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

SECTION 1. Section 3800 of the Fish and Game Code is amended to read:

3800. Nonprotected birds are:

(a) English sparrows (Passer domesticus); crows (Corvus brachyrhynchos); American or black-billed magpies (Pica pica hudsonia); California or scrub jays (Aphelocoma californica); Steller's or crested jays (Cyanocitta stelleri); and starlings (Sturnus vulgaris).

(b) Yellow-billed magpies (Pica nuttalli).

The provisions of subdivision (b) of this section shall be applicable only in those districts or parts of districts within a county whose board of supervisors, by resolution, has declared that such provisions are desirable for the county and shall be in effect until the 91st day after adjournment of the 1963 Regular Session of the Legislature and thereafter shall have no force or effect.

CHAPTER 46

An act to amend Section 27323 of the Government Code, relating to county recorders.

[Approved by Governor March 30, 1961 Filed with Secretary of State March 31, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 27323 of the Government Code is amended to read:

27323 The recorder may segregate the instruments, papers, and notices and record them in separate books, or sheets or rolls of film under titles of indices provided for in Article 2 of this chapter.

In lieu thereof the recorder may record any or all of the instruments, papers or notices in one general series of books or film to be called "official records." The series shall be numbered consecutively beginning with number one. The recording of instruments in "official records" imparts notice in like manner and effect as if the instruments were recorded in separate books or film.

If a system of microphotography is used to record any instruments, papers or notices, each original roll of film thereof kept by the recorder shall be given a separate number, and shall be called a "book," "film," "reel," or shall be similarly designated, and each page of such instrument, paper or notice shall be called a "page," "image" or similar designation. Whenever under any law it is required that an instrument, paper, or notice be identified or referred to as recorded in a book or page or both, it shall be sufficient for purposes of identification and of compliance with such law that reference be made to such instrument, paper or notice by the designations adopted by the recorder pursuant to the provisions of this section.

CHAPTER 47

An act to add Article 5 (commencing with Section 31520) to Chapter 5 of Division 13 of the Vehicle Code, relating to the transportation of baled materials.

[Approved by Governor March 30, 1961 Filed with Secretary of State March 31, 1961]

In effect September 15, 1961

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

SECTION 1. Article 5 (commencing with Section 31520) is added to Chapter 5 of Division 13 of the Vehicle Code, to read:

Article 5. Baled Cotton, Paper, and Jute

31520. (a) The department shall adopt and enforce regulations relating to the type and number of binders and binder attachments necessary for the safe loading of baled cotton, baled paper, and baled jute.

(b) No person shall transport or cause to be transported any of these products in violation of the regulations promulgated hereunder.

CHAPTER 48

An act to amend Section 26505 of the Vehicle Code, relating to airbrakes.

In effect September 15, 1961

[Approved by Governor March 30, 1961 Filed with Secretary of State March 31, 1961]

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

SECTION 1. Section 26505 of the Vehicle Code is amended to read:

26505. Every motor vehicle equipped with airbrakes shall be equipped with a pressure gauge of reliable and satisfactory construction and maintained in an efficient working condition, accurate within 10 percent of the actual air reservoir pressure, and visible and legible to the driver at all times.

CHAPTER 49

An act to amend Section 1181 of the Civil Code, relating to officers who may take proof or acknowledgment of an instrument.

In effect September 15, 1961

[Approved by Governor March 30, 1961 Filed with Secretary of State March 31, 1961]

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

SECTION 1. Section 1181 of the Civil Code is amended to read:

1181. The proof or acknowledgment of an instrument may be made before a notary public at any place within this State, or within the county or city and county in this State in which the officer specified below was elected, or appointed, before either:

1. A clerk of a municipal or justice court;
2. A county recorder;
3. A county clerk;
4. A court commissioner;
5 A judge of a municipal or justice court;
6. A district attorney.

CHAPTER 50

An act to add Section 35112 to the Water Code, relating to California water district elections.

[Approved by Governor March 30, 1961 Filed with Secretary of State March 31, 1961]

In effect September 15, 1961

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

SECTION 1. Section 35112 is added to the Water Code, to read:

35112. The returns and other documents and papers forwarded to the board of supervisors pursuant to subdivision (c) of Section 35110 shall be filed with and retained by the clerk of the board of supervisors for six months subsequent to the date of the recording of the certificate required by Section 35111 and may thereafter be destroyed by the clerk unless within the six months period an election contest or a criminal prosecution for fraudulent use, marking or falsification of ballots involving such returns is filed, in which event the returns and other documents and papers shall be subject to the order of the court in which the proceeding is filed and shall not be destroyed until after the final determination thereof.

CHAPTER 51

An act to amend Section 24274 of the Water Code, relating to irrigation districts.

[Approved by Governor March 30, 1961 Filed with Secretary of State March 31, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 24274 of the Water Code is amended to read:

24274. The board on or before its regular monthly meeting in March of each year shall render and immediately publish a verified statement of the financial condition of the district showing particularly:

(a) Revenues of the next preceding year and their sources: Amounts received (cash basis) or amounts received and receivable which increase the equity of the governmental unit (accrual basis).

(b) Expenditures of the next preceding year and their purposes: Amounts paid (cash basis) or amounts paid and payable which decrease the equity of the governmental unit (accrual basis).

(c) The accounting method used (cash or accrual basis).

(d) A statement of the accounting method used for the preceding accounting period.

CHAPTER 52

An act to amend Section 24 of the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955), relating to the Fresno Metropolitan Flood Control District, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 30, 1961 Filed with Secretary of State March 31, 1961]

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

SECTION 1. Section 24 of the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955) is amended to read:

Sec. 24. The board may order the construction of flood control works, storm drains and appurtenances and appurtenant work in the whole or any portion of any of the streets, highways or public places (including state highways, after obtaining a permit therefor pursuant to Article 2 (commencing with Section 670), Chapter 3, Division 1 of the Streets and Highways Code) within the district or in any property or rights-of-way owned by the district, and the cost thereof may be assessed upon the lands benefited, all in the manner provided in the Improvement Act of 1911 (commencing with Section 5000 of the Streets and Highways Code), the Municipal Improvement Act of 1913 (commencing with Section 10000 of the Streets and Highways Code), and the Improvement Bond Act of 1915 (commencing with Section 8500 of the Streets and Highways Code), all of which said acts are applicable to this district. In proceedings initiated under any of the foregoing acts, the district may reimburse itself for the cost of any acquisition of lands or improvements paid for from its general fund. Such reimbursements shall be charged as an incidental expense under the particular improvement act under which proceedings are had. The powers and duties conferred by such acts upon legislative bodies, officers and agents of cities or counties shall be exercised by the respective board, officers and agents of the district. In the application of such acts to proceedings under this act the terms used in said acts shall have the following meanings:

(a) "Legislative body," "city council" or "council" shall mean "board of directors of the district";

(b) "City," "municipality" or "county" shall mean "district";

(c) "Clerk" and "city clerk" mean "secretary of the district";

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

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

(f) "Treasurer" and "city treasurer" mean "county treasurer as ex officio treasurer of the district."

Any assessment levied by the district under this section shall be recorded in the office of the Director of Public Works of the County of Fresno.

The Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (commencing with Section 2800 of the Streets and Highways Code) shall not apply to proceedings taken under the authority of this section.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Provision for the use of the Municipal Improvement Act of 1913 (commencing with Section 10000 of the Streets and Highways Code) and the Improvement Bond Act of 1915 (commencing with Section 8500 of the Streets and Highways Code) is essential to enable the establishment of adequate and urgently needed improvement districts in time to forestall damage from storm, flood, and drain waters in rapidly growing residential and industrial areas. Urgency

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CHAPTER 53

An act to amend Section 12800 of the Vehicle Code, relating to driver's licenses.

[Approved by Governor March 30, 1961. Filed with Secretary of State March 31, 1961.] In effect September 15, 1961

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

SECTION 1. Section 12800 of the Vehicle Code is amended to read:

12800. Every application for a driver's license shall contain the following information:

(a) The applicant's true full name, age, sex, and residence address

(b) A brief description of the applicant for the purpose of identification.

(c) The kind of license applied for.

(d) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(e) Whether the applicant has ever previously been refused a driver's license in this State and, if so, the date of and the reason for the refusal.

(f) Whether the applicant has previously operated a motor vehicle and, if so, for what length of time.

(g) Whether the applicant has the normal use of both hands and feet.

(h) Whether the applicant has ever been afflicted with apoplexy, epilepsy, paralysis, insanity, or other disability or disease affecting his ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(i) Whether the applicant understands traffic signs and signals.

(j) Any other information necessary to enable the department to determine whether the applicant is entitled to a license under this code.

CHAPTER 54

An act to amend Section 172 of the Penal Code, relating to sale of alcoholic beverages, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 30, 1961. Filed with Secretary of State March 31, 1961.]

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

SECTION 1. Section 172 of the Penal Code is amended to read:

Sale near state land, university, etc.

172 1. Every person who, within one-half mile of the land belonging to this State upon which any state prison, or within 1,900 feet of the land belonging to this State upon which any reformatory, is situated, or within one mile of the grounds belonging to the University of California, at Berkeley, or within one mile of the grounds belonging to the University of California at Santa Barbara, as such grounds existed as of January 1, 1961, or within one and one-half miles of the exterior limits of the land on which is located the Veterans' Home at Yountville, Napa County, California, or within three miles of the University Farm at Davis, or within one and one-half miles of any building actually occupied as a home, retreat, or asylum for ex-soldiers, sailors, and marines of the Army and Navy of the United States, established or to be established by this State, or by the United States within this State, or within the State Capitol, or within the limits of the grounds adjacent and belonging thereto, sells, gives away, or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment for not less than 50 days or by both such fine and imprisonment, in the discretion of the court.

Possession, as prima facie evidence

2. The possession by a person, within the distances mentioned in paragraph 1 of this section of any state prison, reformatory, grounds belonging to the University of California at Berkeley, University Farm at Davis, or of the land on which is located the Veterans' Home at Yountville, Napa County, California, or any building actually used as a home, retreat or asylum for ex-soldiers or sailors, and marines of the Army and

Navy of the United States, within the State Capitol, or within the grounds adjacent and belonging thereto, of a license for the sale of intoxicating liquor issued under and by the authority of the Government of the United States shall, in any prosecution under paragraph 1 of this section, be deemed to be prima facie evidence of the violation of the provisions of paragraph 1 of this section.

3. Except within the State Capitol or the limits of the grounds adjacent and belonging thereto, as mentioned in subdivision 1 of this section, the provisions of this section shall not apply to the sale, gift, or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3 2 percent of alcohol by weight nor the sale, gift, or exposing or offering for sale of beer.

4. Distances provided in this section shall be measured not by airline but by following the shortest road or roads connecting the points in question. In measuring distances from the Folsom State Prison, the measurement shall start at the entrance gate of the prison. Distances

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

The University of California at Santa Barbara is urgently in need of additional land as a site for housing for married students. It now has the opportunity to acquire land for this purpose, together with a substantial donation for this purpose from the owners of the land, and, until April 3, 1961, it can avail itself of a loan commitment from the United States to enable it to provide such housing However, such acquisition of land, would serve to enlarge the university grounds and would interfere with existing interests relating to sale of alcoholic beverages Unless legislation is promptly enacted to prevent such interference, the acquisition of land and donation will not materialize, to the detriment of the students of the university.

CHAPTER 55

An act to amend Sections 799 and 802 of the Agricultural Code, relating to grapes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 30, 1961 Filed with Secretary of State March 31, 1961.] In effect immediately

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

SECTION 1. Section 799 of the Agricultural Code is amended to read:

Grape classification

799. There are two standards for grapes. All grapes of the varieties in Group A shall be considered table grapes and all other varieties juice grapes. Grapes of all varieties must at least meet the standard for juice grapes. The following varieties of grapes and other similar varieties are in Group A.

GROUP A

(White)

Almeria
Aspiran Blanc
Bicane
Chasselas de Fontainebleau
Chasselas Napoleon
Cornichon Blanc
Crystal
Dattier de Beyrouth
Delight
Dizmar
Experimental
Variety "G 474"
Golden Queen
Italia (Italian Muscat)
Khalili
Khandahar
Ladyfinger
Malaga
Ohanez
Olivette Blanche
Olivette de Vendemain
Perlette
Persian 23
Pizzutello di Roma
Rish Baba
Rosaki
Thompson Seedless

(Red)

Angelino
Cardinal
Catawba
Flame Tokay
Hunisa
Chasselas Rose
Emperor
Red Malaga
Rose de Falloux
Maraville de Malaga
Molinera Gorda
Pink Thompson Seedless
Piment
Queen
Sultanina Rose
Tokay
Zabalkanski
Zabalkanskoi

(Black)

Black Corinth
Black Ferrara
Black Hamburg
Blackrose
Black Zante
Bleu Grau
California Concord
Concord
Corinthe Noir
Cornichon
Danugue
Drodelabi
Exotic
Frankenthal
Fresno Beauty
Gros Colman
Gros Guillaume
Isabella
Isabella Regia
Black Monukka
Black Morocco
Muscat Albardiens
Black Prince
Muscat Hamburg
Olivette Noir
Panariti
Pierce
Pierce Isabella
Pizzutello Nero
Prune de Cazouls
Purple Damascus
Rose of Peru
Ribier
Servian Blue
Snow's Muscat Hamburg
Zante Currant

SEC. 2. Section 802 of said code is amended to read:

802. As applied to grapes:

"Mature" (a) "Mature" means that each bunch of the varieties classified above in Group A shall test not less than 17 percent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, in view of differences in climatic conditions prevailing north and west of San Gorgonio Pass, which results in the Thompson Seedless and Malaga varieties of grapes grown in that area having, at maturity, a higher percentage of soluble solids than mature grapes of these varieties grown in the area south and east of San Gorgonio Pass, Thompson Seedless and Malaga grapes produced in the area north and west of San Gorgonio Pass shall so test not less than 18 percent, except that Thompson Seedless grapes produced in the area north and west of San Gorgonio Pass shall be considered mature if they so test not less than 17 percent and if the juice contains soluble solids equal to or in excess of 25 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization); however, the varieties Emperor, Gros Colman, Bleu Grau, Drodelabi, Fresno Beauty, Servian Blue, Pierce Isabella, Pierce, Isabella Regia, California Concord, Concord, Dattier de Beyrouth, Red Malaga, Khalili, Persian 23, Dismar, Ribier, Delight, Perlette and Queen shall so test not less than 16 percent and the varieties Olivette Blanche, Ladyfinger, Rish Baba, and Khandahar shall so test not less than 15 percent; however, the Blackrose, Cardinal, Experimental Variety "G 474" and Exotic varieties shall so test either not less than 16 percent or not less than 15 percent if the juice contains soluble solids equal to or in excess of 25 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization).

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

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

Any varieties included in Group A may be placed in the standard for juice grapes and other varieties may be placed in the standard established for table grapes, but regardless of standard, the maturity of varieties included in Group A shall be determined by testing the juice from entire bunches representative of the least mature grapes in any container and constituting not less than 10 percent by weight of the con-

tents of the container. The maturity of all varieties not included in Group A shall be determined by testing the juice from a composite sample representative of the average of the grapes in any container or bulk lot. The standards provided by this section are minimum standards, and the tolerances allowed by Sections 800 and 801 shall not be applied to any test made in accordance with this section for the purpose of determining whether any lot of grapes complies with the maturity standard for the variety; however, no lot of grapes of the varieties classified in Group A shall be considered as failing to meet the maturity requirements of this section because the sample of grapes from one container fails to meet the required test.

Definitions

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

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

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

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

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

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

That in order to properly produce and market Exotic grapes during the current season and to avoid waste of this product this act must take effect immediately.

CHAPTER 56

An act to amend Section 5620 of, and to repeal Section 5626 of, the Elections Code, and to amend Section 14240 of, and to repeal Section 14247 of, the Elections Code as proposed by Assembly Bill No. 8, relating to challenges of voters.

In effect September 15, 1961

[Approved by Governor March 30, 1961 Filed with Secretary of State March 31, 1961]

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

SECTION 1. Section 5620 of the Elections Code is amended to read:

5620. A person offering to vote may be orally challenged by any voter of the county upon either or all of the following grounds: Grounds for oral challenge

(a) That he is not the person whose name appears on the register.

(b) That he has not resided within the State one year next preceding the election

(c) That he has not been a naturalized citizen of the United States for 90 days prior to the election.

(d) That he has not resided within the county for 90 days preceding the election.

(e) That he has not resided within the precinct for 54 days next preceding the election.

(f) That he has voted that day.

(g) That he has been convicted of an infamous crime.

(h) That he has been convicted of the embezzlement or misappropriation of public money.

SEC. 2. Section 5626 of said code is repealed.

NOTE. The sections of the Elections Code affected by this chapter appear in their proper places in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code

SEC. 5. Sections 3 and 4 of this act shall become operative only if the Elections Code as proposed by Assembly Bill No. 8 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 8 takes effect, at which time Section 5620 of the Elections Code as amended by Section 1 of this act is repealed. Effect: Stats 1961, Ch 23

CHAPTER 57

An act to maintain the Streets and Highways Code by amending Sections 144, 731, and 5365 thereof, and by amending and renumbering Section 101 3 as enacted by Chapter 1273 of the Statutes of 1947, the heading of Article 3 (commencing at Section 30700) of Chapter 2 of Division 17, as enacted by Chapter 76 of the Statutes of 1955, the heading of Article 5 (commencing at Section 30770) of Chapter 2 of Division 17 as enacted by Chapter 1784 of the Statutes of 1959, and Sections 30770, 30771, 30772, 30773, 30774, and 30775, all as enacted by Chapter 1784 of the Statutes of 1959, thereof, relating to public ways and all appurtenances thereto.

[Approved by Governor March 31, 1961 Filed with Secretary of State March 31, 1961] In effect September 15, 1961

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

SECTION 1. Section 101.3, as enacted by Chapter 1273 of the Statutes of 1947, of the Streets and Highways Code is amended and renumbered to read:

Replacement of city limit road sign

101.4. The department shall replace or cause to be replaced any city limit road sign if all the following conditions exist:

(a) If the legislative body of a city requests the replacement.

(b) If the request is based upon a substantial change of population evidenced by a special or general federal census.

(c) If no previous request has been made by the city within a period of five years

SEC. 2. Section 144 of said code is amended to read:

Division of highway

144. The State Highway Engineer is authorized to divide or separate any state highway into separate roadways wherever there is particular danger to the traveling public of collision between vehicles proceeding in opposite directions or from cross traffic by constructing curbs, central dividing sections or other physical separations, or by signs, marks or other devices in or on the roadway appropriate to designate the dividing line.

The rules governing operation of vehicles on divided highways are contained in Section 21651 of the Vehicle Code.

SEC. 3. Section 731 of said code is amended to read:

Vehicles and structures placed on highway; nuisance

731. Any vehicle or structure parked or placed wholly or partly within any state highway, for the purpose of selling the same or of selling therefrom or therein any article, service or thing, is a public nuisance and the department may immediately remove such vehicle or structure from within any such highway.

Any person parking any such vehicle or placing any such structure wholly or partly within any such highway for the purpose of selling such vehicle or structure, or of selling therefrom or therein, any article or thing, and any person selling, displaying for sale, or offering for sale any article or thing either in or from any such vehicle or structure so parked or placed, and any person storing, servicing, repairing or otherwise working upon any such vehicle, other than upon a vehicle which is temporarily disabled, is guilty of a misdemeanor.

Misdemeanor

Enforcement

The California Highway Patrol and all peace officers may enforce the provisions of this chapter and shall co-operate with the department to that end. Whenever any member of the California Highway Patrol or any peace officer removes a vehicle from a highway under the provisions of this section, then all of the provisions of Sections 22650 to 22652, inclusive, and 22850 to 22854, inclusive, of the Vehicle Code with reference to the removal of a vehicle from a highway shall be applicable.

Exemptions

The provisions of this section shall not prohibit a seller from taking orders or delivering any commodity from a vehicle on that part of any state highway immediately adjacent to the premises of the purchaser; nor shall the provisions of this section prohibit an owner or operator of a vehicle, or a mechanic,

from servicing, repairing or otherwise working upon any vehicle which is temporarily disabled in such a manner and to such an extent that it is impossible to avoid stopping such vehicle within such highway.

SEC. 4. Section 5365 of said code is amended to read:

5365. Reference shall be made in the notices required by this chapter to the resolution of intention and the date of its passage for a description of the work therein mentioned and no other description thereof shall be necessary. Reference in notices

SEC. 5. The heading of Article 3 (commencing at Section 30700) of Chapter 2 of Division 17, as enacted by Chapter 76 of the Statutes of 1955, of said code is amended and renumbered to read:

Article 3.5. Benicia-Martinez Ferry

SEC. 6. The heading of Article 5 (commencing at Section 30770) of Chapter 2 of Division 17, as enacted by Chapter 1784 of the Statutes of 1959, of said code is amended and renumbered to read:

Article 6. San Mateo-Hayward and Dumbarton Bridges

SEC. 7. Section 30770, as enacted by Chapter 1784 of the Statutes of 1959, of said code is amended and renumbered to read:

30790. (a) The San Mateo-Hayward Bridge is the bridge, together with necessary approaches, across San Francisco Bay connecting the County of San Mateo near the City of San Mateo with the County of Alameda near Mount Eden. San Mateo-Hayward Bridge

(b) The Dumbarton Bridge is the vehicle bridge across San Francisco Bay, together with necessary approaches, connecting the County of San Mateo near Menlo Park with the County of Alameda near Fremont. Dumbarton Bridge

SEC. 8. Section 30771, as enacted by Chapter 1784 of the Statutes of 1959, of said code is amended and renumbered to read:

30791. The department is authorized to modify, improve, reconstruct, and remodel the San Mateo-Hayward Bridge as is necessary to adequately handle anticipated traffic and permit the collection of tolls

SEC. 9. Section 30772, as enacted by Chapter 1784 of the Statutes of 1959, of said code is amended and renumbered to read:

30792. For the purpose of obtaining funds to carry out the provisions of this article, the authority is authorized to issue revenue bonds. Except as herein otherwise provided, the provisions of the California Toll Bridge Authority Act are hereby made applicable to such revenue bonds, and the authority and the department are authorized to do any and all things pursuant to law necessary to finance, reconstruct and improve the San Mateo-Hayward Bridge and to refinance the Dumbarton Bridge. The authority may authorize the issuance Revenue Bonds Tolls

of bonds in series in an amount estimated to be sufficient to complete the entire work authorized hereunder in successive stages. The authority may insert in the bond indenture or resolution authorizing such bonds such conditions as it deems necessary.

SEC. 10. Section 30773, as enacted by Chapter 1784 of the Statutes of 1959, of said code is amended and renumbered to read:

Operation of San Mateo-Hayward and Dumbarton Bridges as a single unit

30793. The department is authorized to operate the San Mateo-Hayward and Dumbarton Bridges as a single unit, and shall continue to collect tolls on both bridges for purposes of paying any bonded indebtedness presently outstanding or which may be incurred pursuant to this article. Subsequent to a refinancing of any outstanding bonded indebtedness on both bridges the revenues of each need not be accounted for separately but may be allocated as security for all of the bonds issued pursuant to this article. Such tolls shall be used and applied as may be provided in a bond indenture or resolution of the authority authorizing the issuance of bonds for (a) the payment of principal and interest on said bonds; (b) the creation, establishment and maintenance of reserve and other funds for the protection or retirement of such bonds; (c) operation and insurance expenses; (d) the repayment of the State Highway Fund for moneys expended pursuant to Chapter 2416 of the Statutes of 1957; and (e) any other charges in connection with the reconstruction, improvement, operation, insuring, maintenance, and financing of the San Mateo-Hayward Bridge and the refinancing of the Dumbarton Bridge as may be determined by the authority, including the establishment of rehabilitation and improvement funds for further rehabilitation and improvement of the San Mateo-Hayward Bridge and the Dumbarton Bridge.

SEC. 11. Section 30774, as enacted by Chapter 1784 of the Statutes of 1959, of said code is amended and renumbered to read:

Alternative method of financing

30794. As an alternative method of financing, the California Toll Bridge Authority may pay for the costs of the reconstruction and improvement work on the San Mateo-Hayward Bridge or the Dumbarton Bridge, including repayment to the State Highway Fund for funds advanced for studies, from any funds now on hand or from future revenues of the San Francisco-Oakland Bay Bridge up to and including December 31, 1962, insofar as such funds are determined by the authority to be available after providing for the payment for the work necessary to complete the reconstruction of the San Francisco-Oakland Bay Bridge as authorized by Section 30609. In the event the work is so financed the authority shall continue to assess, and the department shall collect, tolls on the San Mateo-Hayward and Dumbarton Bridges after the repayment of all bonds secured thereby at rates equal to or in excess of those payable on the San Francisco-Oakland Bay Bridge. All revenues so collected shall be paid into the same fund as

revenues of the San Francisco-Oakland Bay Bridge and shall be available for expenditure for the same purposes as the revenues from the San Francisco-Oakland Bay Bridge, including the pledging thereof as security for future issues of revenue bonds that may be authorized by the authority

SEC. 12. Section 30775, as enacted by Chapter 1784 of the Statutes of 1959, of said code is amended and renumbered to read:

30795. The cost of operation of both bridges, including the cost of insurance against loss of tolls or other revenue therefrom, shall be paid from the tolls and revenue received from the use and operation of said bridges. The cost of physical maintenance, including the cost of insurance of said bridges against all risks, shall be paid by the department as provided in Section 188.3 of this code. Cost of operation

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CHAPTER 58

An act to amend Sections 285, 290, 375, 660, 1653, 1657, 4163, 4454, 4456, 5350, 5353, 5904, 6302, 6303, 8002, 9105, 9258, 9259, 9554, 11107, 11111, 11704, 11713, 12507, 12650, 13350, 13952, 14104, 14107, 14112, 17714, 22652, 23373, 24403, 24800, 25251, 25500, 27902, 27903, 29004, 29201, 29551, 29554, 29800, 29801, 29802, 29803, 29804, 29805, 30355, 30356, 30557, 30558, 30559, 31510, 40001, 40500, and 40804 of; to amend the title of Article 1 (commencing with Section 31300), Chapter 5, Division 13 of; to amend and renumber Section 4014, as added by Chapter 1 of the Statutes of 1959, of; to add Section 29005 to; and to repeal Section 29, as added by Chapter 400 of the Statutes of 1959, Section 1816, as added by Chapter 562 of the Statutes of 1959, and Sections 675, 11102, 11107, 11802, 13350, 16053, 21457, 22452, 35412, and 35790, as amended by, and Section 676 as added by Chapter 1996 of the Statutes of 1959, of the Vehicle Code and to amend Section 12059 of the Education Code, Section 1425 of the Penal Code, Sections 8603 and 10783 of the Revenue and Taxation Code, and Sections 144 and 731 of the Streets and Highways Code and Section 12713 of the Health and Safety Code, relating to vehicles, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 31, 1961. Filed with Secretary of State March 31, 1961.] In effect immediately

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

SECTION 1. Section 29 of the Vehicle Code, as added by Chapter 400 of the Statutes of 1959, is repealed.

SEC. 2. Section 285 of said code is amended to read:

285. "Dealer" is a person not otherwise expressly excluded by Section 286 who: "Dealer"

(a) For commission, money, or other thing of value, sells, exchanges, buys, or offers for sale, negotiates or attempts to negotiate, a sale or exchange of an interest in, a vehicle subject to registration under this code, or induces or attempts to induce any person to buy or exchange an interest in a vehicle and, who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of said vehicle, or

(b) Is engaged wholly or in part in the business of selling vehicles or buying or taking in trade, vehicles for the purpose of resale, selling, or offering for sale, or consigned to be sold, or otherwise dealing in vehicles, whether or not such vehicles are owned by such person.

SEC. 3. Section 290 of said code is amended to read:

"Department" 290. The "department" is the Department of Motor Vehicles except when used in Chapter 2 of Division 2 (commencing at Section 2100) and in Divisions 11, 12 and 13 (commencing at Sections 21000, 24000 and 29000) of this code it shall mean the Department of the California Highway Patrol.

SEC. 4. Section 375 of said code is amended to read:

"Lighting equipment" 375. "Lighting equipment" is any of the following lamps or devices:

(a) Any headlamp, auxiliary driving, passing, or fog lamp, rear lamp, license plate lamp, clearance lamp, signal lamp or device.

(b) Any dimout or air-raid lamp, fender turning lamp, diffused nonglaring lamp, flashing red school bus lamp, and red lamps placed on tow cars under Section 25255.

(c) Any equipment regulating the light emitted from any lamp or device in subdivision (a) or (b) or the light sources therein.

"Reflectors" (d) Reflectors, including red reflectors for use on bicycles and reflectors used for required warning devices.

SEC. 5. Section 660 of said code is amended to read:

"Unladen weight" 660. The "unladen weight" of a vehicle is the weight equipped and ready for operation on the road including the body, fenders, oil in motor, radiator full of water, with five gallons of gasoline or equivalent weight of other motor fuel; also equipment required by law and any special cabinets, boxes or body parts permanently attached to the vehicle, but excluding any load or any machinery or mechanical apparatus, such as wood saws, well-drilling machines, spray apparatus, tow car cranes, grinding equipment, and transit-mix cement equipment or temporary equipment used to contain or support the load which does not change the body classification, which is not a regular part of a motor vehicle but which may be attached to the body or chassis or connected with the driving mechanism, which shall be regarded as a part of the load but not a part of the unladen weight of the vehicle. Removable sideboards or endgates installed for occasional use but not permanently attached to the body or chassis of a commercial

vehicle shall not constitute a part of the unladen weight of the vehicle when such vehicle is used primarily upon the premises of the owner. The unladen weight of a vehicle shall have no application in determining any fee under this code or the Revenue and Taxation Code other than Section 9400 of this code.

SEC. 6. Section 675 of said code, as amended by Chapter 1996 of the Statutes of 1959, is repealed. Repeal

SEC. 6.1. Section 676 of said code, as added by Chapter 1996 of the Statutes of 1959, is repealed. Repeal

SEC. 7. Section 1653 of the Vehicle Code as added by Chapter 3, Statutes of 1959, is amended to read:

1653. The department shall examine and determine the genuineness and regularity of every application or document filed with it under this code and may require additional information or reject any such application or document if not satisfied of the genuineness and regularity thereof or the truth of any statement contained therein. Authority to grant or refuse applications

SEC. 8. Section 1657 of said code is amended to read:

1657. The director may assign qualified employees of the department to advise with the State Board of Education and with the governing boards of districts maintaining secondary schools in the preparation, establishment, and conduct of courses in automobile driver education and automobile driver training in secondary schools under Article 6 (commencing with Section 8101) of Chapter 3 of Division 7 of the Education Code. Cooperation of department

SEC. 9. Section 1816 of said code, as added by Chapter 562 of the Statutes of 1959, is repealed. Repeal

SEC. 10. Section 4014 of said code, as added by Chapter 1 of the Statutes of 1959, is amended and renumbered to read:

4017. The provisions of Section 4000 shall not apply to the moving or operating of a vehicle during the period of time in which application may be made for registration of the vehicle without penalty as provided in Sections 4602 and 4611. Exemption during period of application

SEC. 11. Section 4163 of said code is amended to read:

4163. The owner of three or more motor vehicles is not required to notify the department or to pay the fee required under Section 9257 when motor vehicle engines or motors owned by him are installed in or transferred between the motor vehicles owned by him until the motor vehicle is sold, transferred, or otherwise disposed of by him Owner of three or more vehicles

SEC. 12. Section 4454 of said code is amended to read:

4454. (a) Every owner upon receipt of a registration card shall write his signature thereon in ink in the space provided and shall place and thereafter maintain the same or a facsimile copy thereof in a suitable container and shall securely fasten the container and card in the driver's compartment of the vehicle for which issued in a position so that at least that portion of the registration card, or facsimile copy thereof, containing the name and address of the registered owner and the license number of the vehicle shall be plainly visible and legible from Display of registration card

the outside of the vehicle or, if the vehicle has no driver's compartment, shall be fastened in plain sight upon, or carried in some receptacle attached to the vehicle. In the case of commercial vehicles, the registration card may be carried in a receptacle readable from the outside, which shall be attached to the right door or splash apron of the truck or tractor or to the right side near the front of the trailer unit or units.

(b) No person shall operate, nor shall an owner knowingly permit to be operated, upon any highway any vehicle unless the registration card or facsimile copy thereof is placed as described in subdivision (a).

Exception

(c) The provisions of this section do not apply when a registration card is necessarily removed from the vehicle for which issued for the purpose of application for renewal thereof or a transfer or registration of the vehicle or to any pole or pipe dolly or auxiliary dolly.

SEC. 13. Section 4456 of said code is amended to read:

May operate for 10 days

4456. The department may authorize dealers certificated under Section 11702 to issue a duplicate copy of the dealer's report of sale form distributed by the department for display on the windshield of a vehicle sold by the dealer. When used pursuant to the rules and regulations of the department, the vehicle upon which the duplicate copy of the report of sale is displayed may be operated for a period not to exceed 10 days without the card permit or plates provided for herein, except that where the registration fees have been paid to the department within the 10-day period the vehicle may be operated on the duplicate copy of the report of sale as provided herein until such time as license plates have been received from the department. The dealer shall, as a penalty to the State, forfeit three dollars ($3) for each duplicate report of sale used by him contrary to the provisions of this section or affixed by him to a vehicle other than that for which issued.

SEC. 14. Section 5350 of said code is amended to read:

Applicability to trailer coaches

5350. The provisions of this division shall apply to trailer coaches except as otherwise provided in this article.

SEC. 15. Section 5353 of said code is amended to read:

Exemptions

5353. The registration provisions of this article shall not apply to any of the following:

(a) Any trailer coach which is driven or moved upon a highway in conformance with the provisions of this code relating to dealers, manufacturers, transporters, or nonresidents or under a temporary permit issued by the department as authorized by Section 4156 hereof or under a one-trip permit issued by the department as authorized by Section 4003 when such permit is issued to a nonresident.

(b) Any unoccupied trailer coach which is part of an inventory of trailer coaches held for sale by a manufacturer or dealer in the course of his business.

SEC. 16. Section 5904 of said code is amended to read:

Application for transfer

5904. Whenever the ownership of any vehicle for which a certificate of ownership has been issued without registration

under Section 4452 is transferred, an application for transfer shall be made as provided in this chapter.

SEC. 17. Section 6302 of said code is amended to read:

Registration of mortgagee as legal owner

6302. Upon the deposit of an application for registration of a chattel mortgagee as legal owner and upon the payment of the fees as provided in this code, the department shall register the mortgagee, his successor or assignee as legal owner in the manner provided for the registration of motor vehicles under the provisions of this chapter.

SEC. 18. Section 6303 of said code is amended to read:

Exclusive method

6303. The method provided in this chapter for giving constructive notice of a chattel mortgage on a vehicle registered under this code is exclusive, the execution of the chattel mortgage need not be acknowledged or proved and certified, and any such chattel mortgage is excepted from the provisions of Sections 2957, 2959a, 2965 and 2966 of the Civil Code.

SEC. 19. Section 8002 of said code is amended to read:

Proportionate registration and licensing

8002. It shall be incumbent upon the commission, wherever practicable, to enter into agreements or arrangements for the proportionate registration and licensing of vehicles or payment of fees therefor under Article 5 (commencing with Section 8150).

SEC. 20. Section 9105 of said code is amended to read:

Fees: Exemptions

9105. The fees specified in this code except fees for duplicate plates, certificates, or cards need not be paid for any vehicle, other than a commercial vehicle, of a type subject to registration under this code, owned by any veteran who has lost, or has lost the use of, both legs, or who has suffered permanent blindness as defined in Section 6202 of the Education Code, as a result of injury or disease suffered while on active service with the armed forces of the United States.

The exemption granted by this section shall not extend to more than one vehicle owned by any such veteran.

SEC. 21. Section 9258 of said code is amended to read:

$5 fee

9258. A fee of five dollars ($5) shall be paid to the department for each one-trip permit issued pursuant to subdivision (c) of Section 4003.

SEC. 22. Section 9259 of said code is amended to read:

$2 fee

9259. A fee of two dollars ($2) shall be paid for each sticker or device issued under Section 8157.

SEC. 23. Section 9554 of said code is amended to read:

Delinquent fees: Penalties

9554. In every event the penalty shall be equal to the fee after the same has been computed as provided in Sections 9406 and 9559 and shall be collected therewith, except that the penalty for delinquency in respect to any transfer shall be two dollars ($2), and shall apply only to the last transfer.

Repeal

SEC. 24. Section 11102 of said code, as amended by Chapter 1996 of the Statutes of 1959, is repealed.

SEC. 25. Section 11107 of said code, as added by Chapter 1312 of the Statutes of 1959, is amended to read:

Grounds for refusal to issue license certificate

11107. (a) The Department of Motor Vehicles may refuse to issue a license certificate to any applicant to conduct a driver school or to any driving instructor when it is satisfied that:

(1) The applicant has not met the qualifications required under this chapter.

(2) The applicant was previously the holder of a license under this chapter, which was revoked or suspended, which license in the case of revocation was never reissued by the department, or which in the case of suspension was never reinstated.

(3) The applicant has been convicted in a court of record or has done any act or series of acts or is guilty of conduct which would be a cause for suspension or revocation under Section 11110.

(4) One or more of the partners, if the applicant be a partnership, or one or more of the directors, employees, or officers of the corporation, if a corporation be the applicant, was previously the holder of a license issued under this chapter, which was revoked or suspended, which license in the case of revocation was never reissued or in the case of suspension was never reinstated, or that one or more of such partners, directors, employees, or officers, as the case may be, though not previously the holder of a license, was convicted or has done any act or series of acts or been guilty of conduct which would be a cause for revocation or suspension under Section 11110; or has been convicted of a felony.

(5) By reason of the facts and circumstances touching the organization, control and management of the partnership or corporation business it is likely that the policy of the business will be directed, controlled or managed by an individual who by reason of the conviction, act, series of acts or conduct described in subparagraphs (3) and (4) above, would be ineligible for a license and that by licensing the corporation or partnership the purposes of this division would likely be defeated.

(6) The applicant has knowingly made a false statement or knowingly concealed a material fact in applying for a license.

(b) Upon refusal of the department to issue a license, the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal.

The hearing shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Repeal

SEC. 26. Section 11107 of said code, as added by Chapter 1996 of the Statutes of 1959, is repealed.

SEC. 26.5. Section 11111 of said code is amended to read:

Due process prior to cancellation or suspension

11111. (a) Every licensee under this chapter is entitled to notice and hearing prior to cancellation, suspension or revocation of the license of the licensee by the department except that

the department shall forthwith suspend such license without a hearing for failure of the licensee to meet and maintain the requirements of Section 11103 or 11104(d).

(b) The notice and hearings provided for in this division shall be pursuant to and governed by the provisions of Chapter 5, Part 1, Division 3, Title 2 of the Government Code.

(c) Any action of the department in suspending, canceling, or revoking, or failing to renew a license may be reviewed by any court of competent jurisdiction. Review

SEC. 27. Section 11704 of said code is amended to read:

11704. The department shall prescribe and provide forms to be used for application for licenses to be issued under the terms and provisions of this article and require of such applicants, as a condition precedent to issuance of such license, such information touching on and concerning the applicant's character, honesty, integrity and reputation as it may consider necessary; provided, however, that every application for a dealer's license shall contain, in addition to such information as the department may require, a statement of the following facts: Application form

(a) The name and residence address of the applicant and the trade name, if any, under which he intends to conduct his business; and if the applicant be a copartnership, the name and residence address of each member thereof, whether a limited or general partner, and the name under which the partnership business is to be conducted; and if the applicant be a corporation, the name of the corporation and the name and address of each of its principal officers and directors.

(b) A complete description, including the city, town or village with the street and number, if any, of the established place of business and such other and additional place or places of business as shall be operated and maintained by the applicant in conjunction with the established place of business.

(c) If the application be for a dealer's license, the name or names of the new motor vehicle or vehicles that the applicant has been enfranchised to sell or exchange and the name or names and address of the manufacturer or distributor who has enfranchised the applicant.

(d) Upon receipt of an application accompanied with the appropriate fee, the department shall within sixty (60) days, make a thorough investigation of the information contained in the application. Fee

SEC. 28. Section 11713 of said code is amended to read:

11713. It shall be unlawful and a violation of this code for the holder of any license issued under this article: Unlawful acts

(a) To intentionally publish or circulate any advertising which is misleading or inaccurate in any material particular or which misrepresents any of the products sold or furnished by a licensed dealer.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such

dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if said vehicle falls within the purview of Section 665 of this code.

(e) To knowingly purchase, sell or otherwise acquire or dispose of a stolen motor vehicle.

(f) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(g) For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(h) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the State unless such amount has in fact been paid by the dealer prior to such sale.

(i) To employ any person as a salesman who has not been licensed pursuant to Article 2 (commencing with Section 11800) of this chapter, and whose license is not displayed on the premises of the dealer as provided in Section 11804.

(j) To deliver, following sale of a new unregistered vehicle for operation on California highways, if such vehicle does not meet all of the equipment requirements of Division 12 of this code.

Repeal

SEC. 29. Section 11802 of said code, as amended by Chapter 1996 of the Statutes of 1959, is repealed.

SEC. 30 Section 12507 of said code is amended to read:

Temporary license to minors

12507. The department may issue to any person 16 or more years of age, but under 21 years of age, a temporary operator's license if he has:

(a) Satisfactorily completed a course in automobile driver training approved by the Division of Drivers' Licenses in any secondary school of California maintained under Article 6 (commencing with Section 8101) of Chapter 3 of Division 7 of the Education Code.

(b) Complied with Chapter 2 (commencing with Section 17700) of Division 9 of this code

SEC. 31. Section 12650 of said code is amended to read:

Student licenses

12650. (a) Any student over 14 years of age taking a course in automobile driver training, maintained pursuant to Article 6 (commencing with Section 8101) of Chapter 3 of Division 7 of the Education Code, in a secondary school or enrolled in a driver training course offered by a private or parochial school of secondary level may apply to the principal of the school for a student license.

Application

(b) The application shall be signed by the applicant before the principal of the school, or a staff member assigned to such

duty. The application shall be accompanied by a statement signed by the parents or guardian or person having custody of the minor, consenting to the issuance of a student license to the students and accepting liability for civil damages arising out of the student driving a motor vehicle upon a highway as provided for in Division 9 (commencing at Section 17000) of this code.

SEC. 32. Section 13350 of said code, as amended by Chapter 1996 of the Statutes of 1959, is repealed.

SEC. 33. Section 13350 of said code, as amended by Chapter 1048 of the Statutes of 1959, is amended to read:

Grounds requiring revocation of licenses

13350. The department shall immediately revoke the privilege of any person to drive a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of any of the following crimes or offenses:

(a) Manslaughter resulting from the operation of a motor vehicle.

(b) Driving when addicted to the use, or under the influence of a narcotic drug or amphetamine or any derivative thereof under Section 23105

(c) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001.

(d) Upon three or more convictions upon violation of Sections 20002, 23103, or 23104 within a period of 12 months from the time of the first conviction, or upon a combination of three or more of any such convictions within a like period.

(e) Any felony in the commission of which a motor vehicle is used, except as provided for in Section 13352.

SEC. 34. Section 13952 of said code is amended to read:

Notice

13952. The notice shall contain a statement setting forth the proposed action and the grounds therefor, and notify the person of his right to a hearing as provided in this chapter, or the department, at the time it gives notice of its intention to act may set the date of hearing, giving 10 days' notice thereof.

SEC 35. Section 14104 of said code is amended to read:

Informal hearing

14104. Whenever an informal hearing is granted as provided in this chapter, it shall be conducted in a completely informal manner, the only requirement being that the applicant or licensee shall have the opportunity to make or file a written answer or statement in which he may controvert any point at issue or present any evidence or arguments for the consideration of the department, or the person may present orally to the department any evidence or statement pertinent to the question and submit the question for determination by the department.

The department may consider any of the records or reports referred to in Section 14108.

SEC. 36. Section 14107 of said code is amended to read:

Formal hearing

14107. Whenever the department grants a formal hearing as provided in this chapter, the department shall fix a time and

place for hearing as early as may be arranged in the county where the applicant or licensee resides, and shall give 10 days' notice of the hearing to the applicant or licensee, except that the hearing may be set for a different place with the concurrence of the applicant or licensee and the period of notice may be waived.

Any formal hearing shall be conducted by the director or by a referee or hearing board appointed by him from officers or employees of the department.

SEC. 37. Section 14112 of said code is amended to read:

Same: Administrative procedure

14112. All matters in a formal hearing not covered by this chapter shall be governed, as far as applicable, by the provisions of the Government Code relating to administrative hearings, and particularly by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 38. Section 16053 of said code, as amended by Chapter 1996 of the Statutes of 1959, is repealed.

SEC. 39. Section 17714 of said code is amended to read:

Judgment based upon negligent operation by a minor

17714. In the event, in one or more actions, judgment is rendered against a defendant under this chapter based upon the negligent operation of a vehicle by a minor, and also by reason of such negligence rendered against such defendant under Article 2 (commencing with Section 17150) of Chapter 1 of Division 9, then such judgment or judgments shall not be cumulative but recovery shall be limited to the amount specified in Section 17709.

Repeal

SEC. 40. Section 21457 of said code, as amended by Chapter 1996 of the Statutes of 1959, is repealed.

Repeal

SEC. 41. Section 22452 of said code, as amended by Chapter 1996 of the Statutes of 1959, is repealed.

SEC. 42. Section 22652 of said code is amended to read:

Removal of vehicle from highway. When authorized

22652. In addition, an officer mentioned in Section 22651 may remove a vehicle from a highway under the following circumstances:

(a) When a vehicle is parked or left standing upon a highway for 120 or more consecutive hours in violation of a local ordinance authorizing removal.

(b) When a vehicle is illegally parked on a highway in violation of local ordinance forbidding standing or parking and the use of a highway or a portion thereof is necessary for the cleaning, repair, or construction of the highway or for the installation of underground utilities, and signs giving notice that such vehicle may be removed are erected or placed at least 24 hours prior to the removal by local authorities pursuant to ordinance; or

(c) Where the use of the highway or any portion thereof is authorized by local authorities for a purpose other than the normal flow of traffic; or for the movement of equipment, articles or structures of unusual size; and the parking of such vehicle would prohibit or interfere with such use or movement

and signs, giving notice that such vehicle may be removed, are erected or placed at least 24 hours prior to the removal by local authorities pursuant to ordinance.

(d) Where any vehicle is parked or left standing when local authorities by resolution or ordinance have prohibited such parking and have authorized the removal by ordinance. No vehicle may be removed unless signs are posted giving notice of the removal.

SEC. 43. Section 23273 of said code is amended to read:

Applicable provisions

23273. Sections 24605, 25253, 25254, 25255, 25302, 25303, 25304, 27700, and 27907 do not apply to vehicles operated by the Department of Public Works pursuant to this article.

SEC. 44. Section 24403 of said code is amended to read:

Fog lamps

24403. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height of not less than 12 inches nor more than 30 inches and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower headlamp beams, subject to the limitations of Section 24407.

SEC. 45. Section 24800 of said code is amended to read:

Use of parking lamps

24800. No vehicle shall be driven at any time with the parking lamps lighted except when the lamps are being used as turn signal lamps or when the headlamps are also lighted.

SEC. 46. Section 25251 of said code is amended to read:

Flashing lights: When permitted

25251. Flashing lights are permitted on motor vehicles as follows:

(a) To indicate an intention to turn or move to the right or left upon a roadway, approved turn signal lamps may be flashed on the side of a vehicle toward which the turn or movement is to be made.

(b) As warning lights on disabled vehicles as permitted in Section 25300 or on other vehicles which are disabled upon the roadway, four or more approved turn signal lamps may be flashed, at least two of which must be toward the front and at least two toward the rear of the vehicle.

(c) For use on emergency vehicles.

(d) For use on tow cars to the extent provided in Section 25253.

(e) For use during darkness, vehicles used by highway authorities or bridge and highway districts in highway maintenance work may be equipped with flashing or other red lights, to the front or rear, which may be used while the vehicles are parked or working on the highway.

(f) For use during darkness, vehicles used by mosquito abatement districts or pest abatement districts when dispersing insecticides in aerosol form or as mists, fogs, or smokes,

may be equipped with flashing or other red lights to the front or rear which may be used while the vehicles are parked or working on the highway.

(g) For use on school buses.

SEC. 47. Section 25500 of said code is amended to read:

Area reflectorizing material

25500. Area reflectorizing material of any color, except red on the front of a vehicle, may be used in addition to required reflectors for the following purposes:

(a) Signs required or other designations in lieu thereof as required in Section 27903 on the sides and rear.

(b) Barricade striping on the rear in alternate colors or for the delineation of the vehicle.

(c) The name, legend, trademark, trade name, or insignia may be used only by the manufacturer, seller, contractor, or registered owner of the vehicle, and space for the use of reflectorizing material on any vehicle shall not be leased, sold, or rented for advertising purposes.

SEC. 48. Section 27902 of said code is amended to read:

Exemption

27902. Motor vehicles of unladen weight of 6,000 pounds or less and motor vehicles operated by passenger stage corporations under the jurisdiction of the Public Utilities Commission are exempt from Section 27900.

SEC. 49. Section 27903 of said code is amended to read:

Signs

27903. No person shall operate any vehicle transporting any explosive substance, poisonous gases, or radioactive materials, or any tank truck, tank trailer or tank semitrailer used for the transportation of flammable liquids or liquefied petroleum gases within the tanks thereon unless at the time of such transportation there is displayed upon each side and the rear of the exterior of the vehicle a sign upon which shall appear the word "explosives," or "poisonous gases," or "flammables," or "radioactive materials," whichever may correctly designate the cargo, in letters not less than three inches in height upon a background of sharply contrasting color.

SEC. 50. Section 29004 of said code is amended to read:

Towing equipment

29004. This chapter does not apply to tow cars or to the drawbar or other connection between a motor vehicle and a pole or pipe dolly or to any lawful trailer used as a pole or pipe dolly.

SEC. 50.1. Section 29005 is added to said code, to read:

Drawbar of tow

29005. When one vehicle is towing another, the drawbar or other connection shall not exceed 15 feet.

SEC. 51. Section 29201 of said code is amended to read:

Transportation of poles on pole dolly, exemption

29201. The provisions of this chapter do not apply to the transportation of poles on a pole dolly by public utility companies engaged in the business of supplying electricity or telephone service or by the Department of Public Works when such transportation is between storage yards or between a storage yard and job location where such poles are to be used, but in no event shall more than nine poles be transported on any dolly if any such pole exceeds a length of 30 feet. If poles 30 feet or less in length are transported by pole or pipe dolly, not

more than 18 poles shall be so transported. Poles shall be adequately secured when being transported on a dolly to prevent shifting or spilling of loads.

SEC. 52. Section 29551 of said code is amended to read:

29551. (a) Logs and poles less than 25 inches in diameter at the butt end may be loaded and transported on flat bed vehicles in other than pyramid fashion, except that the height of the load shall not exceed the height of the bulkhead on the truck portion. At least three pairs of stakes shall be in place in stake pockets when lengths are less than 20 feet and at least four pairs of stakes shall be in place in stake pockets when lengths exceed 20 feet. The stakes and stake pockets shall comply with Chapter 2. Logs and poles

(b) Loads under this section are exempt from the binder requirements of this article, except that the load shall occupy the full space between the opposite stakes and on loads of two or more logs or poles in height, not less than two load encircling binders shall be in place, one near each end of the load, and tightly tensioned at all times.

SEC. 53. Section 29554 of said code is amended to read:

29554. Stakes shall be not less than four inches by four inches, secured in stake pockets as provided in Chapter 2. Stakes shall extend to not less than one-half of the diameter of the log or pole directly adjacent to the stakes in the bottom layer of a pyramid load. Stakes

SEC. 54. Section 29800 of said code is amended to read:

29800. Lumber, ties, laths, grape stakes, fence posts, plywood, and shingles shall be loaded and secured for transportation on flat bed or lumber roll vehicles as provided in this chapter: Lumber products

SEC. 55. Section 29801 of said code is amended to read:

29801. This chapter does not apply to loads of lumber or other forest products being transported from retail lumber yards to the property of a consumer. The loads, however, shall be secured against dangerous displacement either by proper piling or securing in a manner as to prevent shifting, toppling over, or otherwise becoming unstable. Exemption

SEC. 56. Section 29802 of said code is amended to read:

29802. The following definitions apply for purposes of this chapter: Definitions

(a) A unit is a package or solid unit of lumber or lumber products not over five feet in height.

(b) A solid unit is a unit containing lumber or lumber products of the same approximate thickness in any one course and in which the width of the one course constitutes the load width, except that the load width shall exceed five feet.

(c) A package unit is a compact unit of lumber or lumber products less than five feet in width and more than 18 inches in height, designed for loading or unloading by mechanical lumber handling vehicles.

(d) A course is one layer of lumber or lumber products.

(e) A load is one or more units.

SEC. 57. Section 29803 of said code is amended to read:

Sticker

29803. For purposes of this chapter, a sticker is a horizontal separator between courses placed at right angles to board lengths. Stickers shall be at least one inch wider than their thickness, except that their thickness shall not be less than three-eighths inch. Stickers shall extend the full width of the unit. Stickers may be lapped if the lap is 12 inches or more.

SEC. 58. Section 29804 of said code is amended to read:

"Unit separator"

29804. For purposes of this chapter, a unit separator is the horizontal or vertical separator between units or horizontally between the load and the vehicle bed placed at right angles to board lengths. A separator shall be not less than one inch thick by three inches wide. A separator shall have units resting against their maximum dimensions, shall extend the full width or height of the unit or load, and shall be in one piece without splicing.

SEC. 59. Section 29805 of said code is amended to read:

"Binder"

29805. For purposes of this chapter, a binder is a rope or chain securing a load to a vehicle.

SEC. 60. Section 30355 of said code is amended to read:

Combination loads

30355. In combination loads package units shall rest upon a solid unit and there shall be horizontal separators between each solid unit.

SEC. 61. Section 30356 of said code is amended to read:

Package-unit loads

30356. In package-unit loads containing two or more package units, the package units shall be stacked one on the other, side by side, and there shall be horizontal unit separators between each of the package units. The separators shall extend the width of the unit or load when the package units resting side by side are of the same close approximate height.

SEC. 62. Section 30557 of said code is amended to read:

Loads of shingles

30557. Loads of shingles four or more courses in height shall not be transported on open-top vehicles, except as otherwise provided, unless the load is protected on four sides by the prescribed racks secured in stake pockets of the type and in the manner prescribed in this chapter.

SEC. 63. Section 30558 of said code is amended to read:

Exemption

30558. Section 30557 does not apply to shingles mixed with other products, except that the loading procedures and location of other products shall have the same absolute confining effect on the shingles as the prescribed racks.

SEC. 64. Section 30559 of said code is amended to read:

Loads of shingles less than four courses in height

30559. Loads of shingles less than four courses in height shall have each unit or tier secured to the vehicle with one or more binders equipped and tensioned as prescribed in this chapter, except that single bundles of shingles may be attached to the load or to the vehicle in any secure manner.

SEC. 65. The title of Article 1 (commencing with Section 31300) of Chapter 5, Division 13 of said code is amended to read:

Article 1. Flammables

SEC. 66. Section 31510 of said code is amended to read:

Loading and securing of metallic products

31510. The following provisions are applicable to the securing of iron, steel, aluminum and other metals and metal products including, but not limited to, sheets, rods, beams and pipe for transportation over public highways:

(a) The department shall adopt and enforce regulations necessary to provide for the proper loading and securing of the various classes of metal products as may be necessary to insure the safe transportation of such products on the public highways.

(b) In prescribing regulations the department shall consider, and may provide for, the following factors:

1. The conditions of travel, including, but not limited to, the speed at which the transporting vehicle operates and the condition of the road;

2. The weight of the load being transported; and

3. The relationship of the size and weight of the load to the weight, size, and condition of the transporting vehicle.

Special permits

(c) The department, upon application, may issue special permits to transport metal products of a type, size or weight not normally carried upon a public highway or to meet other unusual transportation needs. The permit may authorize the transportation of specified metal products without regard to regulations otherwise applicable and shall specify protective restrictions considered necessary by the department for the particular load for which the permit is issued. The permit may be issued for a single trip or for the transportation of the specified metal products for a period of time of not to exceed one year.

Issuance of a permit pursuant to this section shall not relieve an operator from carrying the permit provided for by Section 35780 of this code.

(d) No person shall transport or cause to be transported any metal products in violation of the provisions of this section or the regulations promulgated hereunder.

Repeal

SEC. 66.5. Section 35412 of said code is repealed.

SEC. 66 6. Section 40001 of said code is amended to read:

Unlawful acts

40001. (a) It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to cause the operation of the vehicle upon a highway in any manner contrary to law.

(b) It is unlawful for an owner knowingly to permit the operation of any vehicle:

(1) Which is not registered or for which any fee has not been paid under this code.

(2) Which is not equipped as required in this code.

(3) Which does not comply with the size, weight, or load provisions of this code.

Repeal

SEC. 67. Section 35790 of said code, as amended by Chapter 1996 of the Statutes of 1959, is repealed.

SEC. 68. Section 40500 of said code is amended to read:

Traffic violation Notice to appear

40500. Whenever a person is arrested for any violation of this code not declared to be a felony, or for a violation of an ordinance of a city or county relating to traffic offenses and he is not immediately taken before a magistrate, as provided in this chapter, the arresting officer shall prepare in triplicate a written notice to appear in court or before a person authorized to receive a deposit of bail, containing the name and address of the person, the license number of his vehicle, if any, the offense charged and the time and place when and where he shall appear.

SEC. 69. Section 40804 of said code is amended to read:

Speed trap Competency of participants as witnesses

40804. (a) In any prosecution under this code upon a charge involving the speed of a vehicle, any officer or other person shall be incompetent as a witness if the testimony is based upon or obtained from or by the maintenance or use of a speed trap.

(b) Every officer arresting, or participating or assisting in the arrest of, a person so charged while on duty for the exclusive or main purpose of enforcing the provisions of Divisions 10 and 11 is incompetent as a witness if at the time of such arrest he was not wearing a full distinctive uniform or was using a motor vehicle not painted the distinctive color specified by the commissioner.

Exception

This section does not apply to an officer assigned exclusively to the duty of investigating and securing evidence in reference to any theft of a vehicle or failure of a person to stop in the event of an accident or violation of Section 23109 or in reference to any felony charge or to any officer engaged in serving any warrant when the officer is not engaged in patrolling the highways for the purpose of enforcing the traffic laws.

SEC. 70. Section 12059 of the Education Code is amended to read:

Violation of school safety patrol direction or signal

12059. Any person who shall disregard any traffic signal or direction given by a member of a school safety patrol, shall be guilty of a misdemeanor, and subject to the penalties provided in Section 42001 of the Vehicle Code.

SEC. 71. Section 1425 of the Penal Code is amended to read:

Jurisdiction of justice courts

1425. Justice courts shall have jurisdiction in all criminal cases amounting to misdemeanor only, punishable by fine not exceeding one thousand dollars ($1,000), or imprisonment not exceeding six months, or by both such fine and imprisonment, where the offense charged was committed within the county in which the court is established except those of which other courts are given exclusive jurisdiction; and shall have jurisdiction of cases amounting to misdemeanor under Section 270 of the Penal Code, under Section 23102 of the Vehicle Code, and under subdivision (b) of Section 476a of the Penal Code. Each justice court shall have exclusive jurisdiction in all cases involving the violation of ordinances of cities or towns situated within the district in which such court is established.

SEC. 72. Section 8603 of the Revenue and Taxation Code is amended to read:

"Motor vehicle"

8603. As used in this part "motor vehicle" includes every self-propelled vehicle operated or suitable for operation on the highway, except a vehicle used exclusively upon stationary rails or tracks and except implements of husbandry, trucks, or tractors used in agricultural operations and only incidentally operated or moved upon a highway and further excepting "special highway construction equipment" as defined in Sections 565 and 570 of the Vehicle Code, and like equipment used on other construction work, only incidentally operated or moved upon a highway.

SEC. 73. Section 10783 of said code is amended to read:

License fee exemption

10783. The license fee imposed by this part does not apply to any vehicle, other than a commercial vehicle, owned by a veteran who has lost, or has lost the use of, both legs, or who has suffered permanent blindness as defined in Section 6202 of the Education Code, as a result of injury or disease suffered while on active service with the military, naval, or air forces of the United States.

The exemption granted by this section shall extend to not more than one vehicle owned by any such veteran.

SEC. 74. Section 144 of the Streets and Highways Code is amended to read:

Division of state highways into separate roadways

144. The State Highway Engineer is authorized to divide or separate any state highway into separate roadways wherever there is particular danger to the traveling public of collision between vehicles proceeding in opposite directions or from cross traffic by constructing curbs, central dividing sections or other physical separations, or by signs, marks or other devices in or on the roadway appropriate to designate the dividing line.

The rules governing operation of vehicles on divided highways are contained in Section 21651 of the Vehicle Code.

SEC. 75. Section 731 of said code is amended to read:

Vehicles and structures placed on highways Public nuisance

731. Any vehicle or structure parked or placed wholly or partly within any state highway, for the purpose of selling the same or of selling therefrom or therein any article, service or thing, is a public nuisance and the department may immediately remove such vehicle or structure from within any such highway.

Any person parking any such vehicle or placing any such structure wholly or partly within any such highway for the purpose of selling such vehicle or structure, or of selling therefrom or therein, any article or thing, and any person selling, displaying for sale, or offering for sale any article or thing either in or from any such vehicle or structure so parked or placed, and any person storing, servicing, repairing or otherwise working upon any such vehicle, other than upon a vehicle which is temporarily disabled, is guilty of a misdemeanor.

The California Highway Patrol and all peace officers may enforce the provisions of this chapter and shall co-operate with the department to that end. Whenever any member of the California Highway Patrol or any peace officer removes a vehicle from a highway under the provisions of this section, then all of the provisions of Article 3 (commencing with Section 22850), Chapter 10, Division 11 of the Vehicle Code with reference to the removal of a vehicle from a highway shall be applicable.

Exemptions

The provisions of this section shall not prohibit a seller from taking orders or delivering any commodity from a vehicle on that part of any state highway immediately adjacent to the premises of the purchaser; nor shall the provisions of this section prohibit an owner or operator of a vehicle, or a mechanic, from servicing, repairing or otherwise working upon any vehicle which is temporarily disabled in such a manner and to such an extent that it is impossible to avoid stopping such vehicle within such highway.

SEC. 76. Section 12713 of the Health and Safety Code is amended to read:

Vehicles used to unlawfully transport fireworks; Summary removal

12713. The State Fire Marshal, and his deputies or salaried assistants, the chief of any city or county fire department or fire protection district, or any of their authorized representatives may remove any vehicle which is used unlawfully to transport fireworks or in which any fireworks are unlawfully kept, deposited or concealed, to the nearest garage or other place of safety or to a garage designated or maintained by the State Fire Marshal.

In the event that the State Fire Marshal, or any of his deputies or salaried assistants, the chief of any city or county fire department or fire protection district, or any of their authorized representatives, removes any such vehicle, he shall give the notices required of officers under Section 585 of the Vehicle Code, and the keeper of any garage in which any such vehicle is stored may have a lien thereon for his compensation for towage and for caring for and keeping safe such vehicle and may satisfy such lien upon compliance with and under the conditions stated in Article 3 (commencing with Section 22850), Chapter 10, Division 11 of the Vehicle Code.

Lien by garage keeper

Urgency

SEC. 77. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are This act makes technical changes to remove uncertainties and ambiguities, in the law regulating motor vehicles. Because of the large numbers of people affected by this law it is necessary that this act take effect immediately to permit its proper, effective and uniform administration.

CHAPTER 59

An act to amend Section 110 of, and to repeal Articles 4 (commencing with Section 271) and 5 (commencing with Section 285) of Chapter 3 of Division 2 of, and to add Chapter 3a (commencing with Section 271) to Division 2 of, the Agricultural Code, relating to bees.

[Approved by Governor April 4, 1961. Filed with Secretary of State April 5, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 110 of the Agricultural Code is amended to read:

Importation or shipment within the State of live insects

110. It is unlawful to import into or ship or transport within the State, any live insect, except honey bees of the species Apis mellifera, or any pest as such except weeds for the purpose of identification, unless such shipment or transportation is authorized prior to shipment under written permit and the regulations of the director or the United States Department of Agriculture. Any unauthorized shipment shall be immediately destroyed unless it is determined by the inspecting officer that the nature of the contents is such that no damage can be caused to agriculture in this State through shipment out of the State or return to point of origin. In such case shipment out of the State or return to point of origin shall be allowed at the expense of the owner or bailee within the time specified by the inspecting officer.

Repeal

SEC. 2. Articles 4 (commencing with Section 271) and 5 (commencing with Section 285) of Chapter 3 of Division 2 of the said code are repealed

SEC. 3. Chapter 3a (commencing with Section 271) is added to Division 2 of said code, to read:

CHAPTER 3a. BEES

Article 1. Definitions

Definitions:

271. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter.

"Bees"

271.1. "Bees" means honey-producing insects of the genus Apis and includes all life stages.

"Comb"

271.2. "Comb" includes all materials normally deposited into hives by bees except extracted honey or royal jelly, trapped pollen, and processed beeswax.

"Hive"

271.3. "Hive" means any receptacle or container, or part thereof, made or prepared for the use of bees, or inhabited by bees.

"Appliance"

271.4. "Appliance" means any implement or other device used in handling and manipulating bees or comb, or container thereof, or any other equipment used in the practice of apiculture.

"Colony" 271.5. "Colony" means one hive and its contents, including bees, comb, and appliances.

"Apiary" 271.6. "Apiary" includes bees, comb, hives, appliances, or colonies, wherever the same are kept, located or found.

"Disease" 271.7. "Disease" means American foulbrood or any other infectious disease, parasite or pest affecting bees which the director by regulation declares to be detrimental to the welfare of the bee industry.

"Diseased" 271.8. "Diseased" means disease can be demonstrated to exist therein or in any part thereof.

"Inspector" 271.9. "Inspector" means any person authorized to enforce the provisions of this chapter.

"Location" 271.10. "Location" means any premises upon which an apiary is located.

Article 2. Administration

Enforcement 272. The director, and the commissioner of each county under the direction and supervision of the director, shall enforce the provisions of this chapter.

Rules and regulations 272.1. The director may make such rules and regulations as may be reasonable and necessary to carry out the provisions of this chapter.

Compliance 272.2. It is unlawful for any person to fail to comply with any notice or order issued pursuant to this chapter.

Apiary inspectors 272.3. The director may appoint a supervisor of apiary inspection and such qualified state apiary inspectors as may be necessary.

Same 272.4. Each commissioner is ex officio state apiary inspector and may appoint one or more inspectors, qualified pursuant to the regulations of the director, to be county apiary inspectors.

Same 272.5. The director may assign one or more qualified state apiary inspectors to perform the duties of a county apiary inspector in any county for such time and at such rate of compensation as may be determined by agreement with the board of supervisors pursuant to Section 34. The state apiary inspector shall be under the direction and supervision of the commissioner, if there be such officer, in the county to which he is assigned.

Article 3. Quarantine

Quarantine to protect bee industry 273. The director may establish, maintain and enforce quarantine at the boundaries of or within the State, to protect the bee industry against the introduction or spread of any bee disease. He may make and enforce such rules or regulations as may be necessary to prevent any bees, comb, used hives or appliances from passing over any quarantine line established and proclaimed pursuant to this article.

Same, limitation 273.1. No quarantine, except emergency quarantines for periods not exceeding those specified in the Administrative

Procedure Act, shall take effect until approved by the Governor and signed by him in duplicate and one copy thereof filed in the office of the Secretary of State and the other copy in the office of the director.

Same, violation

273.2. When any quarantine is established pursuant to this article, it is unlawful for any person to move bees, comb, hives or appliances across the lines established by such quarantine except pursuant to the regulations of the director.

Same, hold order. Notice

273.3. Whenever an inspector finds disease in more than 1 percent of the colonies in any apiary of 100 or more colonies, or in more than one colony in any apiary of less than 100 colonies, he may hold such apiary, giving notice thereof to the owner or bailee and posting a copy of the notice in a conspicuous place in the apiary. When a notice has been given pursuant to this section, it is unlawful for any person to move such apiary, or any part thereof, or any other bee equipment from the location, unless authorized by an inspector, until the hold order has been released. Upon request of the owner of any apiary held under such order, the inspector shall release the hold order by issuing a permit to move such apiary when he has determined that the disease has been abated pursuant to Section 276.4. The permit shall state on it that the apiary had been under a hold order at the point of origin, and had been released therefrom, giving the date of release.

Release of hold order

Article 4. Interstate Movement

Import or transport into State

274. It is unlawful for any person to import or transport into the State any comb, bees on comb, package bees, or any used hives or appliances (except queen bees, packaged comb honey, empty package bee cages, moving screens, bee smokers, bee veils, and hive tools), unless each separate load, lot or shipment is accompanied by a valid certificate which is as prescribed by this article, and unless such certificate is delivered to the commissioner of the county of destination or to the director if there is no commissioner in the county within 72 hours after the arrival of the load, lot or shipment.

Certificate

274.1. The certificate required by Section 274 shall be signed by the State Entomologist or State Apiary Inspector or comparable officer in charge of apiary inspection for the state of origin and shall certify to all of the following facts:

(a) The name and address of the owner or shipper and the place of destination in this State.

(b) The number of hives, nuclei or packages containing bees, the number of used hives either empty or containing comb, and a complete list of any other used beekeeping equipment in the shipment.

(c) The county and state of origin.

(d) The date on which inspection was last made of the apiary in which the bees, comb, used hives and appliances originated.

(e) The total number of colonies in the apiary at the time of inspection, and the number of colonies found diseased.

(f) That all diseased colonies of bees found upon the inspection were destroyed, removed to a quarantine apiary, or removed to wax-salvage prior to the issuance of the certificates.

Signed declaration

274.2. It is unlawful for any person to import or transport into the State any package bees or queens unless each shipment is accompanied by a declaration signed by the shipper that only sucrose or manufactured invert sugar is used as food for the package bees or queens in transit.

Same

274 3. Any shipment of bees on comb, package bees or queens, used hives or appliances arriving in this State which is not accompanied by, where required by Section 274, a valid certificate and, where required by Section 274.2, a declaration, shall be refused entry and returned to the shipper or destroyed, at the option and expense of the owner or person in charge of the shipment.

Duration of validity

274.4. The certificates required by Section 274 are valid only during the inspection season in which they were issued, except that a certificate covering a shipment arriving prior to April 1st from a locality having severe winters shall be valid if it shows the last inspection of the apiary to have been made on or after August 15th of the preceding year.

Disease

274.5. When any bees, comb, used hives, or appliances entering California are found to be diseased at the time of inspection in this State within 30 days after arrival, the inspector may hold such apiary, lot or shipment, giving notice to the owner or bailee as prescribed in Section 273.3. The disease shall be abated pursuant to Article 6 (commencing with Section 276) of this chapter. After the disease has been abated, the inspector may release the hold order, if the release can be done without menace or harm from disease to the bee industry of this State Otherwise, after the disease has been abated the remaining bees, comb, used hives and appliances shall be destroyed or shipped out of this State within seventy-two (72) hours after expiration of the abatement notice, at the option and expense of the owner or bailee.

After abatement of disease

Article 5. Intrastate Movement

Relocation of bee colony

275. It is unlawful for any person who has relocated a colony or colonies of bees within the State to fail to send a notice within five days of such relocation to the commissioner of the county in which the movement originated, and a second notice to the commissioner of the county of destination if the bees are moved from one county to another. The notice shall include a statement of all of the following:

(a) The number of colonies of bees moved.

(b) The number of colonies of bees left at the point of origin.

(c) The location of the point of origin and point of destination.

Shipment to be accompanied by certificate of inspection

275.1. It is unlawful for any person to ship any package bees, except queens, within the State unless the shipment is accompanied by a certificate of inspection issued by an inspector in the county of origin showing that the apiary from which such package bees were taken was inspected during the current inspection season and that any disease found was abated, pursuant to Section 276.4, prior to the issuance of the certificate.

Combless packages of bees

275.2 It is unlawful to place in any combless package of bees or queens offered for sale or shipment, any food containing honey.

Transport of comb

275.3. It is unlawful for any person to transport comb which is attractive to bees within the State unless such comb is tightly enclosed so as to prevent exposure to bees.

Transport of diseased material

275.4. It shall be lawful for any person, except when prohibited by other provisions of this chapter, to do any of the following:

(a) Transport diseased hives, together with their contents, to a suitable place for burning, or to a wax-salvage plant, licensed under the provisions of Article 7 (commencing with Section 277) of this chapter, after first having killed the bees in such hives and sealed the hives to prevent the entrance of live bees.

(b) Transport diseased comb, including any frames associated therewith, to a suitable place for burning, or to a wax-salvage plant, licensed under the provisions of Article 7 (commencing with Section 277) of this chapter if the comb is tightly enclosed so as to prevent exposure to bees.

275.5. It is unlawful for any person to move or transport bees, comb, used hives and appliances, or colonies within the State which are diseased, except for abatement pursuant to this chapter, or for research pursuant to Section 275.7.

Summary destruction by inspector

275.6. The inspector in a summary manner may destroy any and all diseased bees, combs, used hives, or colonies unlawfully moved within the State wherever they may be found

Governmental agencies

275.7. The director by written permit, subject to such conditions as he may determine are necessary to protect the beekeeping industry of this State, may authorize federal and state research agencies to transport and maintain within the State diseased bees, comb, hives, appliances, or colonies for the purpose of studying methods of eradicating and controlling bee diseases.

Article 6. Apiary Inspection

Movable frames of hives

276. All beekeepers shall provide movable frames in the brood areas of all hives used by them to contain bees, and shall make provisions so the bees in such hives shall construct combs

in the frames in such a way that these may be removed from the hives for inspection without injuring other combs in the hives.

Stationary comb hive

276.1. It is unlawful for any person to keep bees in box or other unmovable or stationary comb hives. The inspector shall order the owner or person in charge of such bees, kept in such hives to transfer the bees to movable frame hives within a reasonable time, to be specified in such order. In default of the transfer by the owner or person in charge of such bees, the inspector may destroy all such hives and their contents.

Inspection

276.2. The inspector, whenever he deems it necessary, may enter any premises and make an inspection of any apiary within his jurisdiction, and shall report his inspection and findings to the beekeeper in person or by mail within five days. If any disease is found therein, the inspector making the inspection shall plainly mark the hives or combs containing evidence of disease.

Disease found in apiary

276.3. When disease is found in any apiary, the inspector shall in writing notify the owner or person in charge or in possession of such apiary, stating in the notice the nature of the disease found and the manner in which he has marked the hives or combs containing evidence of disease and ordering the abatement of such disease within a specified time. If the disease be American foulbrood the time specified in the notice shall not be less than 24 hours nor more than 48 hours from the time of serving the notice, except that the inspector may extend the time limit if necessary to prevent hardship if it can be done without undue danger of spreading disease. The notice may be served upon the person having possession or owning such diseased apiaries, personally or by registered mail to his last known address. When the owner or person in charge or possession of any apiary is not known, the notice shall be served by posting in a conspicuous place in the apiary.

Public nuisance

276.4. Every diseased apiary shall constitute a public nuisance. The owner or person in charge or possession of any apiary, upon finding disease to be present, or upon receiving notice that disease exists, in such apiary, shall abate such disease without undue delay. If the disease be American foulbrood, the abatement shall be by killing the bees in the diseased colonies and disposing of the hives and their contents, together with any other diseased comb, hives and associated appliances found in the apiary in one of the following ways:

Abatement process American foulbrood

(a) By delivery to a licensed wax-salvage plant pursuant to this chapter.

(b) By burning the contents of the diseased colonies, including the bees, comb, and associated frames, together with any other diseased comb, and associated frames, found in the apiary, in a pit, burying the ashes no less than two feet below the surface of the ground, or in an incinerator approved by

the director, and disinfecting by scorching the hive bodies, covers, bottom boards, supers, and appliances associated therewith.

This section shall not be construed to prevent federal and state research agencies from securing, transporting and maintaining diseased bees, comb, hives, appliances, or colonies pursuant to Section 275 7.

Abatement by inspector

276.5. If the owner or person in charge or possession of an apiary in which disease is found to exist cannot be located after diligent search by the inspector, or if notice has been served pursuant to this article, and the owner or person in charge or possession refuses or neglects to abate the disease within the time specified in the notice, the inspector shall abate the disease within 72 hours after expiration of the time specified in the notice.

Appeal process

276.6. Whenever an abatement notice, which is required by this article, has been served upon the owner or bailee of an apiary, the owner or bailee, before the expiration of the time specified therein, may appeal from the inspector's field determination of the disease named in such notice by sending a written appeal to the director with a specimen of the diseased material chosen and sealed for transportation jointly by the owner or bailee and the inspector, and accompanied by a statement signed by the owner or bailee and the inspector, attesting to the fact that such specimen has been obtained from that portion of the apiary described in the abatement notice. The specimen shall be subjected to a laboratory diagnosis by the director, or at his direction, and the written determination setting forth the findings of such diagnosis is final proof of the nature of the disease existing in such apiary. The disease named by the director in a written response to the appeal is amenable to abatement pursuant to this chapter. Pending the determination of the director, the time specified in the abatement notice shall be extended by the number of hours between the forwarding of the representative specimen and the receipt of the written determination from the director by the inspector, and the serving of a copy of such written determination upon the owner or bailee making the written appeal. If the owner or bailee cannot after due diligence be found, then the extended time shall expire when a copy of the director's determination is served by posting in the apiary.

Article 7. Wax Salvage

Unlawful salvage

277. It is unlawful for any person to remove, or to salvage or attempt to salvage, any bees, comb (including honey, royal jelly, pollen, or beeswax) or frames from any diseased colony, except pursuant to this article or Section 275.7.

Wax-salvage process

277.1. All wax-salvage operations with respect to diseased colonies shall be performed in an enclosure constructed in accordance with specifications, and in such manner as is set forth in rules and regulations of the director.

Construction of wax-salvage plants

277.2. The director shall prepare and furnish to interested parties upon request uniform specifications for the construction of wax-salvage plants, and rules and regulations for the operation of the plants in such manner as to prevent the spread of disease therefrom.

Same Application for license

277 3. Any person desiring to maintain and operate a plant for the salvaging of wax, hives and appliances from diseased apiaries shall apply to the director for an annual license for each separate wax-salvage plant. The director shall make such investigation as he may deem necessary and shall issue the license without fee if he is satisfied that the plant is constructed in accordance with specifications, and that the plant will be operated in accordance with the rules and regulations, as issued hereunder. A license shall be good for the calendar year within which it is issued and shall expire on December 31st thereof, unless sooner revoked or suspended.

Period of license validity

Same Revocation or suspension

277.4. Any license issued pursuant to this article may be revoked or suspended or renewal of such license may be refused by the director, after hearing, whenever he finds that a licensee has not complied with all the provisions of this article and the rules, regulations and specifications issued hereunder.

Hearing procedures

277.5. The proceedings for all hearings under the provisions of this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

Article 8. Sanitation

Unlawful acts

278. It is unlawful for any person to maintain or operate a diseased colony of bees, except as provided in Section 275.7.

278.1. It is unlawful for any person to conceal or attempt to conceal the fact that disease exists within an apiary.

278.2. It is unlawful for any person to sell diseased bees, comb, hives, appliances, or colonies.

278.3. It is unlawful for any person to abandon any diseased apiary.

278.4. It is unlawful for any person to expose to bees any comb or honey from a diseased colony of bees, except pursuant to Section 275.7.

278.5. It is unlawful for any person to extract or render honey, pollen or wax from comb except in a building or enclosure so constructed as to prevent access by bees.

278 6. It is unlawful for any person to keep comb which is attractive to bees unless such comb is tightly enclosed so as to prevent exposure to bees. Any neglected or abandoned hives or appliances containing comb which is attractive to bees and which is exposed to robbing by bees shall constitute a public nuisance and shall be subject to abatement in the same manner as is provided in Article 6 (commencing with Section 276) of this chapter for abatement of disease.

278.7. It is unlawful for any person to make honey available to bees by means of open air feeding.

Article 9 Registration and Identification of Apiaries

Registration requirements

279. Every person who is the owner or in possession of an apiary located within the State, on the first day of November of each year, or within thirty (30) days thereafter, shall register the number of colonies in each apiary owned by him, and the location thereof. Every person who moves bees into the State or who otherwise comes into possession of an apiary located within the State after the first day of November shall register the number of colonies so acquired within thirty (30) days after coming into possession thereof. Registration shall be filed with the commissioner of the county in which the apiary is located, or with the director if there is no commissioner in the county.

Failure to register

279.1. It is unlawful for any person to maintain any apiary which has not been registered pursuant to Section 279. Each registration shall be valid until October 31 of the following year or until the next registration period, whichever comes first.

Apiary on premises other than that of possessor or owner

279.2. It is unlawful for any person to maintain an apiary on premises other than that of his residence without having the apiary identified as follows:

(a) By a sign prominently displayed on the entrance side of the apiary, stating in black letters not less than one inch in height on a background of contrasting color either:

(1) The name of the owner or person in possession of the apiary, his address and telephone number, or if he has no telephone a statement to that effect.

(2) The current active registered brand number of the owner or person in possession of the apiary, or the identification number assigned to him by the director pursuant to this article.

(b) If the governing body of the county or incorporated city in which the apiary is located shall have provided by ordinance for the identification of apiaries, in the manner prescribed in the ordinance.

Grounds for refusal of a damages recovery

279.25. Any person owning or in possession of an apiary who fails to register it, or changes the location of an apiary in violation of Section 275, or who fails to provide a sign as required by Section 279.2, shall not be entitled to recover damages for any injury to such apiary by reason of any pest control operation.

Apiary identification number

279.3. The director shall issue an apiary identification number on request accompanied by a fee of one dollar ($1). Identification numbers assigned by the director are not transferable.

Serial number brand

279.4. Any owner of apiary equipment may apply to the director for a serial number brand to be used on apiary

equipment owned by him. The application shall contain the name and address of the applicant and shall be accompanied by a fee of two dollars ($2).

Serial number requirements

279.5. Upon receipt of the application and fee the director shall register a serial number brand to the applicant. The serial number shall comprise a county number and an individual number. The county number shall be and remain the same as the number of the class of the county in the classification adopted by the Legislature in 1931. As to counties with classification numbers 1 to 9, inclusive, the county number shall be preceded by a dash (—). The county number shall be followed by a dash (—) and the individual number.

Same, when used on wooden equipment

279.6. When used on wooden equipment the serial number brand shall be burned into the wood in numbers one-half inch in height. Hive bodies shall be branded on the upper left-hand corner. Frames shall be branded on top bars. Other wooden equipment may be branded in any place desired, and equipment other than wooden may be branded in any manner desired.

Same, transferability

279.7. Serial number brands shall be transferable. If the purchaser does not have a registered brand number he may use a brand acquired by purchase, providing a bill of sale on such purchased brand number has been forwarded by registered mail to the director accompanied by a transfer fee of two dollars ($2). In the event that the purchaser has a previously registered brand number, he may have other brand numbers transferred to his name, without charge, but he shall destroy any and all branding irons or branding devices acquired by such transfer and notify the director of such destruction. In the case of transfer of ownership of branded equipment, the original brand shall not be defaced or obliterated. The brand, if any, of the new owner shall be placed below the original brand and as near thereto as possible.

Destruction of branding devices

Transfer of branding devices

Possession of apiary equipment branded with foreign serial number

279.8. It is unlawful for any person to have in his possession any apiary equipment branded with any serial number brand other than his own unless a bill of sale has been obtained from the registered owner of such serial brand number.

Unlawful acts re brands

279.9. It is unlawful for any person to do any of the following:

(a) Use any serial number brand unless the same is registered pursuant to this article.

(b) Alter, deface, remove or obliterate the brand on any apiary equipment to prevent the identification thereof.

(c) Be in possession of any such apiary equipment upon which the brand has been altered, defaced, obliterated or removed.

CHAPTER 60

An act to amend Section 8763 of the Business and Professions Code, relating to records of surveys.

[Approved by Governor April 4, 1961. Filed with Secretary of State April 5, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 8763 of the Business and Professions Code is amended to read:

8763. The record of survey shall be a map, legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth, or polyester base film, 18 by 26 inches, or 18 by 13 inches, as required by the county recorder. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. A one-inch blank margin shall be left at the left edge and a one-half inch margin shall be left at the other edges of the map.

CHAPTER 61

An act to amend Sections 10, 17, 18, 20 and 27 of, and to add Section 17.1 to, the Orange County Water District Act (Ch. 924, Stats. of 1933), relating to the Orange County Water District and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1961. Filed with Secretary of State April 5, 1961.]

In effect immediately

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

SECTION 1. Section 10 of the Orange County Water District Act (Ch. 924 of the Statutes of 1933) is amended to read:

Nomination of candidates

Sec. 10. Not less than 60, nor more than 90 days before any election held for the purpose of electing directors for said district from Divisions 1 to 7, inclusive, 25 or more qualified voters under this act holding title to lands situated within such a division of said district or to assessable rights in said lands, or to improvements on said lands may file with the secretary of said district, a petition, requesting that the name of a certain person, specified in said petition, be placed on the ballot as candidate for the office of director from said division of said district. Any number of candidates may be so nominated. In the event there is more than one person so nominated, in any of said divisions, the names proposed by the various petitions so filed, and no others, shall be printed on the ballots, but there shall be a blank space left in which voters

may at the election write in other names if they so desire. The petitions shall be preserved at least one year after they are filed in the office of the secretary of said district.

SEC. 2. Section 17 of said act is amended to read:

District budget

Sec. 17. The board of directors, on or before the first meeting of the board of supervisors of said Orange County in August of each year, must furnish said board of supervisors and the auditor of said Orange County with an estimate in writing of the amount of money needed for the initiated or authorized purposes of the district for the current fiscal year, including the purchase of supplemental water for the replenishment of ground water supplies of said district. This amount, less available funds on hand, shall be deemed to be sufficient to provide the necessary funds to initiate, carry on and complete any of the powers, projects, and purposes for which this district is organized, and which the board of directors shall deem advisable to be initiated or authorized for the current fiscal year; to pay the estimated cost of maintenance, operation and repairs of works and projects of said district, the incidental expenses of said district, and the estimated amount necessary for the payment of the costs of any action or proceeding which may be taken or assumed by said district, including the cost of employment of attorneys and engineers; to purchase supplemental water, in addition to water purchased from replenishment funds, for the replenishment of ground water supplies of the district. In estimating the general funds needed by said district, all general funds on hand which are or will be unexpended at the end of the fiscal year, other than (1) funds allocated to the general reserve by said board of directors; (2) funds allocated to the unappropriated reserve by said board of directors, shall be considered as funds on hand.

Limitations on assessments

Provided, however, that the amount of the general assessment levied during any year shall not exceed the following sums: Twenty cents ($0.20) for each one hundred dollars ($100), or fraction thereof, of assessable property in said district, excluding personal property, according to the last assessment rolls of Orange County, commencing with the taxable year 1961-1962, and continuing to and including the taxable year of 1964-1965; fifteen cents ($0.15) for each one hundred dollars ($100), or fraction thereof, of assessable property in said district, excluding personal property, according to the last assessment rolls of Orange County, commencing with the taxable year 1965-1966, and continuing to and including the taxable year 1970-1971; eight cents ($0.08) for each one hundred dollars ($100), or fraction thereof, of assessable property in said district, excluding personal property, according to the last assessment rolls of Orange County, commencing with the taxable year 1971-1972, and continuing thereafter. Provided, further, however, that a tax rate in excess of eight cents ($0.08) for each one hundred dollars ($100), or fraction thereof, of

assessable property in said district, excluding personal property, according to the last assessment rolls of Orange County, shall not be established unless authorized by an affirmative vote of eight of the members of the board of directors of the Orange County Water District. The general assessments provided for in this section shall in no event exceed eight cents ($0.08) for each one hundred dollars ($100), or fraction thereof, of mineral rights, where such mineral rights are assessed separately from the land. All funds derived from said general assessment in excess of those derived from eight cents ($0.08) for each one hundred dollars ($100), or fraction thereof, of assessable property in said district, as hereinabove provided, of any general assessment shall be deposited and applied to the water reserve fund and shall be used solely and exclusively for the purchase of supplemental water for the replenishment of the ground water supplies of said district. In addition to the purchase of supplemental water for the ground water supplies of said district from the water reserve fund and from the replenishment fund, the board of directors may purchase water for the replenishment of the ground water supplies of said district from the general fund upon the affirmative vote of at least eight members of the board of directors.

The increased assessments authorized by amendment of this section by the 1961 Legislature shall be effective commencing with the year of 1961.

SEC. 3. Section 17.1 is added to said act, to read:

"General reserve"

Sec. 17.1. "General reserve" means funds used to meet cash requirements before the proceeds from taxes are available and to meet emergency expenditures. The amount of said general reserve shall not at any time exceed the sum of two hundred thousand dollars ($200,000).

"Unappropriated reserve"

"Unappropriated reserve" means funds to cover expenditures that have not been provided for or that have been insufficiently provided for or for unappropriated requirements. Said unappropriated reserve shall not at any time exceed the sum of eight hundred thousand dollars ($800,000).

SEC. 4. Section 18 of said act is amended to read:

Levy of assessment

Sec. 18. The board of supervisors of said Orange County at the time of the levying county taxes annually must levy a general assessment sufficient to raise the amount or amounts specified in said estimates of said directors, as herein provided. Said board of supervisors must determine the rate of such assessment by deducting such percent, not to exceed 10 percent, as shall be determined by the board of directors of the district for anticipated delinquencies from the assessed value of the assessable real property in said district on which an assessment is to be levied, as it appears on the assessment roll of the county, and then dividing the sum or sums reported by said board of directors as required to be raised by the remainder of such total assessed value. The general assessments levied

and/or collected under the terms of this act shall be levied and collected on real property including assessable rights therein and improvements thereon, but not on personal property.

SEC. 5. Section 20 of said act is amended to read:

Creation of district funds

Sec. 20. The following funds are hereby created and established for said district to which the moneys of the district shall be deposited and applied, to wit, the general fund, the replenishment fund, and the water reserve fund. All funds collected and received by said district from the levy of said district's replenishment assessment shall be deposited with the county treasurer and applied to the replenishment fund for the use of said district. All funds collected and received by said district from the levy of the general assessment, other than those derived from the portion thereof in excess of those derived from eight cents ($0.08) for each one hundred dollars ($100), or fraction thereof, of assessable property in said district as provided in Section 17 of this act, shall be deposited and applied to the general fund. All funds collected and received by said district from the levy of the general assessment derived from that portion thereof in excess of eight cents ($0.08) for each one hundred dollars ($100), or fraction thereof, of assessable property in said district, as provided in Section 17 of this act, shall be deposited and applied to the water reserve fund. All other funds received by said district shall be deposited in the fund designated by the board of directors. The board of directors of said district may, from time to time, upon an affirmative vote of eight of the members of said board, transfer funds in such amounts as they deem advisable from the general fund to the water reserve fund.

SEC. 6. Section 27 of said act is amended to read:

Charge or replenishment assessment

Sec. 27. If the board of directors finds and determines that an overdraft, either annual or accumulated, does exist, then said board may levy and assess a charge or replenishment assessment against all persons operating water producing facilities and producing water during the ensuing water year, which assessment or charge shall be computed and fixed at a uniform rate per acre-foot of such water production.

Limits of replenishment assessment

The total of the replenishment assessment levied in any year shall not exceed an amount of money found to be necessary to purchase sufficient water to replenish the average annual overdraft for the immediate past 10 water years plus an additional amount of water sufficient to eliminate over a period of not less than 10 years nor more than 20 years, the accumulated overdraft; provided, further, that the replenishment assessment in any year as computed and fixed at a uniform rate per acre-foot of water produced shall not exceed five dollars and fifty cents ($5.50) per acre-foot of water produced except upon the vote of eight directors of said district.

Public hearing. Date of hearing

On the second Wednesday in June of each year at the hour of 2 p.m. at the offices of said district, the board of directors shall hold a public hearing for the purpose of determining the need and desirability of levying a replenishment assessment

and fixing the rate thereof. In computing and fixing the replenishment assessment rate, there shall be allowed such percent, not to exceed 10 percent, as shall be determined by the board of directors of the district for delinquencies. Notice of such hearing shall be published in the district pursuant to Section 6061 of the Government Code, at least 10 days prior to the date set for said hearing.

Any replenishment assessment levied by this section shall be in addition to any general assessment levied by said district.

Clerical errors

Clerical errors occurring or appearing in the name of any person or in the description of the water producing facility where the production of water therefrom is otherwise properly assessed, or in the making or extension of any assessment upon the records, which do not affect the substantial rights of the assessee or assessees, shall not invalidate the assessment.

Urgency

SEC. 7. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Additional funds are urgently needed for the water reserve fund of the Orange County Water District to enable it to carry out its purposes. Unless this act goes into effect immediately, the district will be unable to perform its necessary functions during the ensuing fiscal year.

CHAPTER 62

An act to amend Section 22406 of the Vehicle Code, relating to truck speeds.

[Approved by Governor April 4, 1961. Filed with Secretary of State April 5, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 22406 of the Vehicle Code is amended to read:

22406. Any motor truck or truck tractor having three or more axles or any motor truck or truck tractor drawing any other vehicle, shall not be driven on any highway at a speed in excess of 45 miles per hour except that a maximum speed limit of 50 miles per hour shall apply to such vehicles on highways of four or more lanes.

This section does not apply to any bus having three or more axles.

CHAPTER 63

An act to amend Section 40303 of the Vehicle Code, relating to procedure in cases of Vehicle Code violations.

In effect September 15, 1961

[Approved by Governor April 4, 1961. Filed with Secretary of State April 5, 1961.]

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

SECTION 1. Section 40303 of the Vehicle Code is amended to read:

40303. Whenever any person is arrested for any of the following offenses and the arresting officer is not required to take the person without unnecessary delay before a magistrate, the arrested person shall, in the judgment of the arresting officer, either be given a 10 days' notice to appear as herein provided or be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made.

(a) Sections 10852 or 10853, relating to injuring or tampering with a vehicle.

(b) Sections 23103 or 23104, relating to reckless driving.

(c) Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to an inspection or test of the lights upon the vehicle under Section 2804 hereof, which is punishable as a misdemeanor.

(d) Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to a brake test which is punishable as a misdemeanor.

(e) Sections 2800 and 2803, relating to the refusal to submit vehicle and load to a weighing which is punishable as a misdemeanor.

(f) Section 20002, relating to failure to stop in the event of an accident involving damage to property.

(g) Section 20007, relating to failure to stop after collision with an unattended vehicle.

(h) Section 23109, relating to participating in speed contests.

(i) Section 14601, relating to driving while license is suspended or revoked.

(j) When the person arrested has attempted to evade arrest.

(k) Section 23332, relating to persons upon vehicular crossings.

(*l*) Section 2813, relating to the refusal to stop and submit a vehicle to an inspection of its size, weight, and equipment.

CHAPTER 64

An act to add Section 1707.5 to the Insurance Code, relating to records and files of the Insurance Commissioner.

[Approved by Governor April 4, 1961 Filed with Secretary of State April 5, 1961]

In effect September 15, 1961

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

SECTION 1. Section 1707.5 is added to the Insurance Code, to read:

1707.5. The commissioner in lieu of retaining in his files: (1) one copy of the notices of appointment or notices of termination described in Section 1707 or (2) the applications of solicitors containing a statement by the employing person as described in Section 1657, if he has made entry of the facts pertaining to such appointments or terminations or such statements, including the cancellation, if any thereof, in some portion of his official records, may at any time thereafter destroy such documents. The commissioner's certification as to the content of such an entry shall be competent evidence of the facts therein stated for any purpose in any court or administrative action or proceeding and shall be accepted in lieu of the actual documents.

CHAPTER 65

An act to add Section 9901 to the Elections Code, and to amend Sections 18205, 18230, and 22932 of, and to add Section 22930.5 to, the Elections Code proposed by Assembly Bill No. 8, relating to absent voter ballots.

[Approved by Governor April 4, 1961 Filed with Secretary of State April 5, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 9901 is added to the Elections Code, to read:

9901. The city clerk, or a canvassing board appointed by the city clerk, shall count the votes cast by absent voters. The clerk or board shall commence this count as soon as the polls close on the day of election, and the count shall continue, for not less than six hours each day providing ballots remain to be counted, until all absent voter ballots have been received within the time provided by law. The result of the absent vote count shall be included with the canvass of returns from the precincts.

Absentee vote count

The canvassing board, if any, shall be appointed and the absent vote count shall be conducted in the manner prescribed by Chapter 6 (commencing with Section 7799) of Division 9 of this code, insofar as the provisions of that chapter are not inconsistent with the provisions of this section.

NOTE: The sections of the Elections Code affected by this chapter appear in their proper places in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code

Effect-Stats 1961, Ch 23

SEC. 6 Sections 2 through 5 of this act shall become operative only if the Elections Code as proposed by Assembly Bill No. 8 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 8 takes effect; at which time Section 9901 of the Elections Code as added by Section 1 of this act is repealed.

CHAPTER 66

An act to amend Section 6456 of the Financial Code, relating to savings and loan associations.

In effect September 15, 1961

[Approved by Governor April 4, 1961 Filed with Secretary of State April 5, 1961.]

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

SECTION 1. Section 6456 of the Financial Code is amended to read:

6456. Guarantee stock shall be of one class. Guarantee stock shall have a par value per share, as stated in the articles of incorporation and approved by the commissioner. The proceeds from the sale of the guarantee stock shall be set apart to the extent of the par value and, except as that stock is reduced as provided in this chapter, shall be maintained as a fixed and permanent capital of the association.

CHAPTER 67

An act to amend Sections 31676 and 31681 of the Streets and Highways Code relating to the Vehicle Parking District Law of 1943.

In effect September 15, 1961

[Approved by Governor April 4, 1961. Filed with Secretary of State April 5, 1961.]

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

SECTION 1. Section 31676 of the Streets and Highways Code is amended to read:

Term

31676. The bonds shall extend over a period not to exceed 24 years from January 2d next succeeding the next September 1st following their date; provided, however, that in the case of proceedings where the ordinance of intention was adopted prior to the effective date of this act or in the case of proceedings where the legislative body finds that circulation of the petition was commenced prior to the effective date of this act the bonds shall extend over a period of not to exceed 19 years from January 2d next succeeding the October 15th following their date.

SEC. 2. Section 31681 of said code is amended to read:

31681. The bonds shall be substantially in the following form: Form

Vehicle Parking District No. _____
(Number of district)
of the City of _____

IMPROVEMENT BOND

$_____ No._____

Under and by virtue of the Vehicle Parking District Law of 1943, I, out of the fund for the above designated Vehicle Parking District No._____ of the City of _____ bonds, will pay to ___ ____, or order, (or to bearer,) the sum of $_____, with interest at the rate of ___ percent per annum, all as is hereinafter specified, and at the Office of the Treasurer of the City of _____, State of California.

This bond is issued to pay the cost of the acquisition and improvement of certain parking places in the City of _____ as the same is more fully described in assessment number _____ issued by the street superintendent of said city and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number ___, and which now remains unpaid, and constitutes a lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit: The lot or parcel of land in said City of _____, County of _____, State of California, described as follows: _____.

This bond is payable exclusively from said fund, and neither the city nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is ___ years from the second day of January next succeeding the next _____ following its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year, following the next _____ after its date, an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of ___ per centum per annum.

The interest is payable semiannually, to wit: On the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, hereto attached, the first of which is for the interest from date to the next second day of _____, and thereafter the interest coupons are for semiannual interest.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said law, at any time before maturity, and before commencement of proceedings for sale, upon payment to the treasurer, for the holder of this bond, of the amount then unpaid on the principal thereof, with interest

thereon calculated up to the due date of the next maturing interest coupon, and all penalties accrued and unpaid.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or any one in his behalf, the holder of this bond is entitled on or after the second day of January or July, as the case may be, following such default to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law; provided, however, that any bond may be reinstated after such default in the manner provided in said law. In case of such default there shall be immediately added to such defaulted amount 1 percent of the amount thereof, and on the first day of each month following such default there shall be added a further penalty of 1 percent of such defaulted amount. The 1 percent penalty first imposed and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment.

At said City of _____ , this ___ day of_____, in the year one thousand, nine hundred and _____.

_____

Treasurer of the City of _____

CHAPTER 68

An act to amend Section 18002 of the Education Code, relating to state school fund apportionments.

In effect September 15, 1961

[Approved by Governor April 5, 1961. Filed with Secretary of State April 5, 1961.]

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

SECTION 1. Section 18002 of the Education Code is amended to read:

18002. The governing board of each school district shall report to the Superintendent of Public Instruction during each fiscal year, as herein provided, the average daily attendance in the regular day schools of the district for all full school months in the fiscal year during (1) the period between July 1st and December 31st, inclusive, hereinafter referred to as the "first period," (2) the period between the end of the last full school month of the first period and April 15th, inclusive, hereinafter referred to as the "second period," and (3) each of the same periods that were reported during the preceding fiscal year. Such report with respect to the first period shall be filed with the Superintendent of Public Instruction on or before the next succeeding January 20th and with respect to the second period shall be filed with the Superintendent of Public Instruction not later than the next succeeding May 10th. Each report shall be made in such form as shall be prescribed and furnished by the Superintendent of Public Instruction.

CHAPTER 69

An act to amend Sections 16474, 16475, 16503, 16504, 16521, 16522, 16525, 16526, 16527, 16528, 16530, 16551, 16553, 16561, 16562, 16581, and 16582 of the Government Code, relating to deposits of state money in banks.

[Approved by Governor April 5, 1961 Filed with Secretary of State April 5, 1961]

In effect September 15, 1961

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

SECTION 1. Section 16474 of the Government Code is amended to read:

Investment of the Surplus Money Investment Fund

16474. The money in the Surplus Money Investment Fund, shall be invested and reinvested by the State Treasurer in any securities described in Section 16430 of this code or in time bank deposits as provided in Chapter 4 of this part and the interest from any such investments including any such time deposits shall be returned to the Surplus Money Investment Fund. Such securities may be sold by the State Treasurer or exchanged by him for other securities of the kind authorized to be purchased hereunder, if, in his discretion, such sale or exchange appears to be in the best interests of the State.

SEC. 2. Section 16475 of said code is amended to read:

Deposit of interest and increment

Apportionments

16475. Interest earned and other increment derived from investments made pursuant to this article shall, on order of the State Controller, be deposited in the Surplus Money Investment Fund. The State Controller, after deducting expenses incurred under this article by the State Treasurer in investing in securities or time bank deposits and in collecting bonds and bond coupons, shall apportion as of December 31st and June 30th of each year to the following funds in the State Treasury all interest earned or increment derived from the investments authorized by this article and deposited in the Surplus Money Investment Fund during the six calendar months ending with such dates.

(a) The General Fund;

(b) Each fund into which are deposited or which contains moneys collected from any tax now or hereafter imposed by the State upon the manufacture, sale, distribution, or use of motor vehicle fuel, for use in motor vehicles upon the public streets and highways;

(c) Each fund into which are deposited or which contains moneys collected from motor vehicle and other vehicle registration license fees or from any other tax or license fee now or hereafter imposed by the State upon vehicles, motor vehicles or the operation thereof, except those taxes and license fees which, by the provisions of Section 4 of Article XXVI of the Constitution of this State are exempted from the provisions of Section 2 of said Article XXVI;

(d) Each fund into which are deposited or which contains moneys collected under the provisions of any law of this State

relating to the protection, conservation, propagation, or preservation of fish, game, mollusks, or crustaceans, and fines imposed by any court for the violation of any such law;

(e) Every other fund in respect to which the Board of Control determines that interest received under this article and allocated on the basis of amounts in such fund would become available for use for a purpose for which the fund is established; provided, that this shall not apply to funds composed primarily of moneys derived from the General Fund.

Such apportionments shall be made by the State Controller in the following manner:

(1) All money not apportioned to the funds referred to in (b), (c), (d), and (e) herein shall be apportioned to the General Fund.

(2) There shall be apportioned to each of the funds referred to in (b), (c), (d), and (e) herein an amount directly proportionate to the respective amounts transferred from such funds to the Surplus Money Investment Fund and the length of time such amounts remained therein.

SEC. 3. Section 16503 of said code is amended to read:

Amounts to be deposited

16503. Subject to the limitations of Article 4.5 of Chapter 3 of this part, the Treasurer shall determine what amounts of money shall be deposited:

(a) As time deposits, and the rates of interest to be received

(b) As demand deposits, and the rates of interest to be received, if any.

SEC. 4. Section 16504 of said code is amended to read:

Calling in of money

16504. Subject to the applicable contract, the Treasurer may call in money from time deposits and place it in demand deposits, when necessary to meet current requirements; and time money in his possession for which there is no demand may be placed as demand deposits.

SEC. 5. Section 16521 of said code is amended to read:

Security

16521 To be eligible to receive and retain demand or time deposits, a bank shall deposit with the Treasurer as security for such deposits, securities specified in Section 16522, and approved by the Treasurer, in an amount in value at least 10 percent in excess of the amount deposited with the bank.

SEC. 6. Section 16522 of said code is amended to read:

Type of security

16522. The following securities may be received as security for demand and time deposits:

(a) Treasury notes or bonds of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Bonds of this State or of any county, city, town, metropolitan water district, municipal utility district, municipal water district, bridge and highway district, flood control district, school district, water district, water conservation district or irrigation district within this State.

(c) Registered warrants of this State.

SEC. 7. Section 16525 of said code is amended to read:

Surety insurers

16525. In lieu of deposits of securities, any otherwise eligible bank may deposit with the Treasurer bonds of admitted surety insurers as security for demand deposits.

SEC. 8. Section 16526 of said code is amended to read:

Same: Limitations

16526. An admitted surety insurer is not eligible as surety for demand deposits in any one bank in amounts in excess of 10 percent of the capital and surplus of the surety as shown in the preceding report issued by the United States Treasury Department.

SEC. 9. Section 16527 of said code is amended to read:

Same Certificate of qualification

16527. On demand of the Treasurer, the Insurance Commissioner shall issue a certificate showing the qualifications of any admitted surety insurer as surety for demand deposits.

SEC. 10. Section 16528 of said code is amended to read:

Same Certification

16528. The bond of an admitted surety insurer shall not be accepted as security for demand deposits unless it has been certified by the Insurance Commissioner as meeting the requirements of this chapter and unless it also holds a certificate of authority from the United States Treasury Department under which it is eligible as surety on federal bonds.

SEC. 11. Section 16530 of said code is amended to read:

Same: Termination of liability

16530. A surety upon any bond to secure demand deposits may terminate the bond as to future liability by giving 10 days' written notice of termination to the Treasurer. Such notice of termination shall not affect any liability accruing prior to the expiration of the 10-day period.

Within 10 days after receipt of such a notice of termination, the Treasurer shall require other acceptable security or withdraw the deposits secured by the bond to be terminated.

SEC. 12. Section 16551 of said code is amended to read:

Deposit of securities

16551. With the consent of the bank owning securities deposited or to be deposited with him as security, the Treasurer may:

(a) Authorize any qualified trust company, other than the depositor bank, or the Federal Reserve Bank of San Francisco or any branch thereof or any state or national bank located in any city designated as a reserve or central reserve city by the Board of Governors of the Federal Reserve System to receive as his agent deposits of any securities approved under this chapter.

(b) Place and maintain for safekeeping as a trust deposit with any qualified trust company, other than the depositor bank, or with the Federal Reserve Bank of San Francisco or any branch thereof any securities that have been received by him under this chapter.

(c) Whenever any qualified trust company accepts such securities under paragraph (a) or (b) such trust company, with the prior approval of the Treasurer, may keep such securities for safekeeping with any state or national bank located in a city designated as a reserve or central reserve city by the Board of Governors of the Federal Reserve System.

SEC. 13. Section 16553 of said code is amended to read:

Duties of qualified trust company

16553. Any qualified trust company or the Federal Reserve Bank of San Francisco or any branch thereof to which securities are delivered, either as agent or depositary for the Treasury, shall make such disposition of the securities as the Treasurer directs and is responsible only for strict compliance with written instructions given to it by the Treasurer. All such securities are at all times subject to the order of the Treasurer.

SEC. 14. Section 16561 of said code is amended to read:

Contract conditions

16561. In order to obtain as high rates of interest as possible, the contracts may contain any conditions necessary to conform with Section 19 of the Federal Reserve Act, as amended, and with regulations established pursuant thereto by the Board of Governors of the Federal Reserve System; but the term of any time deposit shall not be for longer than one year, and demand deposits shall be subject to withdrawal at any time upon demand of the Treasurer.

SEC. 15. Section 16562 of said code is amended to read:

Statement of account

16562. The contracts covering demand state deposits shall provide that each depositary shall at the end of each month render to the Treasurer a statement of the account showing the date of deposits, payments or withdrawals therefrom made during the month and the balance or amount of money of the State held by it at the close of the monthly period. In the event that such demand deposits are interest bearing, the contract also shall provide that the depositary shall also at the close of each month furnish a statement in triplicate, showing the daily balances or amount of money of the State held by it during the month and a separate statement in triplicate showing the amount of interest due thereon together with the payment of the interest due.

The contracts covering time or interest bearing term deposits shall provide that the interest to be paid by the depositary bank shall be paid upon the expiration of the certificate or certificates of deposit issued by the bank as a part of the contract, and in any event, at least semiannually. The contract governing time deposits shall also provide that the amounts of interest shall be reported by the depositary bank at the time of payment of the interest, by statement in triplicate showing the balances or amounts of money of the State held by it during the period and the amount of accrued interest thereon.

SEC. 16. Section 16581 of said code is amended to read:

Interest statement

16581. The amount of interest, if any, due on demand deposits shall be reported by the depositary bank at the time of payment of the interest by a statement in triplicate, showing the daily balances or amount of money of the State held by it during the month and a separate statement in triplicate showing the amount of interest due thereon.

The amounts of interest on time deposits shall be reported by the depositary bank at the time of the payment of the interest by a statement in triplicate showing the balances or

amounts of money of the State held by it during the period and the amount of accrued interest thereon.

Two copies of the statements shall be delivered by the bank to the Treasurer with the interest payments and the third copy shall, at the same time, be delivered directly to the Controller.

SEC. 17. Section 16582 of said code is amended to read:

16582. Unless otherwise provided by law all interest paid on bank deposits which are deposited in banks as provided in this chapter shall upon order of the State Controller be deposited in the General Fund. General Fund

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CHAPTER 70

An act to maintain the Health and Safety Code by amending Section 18370, and amending and renumbering Sections 14455.7, as added by Chapter 1226 of the Statutes of 1947, and 24367.30, thereof, relating to the public health.

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.] In effect September 15, 1961

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

SECTION 1. Section 14455.7, as added by Chapter 1226 of the Statutes of 1947, of the Health and Safety Code is amended and renumbered to read:

14455.8. The commissioners may purchase, acquire, lease, operate and maintain ambulances whenever necessary and may take out liability and other insurance therefor. They may employ trained personnel to operate these vehicles. Ambulances

SEC. 2. Section 18370 of said code is amended to read:

18370. It is unlawful for any person to sell or offer for sale, within this State, any trailer coach manufactured after September 1, 1958, containing plumbing, heating or electrical equipment unless such equipment meets the requirements of the Division of Housing for such installation. Such rules and regulations shall be reasonably consistent with recognized and accepted principles for plumbing, heating and electrical installations, respectively, in order to protect the health and safety of the people of this State from dangers inherent in the use of substandard and unsafe plumbing, heating and electrical equipment. The division by rule and regulation may establish a schedule of fees to pay the costs of work related to the work and enforcement of this chapter. The fees collected shall be deposited to the credit of any appropriation for support of the division current at the time of collection. Equipment requirements

If the Division of Housing determines that the standards for the plumbing, heating, and electrical equipment installed in trailer coaches which have been prescribed by the statutes or rules and regulations of other states are at least equal to the standards prescribed by the division, it may so provide by regulation. Any trailer coach which a state listed in such regulations has approved as meeting its standards for plumbing, Same. Prescribed by other states

heating, and electrical equipment installed in trailer coaches shall be deemed to meet the standards of the Division of Housing, if the division determines that the standards of such other state are actually being enforced.

The Division of Housing may adopt, amend, repeal, and enforce, in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, such rules and regulations as are reasonably necessary to effectuate the purposes of this section.

Insignia of approval

All trailer coaches manufactured after September 1, 1958, which are sold or offered for sale within this State, shall bear an insignia of approval by the Division of Housing for plumbing, heating and electrical equipment therein.

The Division of Housing may issue insignia for trailer coaches manufactured prior to September 1, 1958, which meet the standards established by the Division of Housing as provided in this section.

SEC. 3. Section 24367.30 of said code is amended and renumbered to read:

Dissolution of district

24376.30. A district may be dissolved in the following manner:

(a) The boards of supervisors of the counties containing more than fifty percent (50%) of the population of the entire district shall adopt a resolution stating that the existence of the district is no longer necessary or desirable for the public welfare, and announcing the intention to withdraw therefrom and to dissolve the district.

(b) The resolutions so adopted shall be communicated to the clerks of the boards of supervisors of all counties comprising the district and also to the board.

(c) If it appears that the resolutions were adopted by the boards of supervisors in the counties desiring to withdraw, and that such counties contain more than fifty percent (50%) of the entire population in the district, the board, by resolution, shall call an election to determine the question of dissolution. The resolution shall state the time and place and purpose thereof, establish election precincts, designate polling places, and appoint election officers and, in all respects not provided in this section, the election shall be held and conducted, as nearly as practicable, in the same manner as elections for county officers in the counties. In the event such election shall be consolidated with any other election, the resolution calling the election hereunder need not describe the precincts, polling places, or appoint officers of election, but may refer to the ordinance, order, resolution or notice calling or providing for such other election, or listing or designating the precincts, polling places, and election officers therefor for the precincts, polling places and officers of election for the election called hereunder. Such resolution shall be published pursuant to Section 6066 of the Government Code in each county within the district and the first publication shall be at least 30 days prior to the date of election.

(d) If a majority of the qualified electors voting at such election vote in favor of such dissolution, the board shall declare the results of the election, proceed to wind up the affairs of the district, and pay all indebtedness thereof. Any surplus funds shall be paid over to the counties in which the district lies in proportion to the amount last previously apportioned by the board to each county for purposes of levying taxes. The board shall exercise only such powers and secure such revenue from taxation as shall be necessary to wind up the affairs of the district.

(e) Upon the completion of the process of winding up the affairs of the district, the board shall, by resolution, entered upon its minutes, declare the district dissolved. A certified copy of such resolution shall be filed with the county recorder of each county within the district and with the Secretary of State. Upon the adoption of such resolution the district shall be dissolved.

CHAPTER 71

An act to maintain the Civil Code by amending Section 715.3 thereof, relating to restraints upon alienation.

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 715.3 of the Civil Code is amended to read:

715.3. No trust heretofore or hereafter created forming part of a profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries or forming part of a retirement plan formed primarily for the purpose of providing benefits for employees on or after retirement shall be deemed invalid as violating Section 715.2 of this code; and the income arising from such property, real or personal, held in such trust may be permitted to accumulate until the fund is sufficient, in the opinion of the trustee or trustees thereof, to accomplish the purposes of the trust.

CHAPTER 72

An act to maintain the Code of Civil Procedure by amending Sections 689d, 710a, 1190.1, and 1254 thereof, by repealing Section 11 as enacted by Chapter 400 of the Statutes of 1959, and Section 242a, thereof, and by adding Section 908.1 to the Penal Code, relating to judicial proceedings including the organization, jurisdiction, and administration of courts of justice and grand juries, and the procedure in civil actions and special proceedings of a civil nature.

In effect September 15, 1961

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.]

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

Repeal

SECTION 1. Section 11, as enacted by Chapter 400 of the Statutes of 1959, of the Code of Civil Procedure is repealed.

Repeal

SEC. 2. Section 242a of said code is repealed.

SEC. 3. Section 689d of said code is amended to read:

Court hearing re property title

689d. In cases in which a warrant is issued by the State of California, or a department or agency thereof, pursuant to Section 1785 of the Unemployment Insurance Code, or Section 18907, 6776, or 26191 of the Revenue and Taxation Code of said State, for the collection of tax liability owed to said State, a department or agency thereof, a hearing, for the purpose of determining title to the property in question as provided in Section 689 of this code, may be held by the superior court of the county, or city and county, in which the property levied upon is located.

SEC. 4. Section 710a of said code is amended to read:

Judgment debtor, when a contractor upon a public work

710a. In the event the judgment debtor named in any transcript of judgment filed under the provisions of Section 710 of this code, approved March 21, 1903, be a contractor upon any public work, the cost of which is to be paid out of any public moneys voted, appropriated or otherwise set apart for the purpose of paying therefor, only so much of the contract price shall be deemed owing to the contractor, within the meaning of said section, as may remain payable to him under the terms of his contract, upon the completion thereof, after the sums severally due and to become due to all persons who perform labor upon such work or who bestow skill or other necessary services, or furnish materials, appliances, teams or power used or consumed in the performance of such work, have been ascertained and paid. In ascertaining the sums severally due or to become due the persons who perform labor upon public works or other necessary services, or furnish materials, appliances, teams or power used or consumed in the performance of such work, only such claims shall be considered as are filed against the moneys due or to become due the judgment debtor in accordance with Sections 1190.1 and 1197.1 of the Code of Civil Procedure. The controller, auditor, or

Ascertaining sums due for services rendered or materials furnished

other public disbursing officer whose duty it is to make payments under the provisions of such contract shall not draw his warrant in favor of the court from the docket of which the transcript was taken until said contract is completed and the payments above specified are made, and then only for the excess, if any, of the contract price over the aggregate of the sums so paid.

SEC. 5. Section 1190.1 of said code is amended to read:

Notice of labor performed, etc.

1190.1. (a) Any of the persons mentioned in Sections 1181 and 1184.1, except the contractor, and all persons, firms and corporations, excluding the contractor, performing work or furnishing materials, or both, upon any public improvement, including highways, streets, wagon roads, viaducts or sewers, may at any time, prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by the provisions of Section 1193.1 of this code, give to the owner, a notice that they have performed labor or furnished materials, or both, to the contractor or other person acting by the authority of the owner, or that they have agreed to do so, stating in general terms the kind of labor and materials and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed to be done or furnished, or both, and any of said persons who shall on the written demand of the owner refuse to give such notice shall thereby deprive himself of the right to claim a lien under this chapter.

Same: Verification

(b) Such notice must be verified by the claimant, or by some person acting in his behalf, and may be given by delivering the same to said owner, personally, or by leaving it at his residence or place of business with some person in charge, or by delivering it to his architect, if any; provided, however, that in all cases in which said work is being done under a contract with the State, or with any public board, commission, or officer thereof, or with any political subdivision thereof, such notice must be filed, within said time, in the office of the controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract, or with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council or other body by whom the contract for the improvement was awarded. In the case of any contract of the State by or through the Department of Public Works, such notice must be filed with the Director of Public Works, and not with the State Controller. In the case of any contract of the State by or through any other state department, board, commission, or officer, such notice must be filed within said time with the head of such state department, board, commission, or officer and not with the State Controller. No such notice shall be invalid by reason of any defect in form; provided, it is sufficient to inform the owner of the substantial matters herein provided for.

Duty upon notice

(c) Upon such notice being given it shall be the duty of the person to whom such notice is given to, and he shall withhold from his contractor or from any person acting under his authority and to whom said labor or materials, or both have been furnished, or agreed to be furnished, sufficient money or sufficient bonds, where bonds are to be issued in lieu of money by the political subdivision which contracted for said work, due or that may become due to such contractor to answer such claim and any lien that may be filed therefor, and, if the owner is a public body whose property, by reason of public policy or otherwise, is not subject to the liens in this chapter provided for, also the reasonable cost of any litigation thereunder.

Bonds issued in lieu of money

Provided, however, that if in connection with any private work of improvement, any statutory labor and material bond has been furnished under Section 1185.1 of this code complying with the provisions of such last mentioned section and has been filed in the office of the county recorder, as in said section, provided, then in said event, it shall not be the duty of the person to whom such notice is given to withhold any moneys pursuant to such notice but such moneys may be withheld by such person to whom such notice is given.

Grounds for filing affidavit of improper withholding

If the contractor asserts that the claim upon which any such notice is based, or out of which it arises, is either: (1) not included within the types or classifications of claims referred to in this section, or (2) that the claimant is not one of the persons mentioned in Sections 1181 and 1184.1, or (3) that the amount of the claim as specified in such notice is excessive, or (4) that there is no basis in law for the claim as referred to and set out in such notice, then, on any such ground, or any combination thereof, such contractor may avail himself of the right to prepare and deliver to the department head, board, commission, or officer thereof, to whom such notice was given, an affidavit and a copy thereof alleging any one or more of the grounds hereinabove set out, and claiming that the moneys or bonds withheld by such officer, or any part of either such moneys or bonds, are being withheld improperly or in an excessive amount, and further demanding the release of all or such portion of such moneys or bonds as is alleged to be withheld improperly or in an excessive amount. Such affidavit shall state all of the facts necessary to support the claim of the contractor, and shall also state his address within this State for the purpose of permitting service by mail upon him of any counteraffidavit, notice of motion, or other notice or legal document.

Service upon claimant

The department head, board, commission, or officer thereof, shall serve upon the claimant, either personally or by mail, a copy of the affidavit, together with a written notice stating that the affidavit and demand for release has been received and that such department head, board, commission, or officer thereof will release such moneys or bonds, or such portion of either as has been demanded, unless the claimant files with such department head, board, commission, or officer thereof, a counter-

affidavit on or before a time designated in the notice, which shall be not less than 10 nor more than 20 days after service of the copy of such affidavit. Service by mail shall be complete by placing the notice and copy of the affidavit in a sealed envelope addressed to the last known address of the claimant, registered with return receipt requested, and depositing it in the United States mail with postage fully prepaid. Proof of service, either personally or by mail, shall be made by an affidavit.

Counter-affidavit

If the claimant desires to contest the contractor's affidavit and demand for release, he shall, within the time allowed, file with the department head, board, commission, or officer thereof, a counteraffidavit alleging the details of his claim and shall also set forth in detail the specific basis upon which he contests or rebuts the claim or claims of the contractor, together with proof of service of a copy of such counteraffidavit upon the contractor.

The department head, board, commission, or officer thereof, shall not be responsible for the validity of said affidavit or counteraffidavit.

If no such counteraffidavit with proof of service is filed with the department head, board, commission, or officer thereof, within the time allowed, then such department head, commission, or officer thereof, shall forthwith release the moneys or bonds, or such portion thereof as has been demanded by such affidavit, without further notice to the claimant and shall not be liable in any manner for making such release.

Action for a declaration of rights

If such counteraffidavit, together with proof of service, is so filed, either the contractor or the claimant may file an action in the appropriate superior court for a declaration of his rights in and to such moneys or bonds as have been withheld under the original notice, together with such other relief as may be appropriate. After the filing of a suit requesting such a declaration of rights, either the contractor or the claimant shall be entitled to a hearing in the court in which the action is pending for the purpose of determining his rights under the affidavit and demand for release of such moneys or bonds or any portion of either of them and the counteraffidavit. Such hearing must be granted by the court upon motion of either party, and such hearing must be had within 15 days from the date of making of such motion, unless continued by the court for good cause. The party making the motion for hearing must give not less than five days notice in writing of such hearing to the department head, board, commission, or officer thereof, and to the other party, and shall specify in the notice that the hearing is for the purpose of determining the sufficiency of and the issues involved in the demand for release of such moneys or bonds. The notice may be of the motion or of the hearing, and upon the filing of the notice with the clerk of the court, the motion is deemed made.

Burden of proof

At such hearing, the contractor who has filed the affidavit and made the demand for the release of such moneys or bonds

shall have the burden of proof. The affidavit and counter-affidavits shall be filed with the court by the department head, board, commission, or officer thereof, who received them, and they shall constitute the pleadings, subject to the power of the court to permit an amendment in the interest of justice. The affidavit of the contractor shall be deemed controverted by the counteraffidavit, and both shall be received in evidence.

Jury trial

Nothing herein contained shall be construed to deprive any party of the right of a jury trial in any case where such right is given by the Constitution, but a jury trial may be waived in any such case in like manner as in the trial of an action. No findings shall be required in a proceeding under this section. When the hearing is before the court sitting without a jury and no evidence other than the affidavit and counteraffidavit is offered, if the court is satisfied that sufficient facts are shown thereby, it may make its determination thereon, otherwise, it shall order the hearing continued for the production of other evidence, oral or documentary, or the filing of other affidavits and counteraffidavits. At the conclusion of the hearing, the court shall make and enter its order determining whether the demand for release of such moneys or bonds shall be allowed or not, which order shall be determinative as to the right of the claimant to have the moneys or bonds further withheld by the department head, board, commission, or officer thereof. No determination in the summary proceedings under this section shall be res adjudicata with respect to any right of action by the claimant against either principal or surety on or under the statutory labor and material bond given under Sections 4200 to 4208, inclusive, of the Government Code, commonly referred to as the California Public Works Bond Act, or with respect to any right of action against any party personally liable to claimant. The contractor shall, either personally or by mail, serve a copy of said order on the appropriate department head, board, commission, or officer thereof.

Insufficient money to pay in full

(d) In the event the moneys so withheld or required to be withheld shall be insufficient to pay in full the valid demands of all persons by whom such notices were given, the same shall be distributed among such persons in the same ratio that their respective claims bear to the aggregate of such valid demands. Such pro rata distribution of said moneys shall be made among the persons entitled to share therein, without regard to the order of priority in which their respective notices may have been given or their respective actions, if any, commenced.

Forfeiture

(e) Any person who shall willfully give a false notice of his claim to the owner or who shall willfully include in his claim work or materials not performed upon or furnished for the property described in such notice shall forfeit all right to participate in the pro rata distribution of such moneys and all right to any lien under this chapter.

(f) Nothing in this article contained shall be construed to impair in any manner the right of any person by whom such notice has been given to recover from the contractor or his

sureties any deficit that may remain unpaid after such pro rata distribution in an action upon the bond provided for by Section 4200 of the Government Code.

"Owner" (g) The word "owner" as used in this section, includes the State, or any public board, commission, or officer, thereof, or any political subdivision thereof, whether the said work be done by or under the direction of said State, public board, commission, or officer thereof, or any political subdivision thereof.

Notice to holders of funds (h) Any of the persons mentioned in Sections 1181 and 1184.1, except the contractor at any time prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by the provisions of Section 1193.1 of this code, may, in any instance in which the funds with which the cost of the work of improvements are, wholly or in part, to be defrayed from the proceeds of a building loan, give to the mortgagee, beneficiary under deed of trust, or assignee or successor in interest of either, or to any escrow holder or other party holding any funds furnished or to be furnished by the owner or lender or any other person as a fund from which to pay construction costs or arising out of a construction or building loan, a notice similar to the one provided for in subdivision (a) of this section, whereupon the person so given such notice under this subsection may withhold funds to answer such claims and any lien that may be filed therefor, but shall be under no obligation to do so unless a bond is furnished as hereinafter provided.

If such person entitled to file such claim under this subsection files with the person holding such funds as a fund from which to pay such construction costs, a bond with good and sufficient sureties in a penal sum equal to one and one-quarter times the amount of such claim, undertaking that if the defendant recovers judgment in an action brought on said verified claim or on the lien filed by the claimant, the lien claimant will pay all costs that may be awarded against the owner, contractor, or person holding such funds, or any of them, and all damages that such owner, contractor, or person holding such funds may sustain by reason of the equitable garnishment effected by the claim or by reason of the lien, not exceeding the sum specified in the undertaking, then the person holding such funds must withhold from the borrower or other person to whom said owner may be obligated to make payments or advancements out of said fund sufficient money to answer such claim, and any lien that may be filed therefor. No assignment by the owner or contractor of construction loan funds, whether made before a verified claim is filed, or after such claim is filed shall be held to take priority over claims filed under this subsection (h) and such assignment shall have no binding force insofar as the rights of claimants who file claims hereunder are concerned.

Guarantee bond (i) If the contractor, subcontractor, or any other person against whom any claim is filed under subsection (h) above,

or if the owner, mortgagee, beneficiary under deed of trust, escrow holder or any other person, disputes the correctness or validity of any claim so filed on private construction work, the contractor, subcontractor, owner or any such other person disputing such claim, may file with the custodian of such fund a bond executed by good and sufficient sureties in a penal sum equal to one and one-quarter times the amount of such claim, which bond shall guarantee the payment of any sum not exceeding the penal obligation of the bond, which the claimant may recover on the claim, together with his costs of suit in the action, if he recovers therein. Upon the filing of such last mentioned bond the funds withheld to respond to the verified claim shall forthwith be released.

Applicability of provisions

(j) Subsections (h) and (i) above shall not apply to public work; nor shall either of such sections be applicable if in connection with a private work of improvement any statutory labor and material bond has been furnished under Section 1185.1 of this code complying with the provisions of such Section 1185.1, and has been filed in the office of the county recorder at any time prior to the filing of the first verified claim or notice to withhold.

Service of verified claim or notice

(k) To be effective any verified claim or notice to withhold filed under subsection (h) served upon a banking corporation or association, building and loan association, title insurance company, escrow holder or other person holding such construction funds, and maintaining branch offices must be given to or served upon the manager or other responsible officer or person at the office or branch thereof administering or holding such construction funds.

(*l*) Any verified claim or notice to withhold may be served by registered mail with the same effect as by personal service.

Notice of objection re sureties

(m) If the person holding the funds objects to the sufficiency of the sureties on the bond referred to in subsection (h) above, he must give notice in writing to the claimant within 20 days after the service of the notice provided for in subsection (h) that he so objects, in which event the claimant may within 10 days after the receipt of such written objection substitute for the bond so objected to a similar bond in like amount executed by a corporate surety licensed to write such bonds in the State of California, and if the claimant fails to do so the party served with such verified claim or notice to withhold may disregard the same and release all funds withheld in response thereto

SEC. 6. Section 1254 of said code is amended to read:

Putting plaintiff in possession pending conclusion of litigation

1254. At any time after trial and judgment entered or pending an appeal from the judgment to the Supreme Court, whenever the plaintiff shall have paid into court, for the defendant, the full amount of the judgment, and such further sum as may be required by the court as a fund to pay any further damages and costs that may be recovered in said proceeding, as well as all damages that may be sustained by the defendant, if, for any cause, the property shall not be finally

taken for public use, the superior court in which the proceeding was tried may, upon notice of not less than 10 days, authorize the plaintiff, if already in possession, to continue therein, and if not, then to take possession of and use the property during the pendency of and until the final conclusion of the litigation, and may, if necessary, stay all actions and proceedings against the plaintiff on account thereof. In an action for condemnation of property for the use of a school district, an order so authorizing possession or continuation of possession by such school district is not appealable. The defendant, who is entitled to the money paid into court for him upon any judgment, shall be entitled to demand and receive the same at any time thereafter upon obtaining an order therefor from the court. It shall be the duty of the court, or a judge thereof, upon application being made by such defendant, to order and direct that the money so paid into court for him be delivered to him upon his filing a satisfaction of the judgment, or upon his filing a receipt therefor, and an abandonment of all defenses to the action or proceeding, except as to the amount of damages that he may be entitled to in the event that a new trial shall be granted. A payment to a defendant, as aforesaid, shall be held to be an abandonment by such defendant of all defenses interposed by him, excepting his claim for greater compensation. In ascertaining the amount to be paid into court, the court shall take care that the same be sufficient and adequate. The payment of the money into court, as hereinbefore provided for, shall not discharge the plaintiff from liability to keep the said fund full and without diminution; but such money shall be and remain, as to all accidents, defalcations, or other contingencies (as between the parties to the proceedings), at the risk of the plaintiff, and shall so remain until the amount of the compensation or damages is finally settled by judicial determination, and until the court awards the money, or such part thereof as shall be determined upon, to the defendant, and until he is authorized or required by rule of court to take it. If, for any reason, the money shall at any time be lost, or otherwise abstracted or withdrawn, through no fault of the defendant, the court shall require the plaintiff to make and keep the sum good at all times until the litigation is finally brought to an end, and until paid over or made payable to the defendant by order of court, as above provided. The court shall order the money to be deposited in the State Treasury, unless the plaintiff requests the court to order deposit in the county treasury, in which case the court shall order deposit in the county treasury. If the court orders deposit in the State Treasury, it shall be the duty of the State Treasurer to receive all such moneys, duly receipt for, and to safely keep the same in the Condemnation Deposits Fund, which fund is hereby created in the State Treasury and for such duty he shall be liable to the plaintiff upon his official bond. Money in the Condemnation Deposits Fund may be invested and reinvested in any securities described in Section

Condemnation Deposits Fund

16430, Government Code, or deposited in banks as provided in Chapter 4 of Part 2 of Division 4 of Title 2, Government Code. The Pooled Money Investment Board shall designate at least once a month the amount of money available in the fund for investment in securities or deposit in bank accounts, and the type of investment or deposit and shall so arrange the investment or deposit program that funds will be available for the immediate payment of any court order or decree. Immediately after such designation the Treasurer shall invest or make deposits in bank accounts in accordance with the designations.

Determination of the Pooled Money Investment Board

For the purposes of this section, a written determination signed by a majority of the members of the Pooled Money Investment Board shall be deemed to be the determination of the board. Members may authorize deputies to act for them for the purpose of making determinations under this section.

Deposit in Condemnation Deposits Fund

Interest earned and other increment derived from investments or deposits made pursuant to this section, after deposit of money in the State Treasury, shall be deposited in the Condemnation Deposits Fund. After first deducting therefrom expenses incurred by the Treasurer in taking and making delivery of bonds or other securities under this section, the State Controller shall apportion as of June 30th and December 31st of each year the remainder of such interest earned or increment derived and deposited in the fund during the six calendar months ending with such dates. There shall be apportioned and paid to each plaintiff having a deposit in the fund during the six-month period for which an apportionment is made, an amount directly proportionate to the total deposits in the fund and the length of time such deposits remained therein. The State Treasurer shall pay out the money deposited by a plaintiff in such manner and at such times as the court or a judge thereof may, by order or decree, direct. In all cases where a new trial has been granted upon the application of the defendant, and he has failed upon such trial to obtain greater compensation than was allowed him upon the first trial, the costs of such new trial shall be taxed against him.

SEC. 7. Section 908.1 is added to the Penal Code, to read:

Filling of vacancies

908.1. When, after the grand jury consisting of 19 persons has been impaneled pursuant to law, the membership thereof is reduced by reason of:

1. Death;

2. Change of residence from the county of origin;

3. Illness of such a nature as to incapacitate the juror physically or mentally from attending the sessions of the grand jury;

4. A subsequent loss of competency to act as a grand juror by reason of conviction of malfeasance in office or any felony or other high crime;

such vacancies within an existing grand jury may be filled, so as to maintain the full membership at 19 persons, by the clerk of the superior court, in the presence of the court, drawing out

sufficient names to fill the vacancies from the grand jury box, pursuant to law, or from a special venire as provided in Section 226 of the Code of Civil Procedure. No vacancy shall be filled pursuant to this section unless the superior court makes a finding, entered in records of the court, that the membership of the grand jury has been reduced below 19 members because of the happening of an event prescribed in this section. No person selected as a grand juror to fill a vacancy pursuant to this section shall vote as a grand juror on any matter upon which evidence has been taken by the grand jury prior to the time of his selection.

CHAPTER 73

An act to maintain the Business and Professions Code by amending Sections 4514, 5083, 6712, and 12700.5 thereof, by amending and renumbering Sections 24052 as added by Chapter 2192 of the Statutes of 1959, and 24209 as added by Chapter 544 of the Statutes of 1959, thereof, and by repealing Chapter 3 (commencing at Section 17800, as added by Chapter 2169 of the Statutes of 1959) of Part 3, Division 7 thereof, relating to licensed professions and business enterprises.

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 4514 of the Business and Professions Code is amended to read:

Issuance of certificate

4514. Prior to July 1, 1962, any person meeting the requirements of subdivisions (a), (b), and (e) of Section 4511, and, as determined by the board, possessing the equivalent of the education and training requirements of that section, shall, on application, be issued a certificate.

SEC. 2. Section 5083 of said code is amended to read:

Certificate as certified public accountant

5083. An applicant who successfully passes the examination shall receive a certificate as a certified public accountant if he has completed, or upon his completion of, any one of the following requirements:

(a) Three years of public accounting experience, two years of which have been in the employ of a public accountant registered under this chapter or a certified public accountant or a partnership of which a majority of the partners are public accountants registered under this chapter or certified public accountants.

(b) Three and one-half years of public accounting experience, one year of which has been in the employ of a public accountant registered under this chapter or a certified public accountant or a partnership of which a majority of the partners are public accountants registered under this chapter or certified public accountants.

(c) Four years of public accounting experience in cases in which none was acquired in the employ of a public accountant registered under this chapter or partnership of public accountants registered under this chapter or a certified public accountant or partnership of certified public accountants.

(d) Experience in private or governmental accounting or auditing work of a character and for a length of time sufficient in the opinion of the board to be substantially equivalent to the requirements of subdivisions (a), (b) or (c) hereof; provided, that the length of time that may be determined by the board shall not exceed four years.

The board shall prescribe rules establishing the character and variety of experience necessary to fulfill the experience requirements set forth in this section.

SEC. 3. Section 6712 of said code is amended to read:

Board of Registration for Civil and Professional Engineers Members, terms, etc

6712. Members of the State Board of Registration for Civil and Professional Engineers in office when this act takes effect shall continue as members of the State Board of Registration for Civil and Professional Engineers without change in their terms so that the terms of said members presently in office shall expire as follows: the term of one member, January 15, 1952; the term of two members, January 15, 1953; the term of two members, January 15, 1954, and the term of two members, January 15, 1955. Thereafter, all appointments to said board shall be for a term of four years, and vacancies shall be filled by appointment for the unexpired term. Each such member appointed to fill a new term or vacancy shall be a registered professional engineer in the same branch as his predecessor.

The term of the first land surveyor member shall expire January 15, 1960. Thereafter all such appointments shall be for a term of four years, and vacancies shall be filled by appointment for the unexpired term.

Each member shall hold office until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office on September 7, 1955.

SEC. 4. Section 12700.5 of said code is amended to read:

Receipt not a certificate

12700.5. The issuance of a receipt showing the weight of fish, mollusks, or crustaceans pursuant to Section 8011 of the Fish and Game Code does constitute the issuance of a weight or measure certificate under this chapter.

Repeal

SEC. 5. Chapter 3 (commencing at Section 17800; as added by Chapter 2169 of the Statutes of 1959) of Part 3 of Division 7 of said code is repealed.

SEC. 6. Section 24052 (as added by Chapter 2192 of the Statutes of 1959) of said code is amended and renumbered to read:

24051. The department may issue and renew on-sale beer licenses for fishing party boats on payment of the fees without regard to the provisions of Sections 23985, 23986, 23987, 23988, 24013, 24014, or 24043. On-sale beer licenses for fishing party boats

SEC. 7. Section 24209 (as added by Chapter 544 of the Statutes of 1959) of said code is amended and renumbered to read:

24210. The department may, on its own motion at any time before a penalty assessment is placed into effect and without any further proceedings, reconsider the penalty, but such reconsideration shall be limited to its reduction. Reconsideration of penalty

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CHAPTER 74

An act to maintain the Agricultural Code by amending Sections 161 and 4395, and amending and renumbering Section 328 (as added by Chapter 2292, Statutes of 1957), thereof, relating to the plant and animal industry and the products thereof.

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.] In effect September 15, 1961

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

SECTION 1. Section 161 of the Agricultural Code is amended to read:

161. The director may employ hunters and trappers throughout the State to control or eradicate coyotes and other harmful predatory animals, and to shoot or trap bears which are damaging livestock, agricultural crops, or standing timber and to control bears in accordance with Section 4184 of the Fish and Game Code. For this purpose he may enter into contracts with the Fish and Wildlife Service of the United States Department of the Interior to enlist the support of the federal government, and may prescribe the manner, terms, and conditions of such co-operation. Predatory animal control

The director may accept, on behalf of the State, donations of money from any person, board of supervisors, or other agency interested in the control of coyotes and other predatory animals. All such moneys shall be paid into the State Treasury and credited to the Department of Agriculture Fund. Moneys thus made available by any board of supervisors shall be expended solely within the boundaries of the county making the appropriation, unless otherwise authorized by the board of supervisors. All other donations shall be applied to the particular locality in which the donors are interested, unless they specifically consent to their use in other localities.

SEC. 2. Section 328 (as added by Chapter 2292, Statutes of 1957) of said code is amended and renumbered to read:

329. In the absence of any express warranty the sale of livestock for slaughter immediate or otherwise shall not Warranty of livestock

imply a warranty of fitness for any particular purpose or warranty of merchantable quality, notwithstanding the provisions of subdivisions (1), (2), and (5) of Section 1735 of the Civil Code.

SEC. 3. Section 4395 of said code is amended to read:

Milk fat testing, weighing and sampling

4395. In addition to the enforcement of this chapter by the Bureau of Milk Control, the director is hereby charged with the duty of supervision of the milk fat testing and the weighing and sampling of fluid milk delivered to distributors, which supervision shall be conducted by the Bureau of Dairy Service, and from the funds provided by the provisions of Article 11, commencing at Section 4375, he is authorized to allocate to said Bureau of Dairy Service such sum for any fiscal year, not exceeding fifty thousand dollars ($50,000), which shall be used exclusively by said Bureau of Dairy Service for the supervision and checking the correctness of the milk fat and bacteriological tests and the weighing and sampling of all fluid milk delivered to distributors in accordance with the stabilization and marketing plans established pursuant to the provisions of this division.

CHAPTER 75

An act to codify Section 3 of Chapter 1632, Statutes of 1959, by repealing said section and by adding Section 16433 to the Business and Professions Code, relating to itinerant merchants.

In effect September 15, 1961

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.]

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

SECTION 1. Section 3 of Chapter 1632, Statutes of 1959, is repealed.

SEC. 2. Section 16433 is added to the Business and Professions Code, to read:

16433. All money in the Itinerant Merchants Fund is transferred to the Motor Vehicle Transportation Tax Fund. The Itinerant Merchants Fund is abolished.

Any provision of law requiring the deposit of funds into the Itinerant Merchants Fund shall be construed to require the deposit of those funds into the Motor Vehicle Transportation Tax Fund.

CHAPTER 76

An act to codify Section 2 of Chapter 1263, Statutes of 1959, by repealing said section and by adding Section 559 to the Education Code, relating to student loans.

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 2 of Chapter 1263, Statutes of 1959, is repealed.

SEC. 2. Section 559 is added to the Education Code, to read:

559. It is in the interests of the State and of the people thereof for the State to provide money for student loan funds in public institutions of higher learning on the basis of an amount equal to not less than one-ninth of federal capital contributions to such student loan funds as provided by the National Defense Education Act of 1958 for needy students at these publicly supported institutions.

CHAPTER 77

An act to codify Section 4 of Chapter 733, Statutes of 1959, by repealing said section and by adding Section 30103 to the Education Code, relating to implementation of the National Defense Education Act of 1958.

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 4 of Chapter 733, Statutes of 1959, is repealed.

SEC. 2. Section 30103 is added to the Education Code, to read:

30103. It is in the interest of the State and of the people thereof for the State to permit the State Board of Education to provide for the identification of students with outstanding aptitudes and ability in public and private schools under a state plan to be approved by the United States Commissioner of Education under Title V of the National Defense Education Act of 1958 and for the State to expend for the costs of such testing any money received from the federal government for the purpose.

CHAPTER 78

An act to repeal certain obsolete and superseded acts, relating to the use and disposition of certain state moneys.

In effect September 15, 1961

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.]

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

SECTION 1. The following acts, together with all acts and parts of acts amendatory thereof and supplementary thereto, are repealed.

Year	Chapter
1951	308
1957	2419

CHAPTER 79

An act to maintain the Welfare and Institutions Code by amending Sections 159, 1129, 1741, 2305, 4185, 5252, 5356.1, 5700.5, 5751, 6500.5, 6503, 6506, 6507, 6508, 6509, 6512, 6553, 6602, 6663, 6701, 6702, 6727, 6728, 6730, 7001, 7007, 7008, 7010, 7012, 7013, 7015, 7051, 7060, 7063, 7100, 7105, 7106, 7108, 7302, 7303, 7304, 7305, 7307, 7308, 7500 and the heading of Part 5 (commencing at Sec. 7500), Division 6 thereof, relating to the administration of, and commitment of persons to, the Department of Mental Hygiene.

In effect September 15, 1961

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.]

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

SECTION 1. Section 159 of the Welfare and Institutions Code is amended to read:

Deportation of aliens

159. The Department of Mental Hygiene shall co-operate with the United States Bureau of Immigration in arranging for the deportation of all aliens who are confined in, admitted, or committed to any state hospital.

SEC. 2. Section 1129 of said code is amended to read:

Investigation of feeble-mindedness

1129. No boy shall be returned to the court as feebleminded, under the provisions of Section 747 of this code, unless such feeblemindedness has been established through investigation by the Youth Authority or some qualified person approved by the authority.

SEC. 3. Section 1741 of said code is amended to read:

Report of information

1741. The judge before whom the person was tried and committed, the district attorney or other official who conducted the prosecution, and the probation officer of the county, shall obtain and with the order of commitment furnish to the authority, in writing, all information that can be given in regard

to the career, habits, degree of education, age, nationality, parentage and previous occupations of such person, together with a statement to the best of their knowledge as to whether such person was industrious, and of good character, the nature of his associates and his disposition.

The reports required by this section shall be made upon forms furnished by the authority or according to an outline furnished by it.

When a person has been committed to the authority, the court and the prosecuting and police authorities and other public officials shall make available to the authority all pertinent data in their possession in respect to the case.

SEC. 4 Section 2305 of said code is amended to read:

Revocation or suspension of permit or license

2305. Failure to comply with any rule or regulation promulgated under Section 2301 is cause for revocation or suspension of a permit or license by the Department of Social Welfare. Any person whose permit or license is revoked or suspended shall have the right to appeal to the Department of Social Welfare. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC 5. Section 4185 of said code is amended to read:

Advancing funds to counties

4185. The method of computing and advancing funds to counties shall be as follows:

(a) The State Department of Social Welfare shall, prior to the beginning of each quarter, compute the amount to be advanced each month of the quarter both as to state funds and funds made available by the United States government.

(b) The computation shall be based upon the most recent claims filed by the county as adjusted by anticipated trends in caseloads and average monthly grants.

(c) Amounts to be advanced shall be adjusted by the amount by which the estimate for any prior quarter was greater or less than the amount which should have been advanced to the county for such quarter.

(d) Upon certification by the State Department of Social Welfare of the amounts to be advanced to each county, the State Controller shall draw the necessary warrants, and prior to audit or settlement by the State Department of Social Welfare and the State Controller, the State Treasurer shall pay to each county the amount so certified.

(e) With respect to funds made available by the United States government for the cost of administration no county shall receive a smaller proportion of such funds than the proportion the actual administrative expenditures of such county bears to the combined expenditures for administration of all counties and the State.

SEC 6. Section 5252 of said code is amended to read:

Petition for commitment of one not insane

5252. A petition for the commitment of a feebleminded person or an epileptic who is not insane to the Department of Mental Hygiene for placement in a designated state home for

the feebleminded may be filed in the superior court of the county in which such person resides, by any of the following persons:

(a) The parent, guardian, or other person charged with the support of the epileptic or feebleminded person.

(b) Any district attorney or probation officer.

(c) The Youth Authority.

(d) Any person designated for that purpose by the judge of the court.

(e) The Director of Corrections.

The petition shall state the petitioner's reasons for supposing the person to be eligible for admission thereto, and shall be verified by the affidavit of the petitioner.

SEC. 7. Section 5356.1 of said code is amended to read:

County payment of cost of care

5356.1. The county from which each person is committed under Section 5355 shall pay the State the cost of care of such person, for the time the person committed remains an inmate of the institution or on parole to a licensed home for the care of such person, at the monthly rate therefor as fixed and determined by the Director of Mental Hygiene from time to time, but in no case shall it exceed the rate of forty dollars ($40) per month.

SEC. 8. Section 5700.5 of said code is amended to read:

Conduct of prosecution

5700 5. The district attorney of every county shall, upon application by the State Department of Mental Hygiene or its authorized representatives, institute and conduct the prosecution of any action brought for the violation within his county of any of the provisions of this chapter.

SEC. 9. Section 5751 of said code is amended to read:

Patient's communication as to detention

5751. No person in a private institution, hospital, sanitarium, department, or ward for the care or treatment of the mentally ill shall be restrained from sending written communications of the fact of his detention in such institution to a friend, relative, or other person. The physician in charge of such person and the person in charge of such hospital shall send each such communication to the person to whom it is addressed. If, however, the physician in charge finds it inadvisable to send any such communication because it contains other matter which would do harm to the reputation of, and would later cause mental anguish to, the person detained, or if the physician finds it impossible to send any such communication within 24 hours, then both the physician in charge of the patient and the person in charge of the institution shall give notice of the detention of such patient to the district attorney of the county from which the patient came at time of admission and the district attorney of the county in which the institution is located, and to the Department of Mental Hygiene, giving the name and address of the patient and the names and addresses of the person or persons who arranged for his admission. Such district attorney or district attorneys shall investigate the detention of such patient and advise the patient concerning his legal rights and shall report in full

Notice of detention to district attorney

concerning such patient to the Department of Mental Hygiene. The person in charge of the institution may detain a patient only when there has been compliance with the provisions of this section.

SEC. 10. Section 6500.5 of said code is amended to read:

Uniform government

6500.5. Except as otherwise specifically provided elsewhere in this code, all of the institutions under the jurisdiction of the Department of Mental Hygiene shall be governed by uniform rule and regulation of the Department of Mental Hygiene and all of the provisions of this chapter shall apply to the conduct and management of such institutions.

SEC. 11. Section 6503 of said code is amended to read:

Acquisition of land

6503. All lands necessary for the use of state hospitals except those acquired by gift, devise, or purchase, shall be acquired by condemnation as lands for other public uses are acquired.

The terms of every purchase shall be approved by the Department of Mental Hygiene. No public street or road for railway or other purposes, except for hospital use, shall be opened through the lands of any state hospital, unless the Legislature by special enactment consents thereto.

SEC. 12 Section 6506 of said code is amended to read:

Advisory boards

6506. The boards of trustees of the several state hospitals are advisory boards to the Department of Mental Hygiene with power of visitation and advice only in respect to the conduct of the several institutions. The members of the boards shall serve without compensation other than necessary expenses incurred in the performance of duty. They shall meet once every three months and at such other times as they are called by the head of the department. No expenses shall be allowed except in connection with meetings so held.

SEC 13. Section 6507 of said code is amended to read:

Control and direction of property and concerns

6507 The Department of Mental Hygiene has general control and direction of the property and concerns of each state hospital The department shall:

(a) Take care of the interests of the hospital, and see that its purpose and its bylaws, rules, and regulations are carried into effect, according to law.

(b) Establish such bylaws, rules, and regulations as it deems necessary and expedient for regulating the duties of officers and employees of the hospital, and for its internal government, discipline, and management.

(c) Maintain an effective inspection of the hospital.

SEC. 14. Section 6508 of said code is amended to read:

Estimates of supplies, expenses, buildings, etc

6508. The medical superintendent shall make triplicate estimates, in minute detail, as approved by the Department of Mental Hygiene, of such supplies, expenses, buildings, and improvements as are required for the best interests of the hospital, and for the improvement thereof and of the grounds and buildings connected therewith. These estimates shall be submitted to the Department of Mental Hygiene, which may revise them. The department shall certify that it has carefully

examined the estimates, and that the supplies, expenses, buildings, and improvements contained in such estimates, as approved by it, are required for the best interests of the hospital. The department shall thereupon proceed to purchase such supplies, make such expenditures, or construct such improvements or buildings in accordance with law.

SEC. 15. Section 6509 of said code is amended to read:

Manufacture of supplies and materials

6509 The state hospitals may manufacture supplies and materials necessary or required to be used in any of the state hospitals which can be economically manufactured therein. The necessary cost and expense of providing for and conducting the manufacture of such supplies and materials shall be paid in the same manner as other expenses of the hospitals. No hospital shall enter into or engage in manufacturing any supplies or materials unless permission for the same is obtained from the Department of Mental Hygiene If. at any time, it appears to the department that the manufacture of any article is not being or cannot be economically carried on at a state hospital, the department may suspend or stop the manufacture of such article, and on receipt of a certified copy of the order directing the suspension or stopping of such manufacture, by the medical superintendent, the hospital shall cease from manufacturing such article.

SEC. 16 Section 6512 of said code is amended to read:

6512. The authorities for the several hospitals shall furnish to the Department of Mental Hygiene the facts mentioned in Section 7504 of this code and such other obtainable facts as the department from time to time requires of them, with the opinion of the superintendent thereon, if requested. The superintendent or other person in charge of a hospital shall, within 10 days after the admission of any person thereto, cause an abstract of the medical certificate and order on which such person was received and a list of all property, books, and papers of value found in the possession of or belonging to such person to be forwarded to the office of the department, and when a patient or inmate is discharged, transferred, or dies, the superintendent or person in charge shall within three days thereafter, send the information to the office of the department, in accordance with the form prescribed by it.

Abstract of medical certificate, etc

SEC. 17. Section 6553 of said code is amended to read:

6553 The Department of Mental Hygiene may determine what employees shall be employed at any state hospital according to the needs and objects of the hospital.

Employment

SEC. 18. Section 6602 of said code is amended to read:

Voluntary patients Application

6602. Pursuant to rules and regulations established by the State Department of Mental Hygiene, the medical superintendent or person in charge of any state hospital may receive and detain in such state hospital, as a boarder and patient, any person who is a suitable person for care and treatment in such state hospital, upon receipt of a written application for the admission of the person into the hospital for care and treatment made in accordance with the following requirements:

(a) In the case of an adult person, the application shall be made voluntarily by the person, at a time when he is in such condition of mind as to render him competent to make it.

(b) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody to any of such mental hospitals as may be designated by the Director of Mental Hygiene to admit minors on voluntary applications

Any such person received and detained in a state hospital shall be deemed a voluntary patient.

Upon the admission of a voluntary patient to a state hospital, the medical superintendent or person in charge shall immediately forward to the office of the State Department of Mental Hygiene the record of such voluntary patient, showing the name, residence, age, sex, place of birth, occupation, civil condition, date of admission of such patient to such hospital, and such other information as is required by the rules and regulations of the department. Record

The charges for the care and keeping of such person in such hospital shall be governed by the provisions of Article 5 of this chapter relating to the charges for the care and keeping of insane persons in state hospitals

No adult person received into a state hospital under such voluntary application shall be detained therein for more than seven days after having given notice, in writing, to the medical superintendent or person in charge of such hospital of his desire to leave such hospital Limitations upon detention

No minor person received into a state hospital as a voluntary patient shall be detained therein for more than seven days after notice is given, in writing, to the medical superintendent or other person in charge of the hospital by the parents, or the parent, guardian, or other person entitled to the custody of the minor, of their desire to remove him from the hospital.

No person received into a state hospital as a voluntary patient during his minority shall be detained therein after he reaches the age of majority, but any such person, after attaining the age of majority, may apply for admission into the hospital for care and treatment in the manner prescribed in this section for applications by adult persons

The department shall establish such rules and regulations as are necessary properly to carry out the provisions of this section. Rules

SEC. 19 Section 6663 of said code is amended to read:

6663. The Department of Mental Hygiene may enter into a special agreement, secured by a properly executed bond, with the relatives, guardian, or friend of any patient therein, for his care, support, maintenance, or other expenses at the institution. Such agreement and bond shall be to the people of the State of California and action to enforce the same may be brought thereon by the department. All charges due under the provisions of this section, including the monthly rate for Agreement and bond Collection of charges

the patient's care and treatment as established by or pursuant to law, shall be collected monthly. No patient, however, shall be permitted to occupy more than one room in any state institution.

SEC. 20. Section 6701 of said code is amended to read:

Transfer to a like institution

6701. Inmates may be transferred to a like institution at the request of relatives or friends, if there is room in the like institution to which transfer is sought and if the Department of Mental Hygiene and the superintendents of the institutions from which and to which the transfer is to be made consent thereto. The expense of such transfer shall be paid by such relatives or friends

Expenses

SEC. 21. Section 6702 of said code is amended to read:

Transfer when cost of care is paid by county

6702. Whenever a person, committed to the care of the Department of Mental Hygiene under one of the commitment laws which provides for reimbursement for care and treatment to the State by the county of commitment of such person, is transferred under Section 6700, to an institution under the jurisdiction of the department where the State rather than the county is liable for the support and care of inmates, the county of commitment may have the original commitment vacated and a new commitment issued, designating the institution to which the person has been transferred, in order to absolve the county from liability under the original commitment.

SEC. 22. Section 6727 of said code is amended to read:

Suitable clothing and expenses upon discharge

6727. No patient or inmate shall be discharged or paroled from a state hospital without suitable clothing adapted to the season in which he is discharged; and, if it can not otherwise be obtained, the superintendent, under general conditions prescribed by the Department of Mental Hygiene, shall furnish the same and money, not exceeding twenty-five dollars ($25), to defray the necessary expenses of such paroled or discharged patient until he can reach his relatives or friends, or find employment to earn a subsistence.

The superintendent may, under general conditions prescribed by the Department of Mental Hygiene, furnish to patients while on parole such incidental moneys, supplies or services as are necessary and advisable in the care, supervision and rehabilitation of such paroled patients. Payments therefor shall be made from funds available for support of patients in the state hospital or hospitals from which such patients have been paroled.

SEC. 23. Section 6728 of said code is amended to read:

Discharge of patient

6728 The superintendent of a state hospital, on filing his written certificate with the Director of Mental Hygiene, may discharge any patient who, in his judgment, has recovered or was not, at time of admission, mentally ill.

SEC. 24. Section 6730 of said code is amended to read:

Discharge of patient who is not recovered

6730 The superintendent of a state hospital, on filing his written certificate with the Director of Mental Hygiene, may discharge as improved, or may discharge as unimproved, as

the case may be, any patient who is not recovered, but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient.

SEC. 25. Section 7001 of said code is amended to read:

Object of home

7001. The object of each home is such care, training, and education of the persons committed thereto as will render them more comfortable and happy and better fitted to care for and support themselves. To this end the Department of Mental Hygiene shall furnish them with such agricultural and mechanical education as they are capable of receiving and that the facilities offered by the State allow, including farm work, shops, and the employment of trade teachers.

SEC. 26. Section 7007 of said code is amended to read:

Temporary admittance without commitment

7007. The Department of Mental Hygiene may authorize the superintendent of each home mentioned in Section 7000 to admit persons suspected of being feebleminded thereto, temporarily, without commitment, under rules and regulations prescribed by the department, for purposes of observation and diagnosis, to ascertain whether or not they are actually mentally defective and proper cases for care, treatment, and training in a home for the feebleminded. If any person so admitted is found to be feebleminded and a proper case for institutional care, treatment, and training, application may be made to the superior court for an order of commitment of the person to a home for the feebleminded.

Finding of feeblemindedness

SEC. 27. Section 7008 of said code is amended to read:

Instructions and forms

7008. The Department of Mental Hygiene shall prescribe and publish instructions and forms, in relation to the commitment and admission of inmates, and may include in them such interrogatories as it deems necessary or useful. Such instructions and forms shall be furnished to anyone applying therefor, and shall also be sent in sufficient numbers to the county clerks of the several counties of the State.

SEC. 28. Section 7010 of said code is amended to read:

Cost of care

7010. The cost of such care shall be determined by the Department of Mental Hygiene from time to time, subject to the approval of the Department of Finance, but in no case shall it exceed the rate of forty dollars ($40) per month.

SEC. 29. Section 7012 of said code is amended to read:

Transfer of inmate

7012. The Department of Mental Hygiene may transfer any inmate of a home for the feebleminded to another home for the feebleminded, at any time and from time to time, upon the application of the parent, guardian, or other person charged with the support of such inmate, if the expenses of the transfer are paid by the applicant. The liability of any estate, person, or county for the care, support and maintenance of such inmate in the institution to which he is transferred shall be the same as if he had originally been committed to such institution.

SEC. 30. Section 7013 of said code is amended to read:

Peremptory discharge

7013. The superintendent may, with the approval of the Department of Mental Hygiene, cause the peremptory dis-

charge of any person who has been an inmate or patient for the period of one month.

SEC. 31. Section 7015 of said code is amended to read:

Monthly report of inmates whose support, etc., is to be paid by county

7015. The superintendent of each home for the feebleminded shall, on or before the fifth day of each month, prepare a true and correct report, verified by oath, of all inmates supported, cared for, trained, and educated in the home for the preceding month, whose support, care, training, and education in such home are to be paid for by the several counties from which they came. This report shall give the names and counties from which committed of all such inmates, and the name of the committing judge Copies of this report shall be filed in the offices of the Department of Finance, the Controller, the State Treasurer, and the Department of Mental Hygiene, but shall not be printed, or used, nor permitted to be used, for any other purpose than the special information of the officers designated. The superintendent shall also, within the time above designated, prepare a report, verified by his oath, showing substantially the facts set forth in the above report, which shall be filed with the county auditors of the several counties from which the commitments have been made to the institution, showing the name of each inmate supported, and for which such county is liable to the State for support and maintenance.

SEC. 32. Section 7051 of said code is amended to read:

Institution for defective or psychopathic delinquents

7051. The Director of Mental Hygiene, with the approval of the Department of Finance, may provide on the grounds of an existing state institution or institutions or on other property owned or acquired by the State one or more institutional units to be used for the custodial care and treatment of defective or psychopathic delinquents. Each such unit shall be known as an institution for defective or psychopathic delinquents, and shall be administered in the manner provided by law for the government of the institution in which such unit is established

SEC. 33. Section 7060 of said code is amended to read:

Expenses of the proceedings in connection with the commitment

7060 At the hearing the court shall inquire into the financial condition of the person committed or of any other person charged with his support. If the court finds such person able to do so in whole or in part, the court shall make a further order requiring him to pay, to the extent the court considers him able to pay, the expenses of the proceedings in connection with the commitment and to pay to the county at stated periods such sums as the court deems proper, during such time as the person committed remains in the state institution for defective or psychopathic delinquents. The court may from time to time modify any such order.

Record of payments

The court shall designate some county officer to keep a record of such payments ordered to be made, to receive, receipt for, and record such payments made, to see that the persons

ordered to make such payments comply with such orders, and to report to the court any failure on the part of such persons to make such payments.

If the court finds the person committed or the person charged with his support able to do so in whole or in part, the court shall make a further order requiring the person committed or the person charged with his support to pay to the Department of Mental Hygiene the expense of delivery of the person to the state institution for defective or psychopathic delinquents, which shall be paid to and collected by the department and credited to the appropriation for transportation of patients. Expense of delivery of patient

SEC. 34. Section 7063 of said code is amended to read:

7063. The cost of such care shall be determined and fixed from time to time by the Director of Mental Hygiene, but in no case shall it exceed the rate of forty dollars ($40) per month. Cost of care

SEC. 35. Section 7100 of said code is amended to read:

7100. The Director of Mental Hygiene, with the approval of the State Board of Control, may provide suitable property or grounds for one or more institutional units to be used for the isolation and rehabilitation of chronic inebriates, which units shall be known as state inebriate colonies. State inebriate colonies

SEC. 36. Section 7105 of said code is amended to read:

7105. The court shall commit the person for a definite period, not to exceed two years, but he may be paroled by the medical superintendent under the same rules and conditions under which the insane are paroled, and the Director of Mental Hygiene may discharge any person committed under this chapter when he is satisfied that the person will not receive substantial benefit from further treatment, with the same power as contained in Article 8, Chapter 1, Part 4, Division VI of this code. Commitment, parole and discharge

SEC. 37. Section 7106 of said code is amended to read:

7106. At the hearing the judge shall inquire into the financial condition of the person committed or of any other person charged with his support. If the judge finds such person able to do so in whole or in part, the judge shall make a further order requiring him to pay, to the extent the judge considers him able to pay, the expenses of the proceedings in connection with the commitment and to pay to the county at stated periods such sums as the court deems proper, during such time as the person committed remains in the state inebriate colony. The court may from time to time modify any such order. Support

The judge shall designate some county officer to keep a record of such payments ordered to be made, to receive, receipt for, and record such payments made, to see that the persons ordered to make such payments comply with such orders, and to report to the court any failure on the part of such persons to make such payments.

If the court finds the person committed or the person charged with his support able to do so in whole or in part, the

court shall make a further order requiring the person committed or the person charged with his support to pay to the Department of Mental Hygiene the expense of delivery of the person to the state inebriate colony, which shall be paid to and collected by the department and credited to the appropriation for transportation of patients.

SEC. 38. Section 7108 of said code is amended to read:

Determination of care cost

7108. The cost of such care shall be determined and fixed from time to time by the Director of Mental Hygiene, but in no case shall it exceed the rate of forty dollars ($40) per month.

SEC. 39. Section 7302 of said code is amended to read:

Langley Porter Neuropsychiatric Institute

7302. The Langley Porter Neuropsychiatric Institute shall be conducted and maintained for the purpose of treating incipient and acute mental and nervous cases. Admissions may be either on a voluntary basis after approval by the medical superintendent, or on transfer from another institution under the jurisdiction of the department after approval by the Director of Mental Hygiene, and no person shall be committed either directly to the Langley Porter Neuropsychiatric Institute or to the Department of Mental Hygiene for placement therein. All admissions shall be for temporary observation, research, diagnosis and treatment purposes as determined by the medical superintendent; in the cases of transfer from another institution the patients so transferred may be returned upon the completion of the study, diagnosis or treatment to an institution of the type from which they came.

The charges for the care, treatment or services rendered to all persons admitted to the hospital shall not be limited by any provision of this code but shall be based on the average cost per day as determined by the Director of Mental Hygiene. The liability for the charges so determined shall be governed by the provisions of Article 5 of Chapter 1, Part 4 of this division.

Outpatient clinic

There shall be conducted and maintained in conjunction with the hospital unit an outpatient clinic. The charges for service in the outpatient clinic shall be determined by the Director of Mental Hygiene in accordance with schedules for such charges as set forth in the rules and regulations of the department.

Rules and regulations

The department shall establish such rules and regulations as are necessary properly to carry out the provisions of this chapter.

SEC. 40. Section 7303 of said code is amended to read:

Langley Porter Institute to make available facilities and services to the University of California

7303. The Regents of the University of California deeded unconditionally to the Department of Mental Hygiene the land upon which the Langley Porter Neuropsychiatric Institute is constructed. The purpose of the deed of gift was to provide for the State a suitable site whereon through the agency of the Department of Mental Hygiene there might be constructed, and thereafter maintained and operated, an acute neuropsychiatric hospital unit. There has been constructed upon that land

the Langley Porter Neuropsychiatric Institute. It was the further purpose of the regents to enable the State, through the Department of Mental Hygiene, to develop as far as possible preventive work in the field of mental disorders, and to make full provision for the diagnosis of such disorders in their incipient and earliest stages with a view to instituting timely and more effective treatment. It was the further purpose of the regents to insure to the State through the proximity of the Langley Porter Neuropsychiatric Institute to the Medical Center of the University of California, full opportunity for consultation with the university's personnel at the Medical Center, and to provide opportunities for the State and the University of California to co-operate in prevention, diagnosis, treatment and promotion of research in the field of mental disorder, and advancement of the learning and knowledge of students of the university, and others whose work lies in the fields of surgery and medicine, and, in particular, in those branches of medical science which have to do with mental and nervous diseases and disorders. It is, therefore, the intent of the Legislature that all the facilities and services of the Department of Mental Hygiene at the Langley Porter Neuropsychiatric Institute be made available to the Regents of the University of California at the desire of the Department of Mental Hygiene to make such facilities and services available. It is further the intent of the Legislature that all the facilities and services of the University of California Medical School be made available to the Department of Mental Hygiene at the Langley Porter Neuropsychiatric Institute upon the desire of the Regents of the University of California to make such facilities and services available to the department.

SEC. 41 Section 7304 of said code is amended to read:

Consultant services

7304. The Regents of the University of California shall have the exclusive right and privilege of rendering professional and administrative consultant services to the Langley Porter Neuropsychiatric Institute. When the services rendered to the Langley Porter Neuropsychiatric Institute by the Regents of the University of California have been rendered at the request and initiation of the regents, then the regents shall be liable for any expense incurred in rendering such services. If, however, the services are rendered by the regents at the request of the Department of Mental Hygiene, then the regents may refuse to render such services unless the expense be borne by the Department of Mental Hygiene.

SEC. 42. Section 7305 of said code is amended to read:

Teaching services

7305. The Regents of the University of California shall have the exclusive right and privilege, except as hereinafter mentioned, of providing for the Langley Porter Neuropsychiatric Institute and carrying on and conducting therein such teaching services as it may deem desirable and of determining the scope of such teaching services and supervising and administering the teaching services so provided or conducted by it. The regents shall have the exclusive right and privilege

of supervising the clinical care of patients at said Langley Porter Neuropsychiatric Institute for the purpose of rendering such teaching services effective. The Regents of the University of California may make available to students of the University of California and to such other person or persons as the regents in its sole discretion may deem desirable, such teaching services. Nothing in this section shall be construed to prevent the Department of Mental Hygiene from providing for its employees such teaching services as in its sole discretion it shall or may deem desirable.

SEC. 43. Section 7307 of said code is amended to read:

Research and study projects

7307. The Regents of the University of California shall have the exclusive right and privilege of conducting at the Langley Porter Neuropsychiatric Institute such research or study projects as in its sole discretion it may desire to conduct, and of supervising the conducting thereof, and of publishing the results obtained from such projects, but nothing in this paragraph shall be construed to deny the Department of Mental Hygiene the right to conduct such research projects by its employees as it may deem desirable.

SEC. 44. Section 7308 of said code is amended to read:

Board of Trustees

7308. There is hereby created a Board of Trustees of the Langley Porter Neuropsychiatric Institute which shall be composed of five persons appointed by the Governor, two of whom shall be selected from the faculty or administrative staff of the University of California Medical School. Each member of said board of trustees shall hold office for the term of four years, and shall serve without compensation other than necessary expenses incurred in the performance of duty. The Board of Trustees of the Langley Porter Neuropsychiatric Institute shall perform no duties other than the arbitration of any possible differences which might arise between the Department of Mental Hygiene and the Regents of the University of California because of the close co-ordination, management, and control of the Langley Porter Neuropsychiatric Institute.

SEC. 45. The heading of Part 5 (commencing at Section 7500) of Division 6 of said code is amended to read:

PART 5. GENERAL POWERS AND DUTIES OF THE STATE DEPARTMENT OF MENTAL HYGIENE CONCERNING THE INSANE AND OTHER INCOMPETENTS

SEC. 46. Section 7500 of said code is amended to read:

Department's jurisdiction

7500. The Department of Mental Hygiene has jurisdiction over the execution of the laws relating to the care, custody, and treatment of the insane, alleged insane or mentally ill persons, feebleminded persons, epileptics, idiots, and other incompetent persons, as provided in this code.

"Establishment," "institution"

As used in this part, "establishment" and "institution" include every hospital, sanitarium, boarding home, or other place receiving or caring for any of the persons enumerated in this section.

CHAPTER 80

An act to maintain the Water Code by amending Sections 7076 and 45101 thereof, relating to control, utilization and distribution of water.

[Approved by Governor April 10, 1961 Filed with Secretary of State April 11, 1961]

In effect September 15, 1961

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

SECTION 1. Section 7076 of the Water Code is amended to read:

7076. Every person who hereafter digs, bores or drills a water well, or who deepens or reperforates any such well, shall file with the appropriate regional water pollution control board a report of completion of such well within 30 days after its construction or repair has been completed

Water well construction report of completion

The report shall be made on forms furnished by the department and shall contain such information as the department may require, including, but not limited to: (a) description of exact location of the well; (b) detailed log of the well; (c) description of type of construction; (d) details of perforation; and (e) methods used for sealing off surface or contaminated waters.

SEC 2. Section 45101 of said code is amended to read:

45101. Whenever the board resolves that it is desirable that any contemplated or outstanding bonds of a district, including any bonds of the district authorized but not sold, shall be made available for the purpose provided for in Sections 20064 and 20065 of this code, the board shall file a certified copy of the resolution with the California Districts Securities Commission provided for in Division 10 of this code.

Resolution re district bond use

CHAPTER 81

An act to maintain the Unemployment Insurance Code by repealing Section 1252.1 as enacted by Chapter 1720 of the Statutes of 1959, and Chapter 3.5 (commencing at Section 2851) as enacted by Chapter 2155 of the Statutes of 1959, of Part 2 of Division 1, thereof, relating to unemployment and disability insurance benefits.

[Approved by Governor April 10, 1961 Filed with Secretary of State April 11, 1961]

In effect September 15, 1961

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

SECTION 1. Section 1252.1, as enacted by Chapter 1720 of the Statutes of 1959, of the Unemployment Insurance Code is repealed

Repeal

SEC. 2. Chapter 3.5 (commencing at Section 2851), as enacted by Chapter 2155 of the Statutes of 1959, of Part 2 of Division 1 of said code is repealed.

Repeal

CHAPTER 82

An act to maintain the Revenue and Taxation Code by amending Sections 8603, 24601, 24603, and 24605 thereof, relating to taxation and the raising of revenue.

In effect September 15, 1961

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.]

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

SECTION 1. Section 8603 of the Revenue and Taxation Code is amended to read:

"Motor vehicle"

8603. As used in this part "motor vehicle" includes every self-propelled vehicle operated or suitable for operation on the highway, except a vehicle used exclusively upon stationary rails or tracks and except implements of husbandry, trucks, or tractors used in agricultural operations and only incidentally operated or moved upon a highway and further excepting "special highway construction equipment" as defined in Sections 565 and 570 of the Vehicle Code, and like equipment used on other construction work, only incidentally operated or moved upon a highway.

SEC. 2. Section 24601 of said code is amended to read:

Pension, etc., plans Deduction of contributions, etc.

24601. If contributions are paid by an employer to or under a stock bonus, pension, profit-sharing, or annuity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of such compensation, such contributions or compensation shall not be deductible under Section 24343 (relating to trade or business expenses) but if they satisfy the conditions of the section, they shall be deductible under this section, subject, however, to the following limitations as to the amounts deductible in any year:

In the income year when paid, if the contributions are paid into a pension trust, and if such income year ends within or with an income year of the trust for which the trust is exempt under Section 17501 of Part 10, Division 2 of this code, in an amount determined as follows:

(a) An amount not in excess of 5 percent of the compensation otherwise paid or accrued during the income year to all the employees under the trust, but such amount may be reduced for future years if found by the Franchise Tax Board upon periodical examinations at not less than five-year intervals to be more than the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan; plus

(b) Any excess over the amount allowable under paragraph (a) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount, or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the Franchise Tax Board, but if such

remaining unfunded cost with respect to any three individuals is more than 50 percent of such remaining unfunded cost, the amount of such unfunded cost attributable to such individuals shall be distributed over a period of at least five taxable years, or

(c) In lieu of the amounts allowable under paragraphs (a) and (b) above, an amount equal to the normal cost of the plan, as determined under regulations prescribed by the Franchise Tax Board, plus, if past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 percent of the cost which would be required to completely fund or purchase such pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the Franchise Tax Board, except that in no case shall a deduction be allowed for any amount (other than the normal cost) paid in after such pension or annuity credits are completely funded or purchased.

(d) Any amount paid in an income year in excess of the amount deductible in such year under the foregoing limitations shall be deductible in the succeeding income years in order of time to the extent of the difference between the amount paid and deductible in each such succeeding year and the maximum amount deductible for such year in accordance with the foregoing limitations.

SEC. 3. Section 24603 of said code is amended to read:

Stock bonus or profit-sharing trust

24603. (a) In the income year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if such income year ends within or with an income year of the trust with respect to which the trust is exempt under Section 17501 of Part 10 of Division 2 of this code, in an amount not in excess of 15 percent of the compensation otherwise paid or accrued during the income year to all employees under the stock bonus or profit-sharing plan If in any income year there is paid into the trust, or a similar trust then in effect, amounts less than the amounts deductible under the preceding sentence, the excess, or if no amount is paid, the amounts deductible shall be carried forward and be deductible when paid in the succeeding income years in order of time, but the amount so deductible under this sentence in any such succeeding income year shall not exceed 15 percent of the compensation otherwise paid or accrued during such succeeding income year to the beneficiaries under the plan. In addition, any amount paid into the trust in any income year in excess of the amount allowable with respect to such year under the preceding provisions of this subsection shall be deductible in the succeeding income years in order of time, but the amount so deductible under this sentence in any one such succeeding income year together with the amount allowable under the first sentence of this subsection shall not exceed 15 percent of the compensation otherwise paid or accrued during such income year to the beneficiaries under the plan. The term "stock bonus or profit-sharing trust," as used in this subsection, shall not include

any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarially as provided in Section 24601. If the contributions are made to two or more stock bonus or profit-sharing trusts, such trusts shall be considered a single trust for purposes of applying the limitations in this subsection.

(b) In the case of a profit-sharing plan, or a stock bonus plan in which contributions are determined with reference to profits, of a group of corporations which is an affiliated group within the meaning of Section 1504 of the Federal Internal Revenue Code of 1954, if any member of such affiliated group is prevented from making a contribution which it would otherwise have made under the plan, by reason of having no current or accumulated earnings or profits or because such earnings or profits are less than the contributions which it would otherwise have made, then so much of the contribution which such member was so prevented from making may be made, for the benefit of the employees of such member, by the other members of the group, to the extent of current or accumulated earnings or profits, except that such contribution by each such other member shall be limited, where the group does not file a consolidated return, to that proportion of its total current and accumulated earnings or profits remaining after adjustment for its contribution deductible without regard to this subsection which the total prevented contribution bears to the total current and accumulated earnings or profits of all members of the group remaining after adjustment for all contributions deductible without regard to this subsection. Contributions made under the preceding sentence shall be deductible under subsection (a) by the employer making such contribution, and, for the purpose of determining amounts which may be carried forward and deducted under the second sentence of subsection (a) in succeeding income years, shall be deemed to have been made by the employer on behalf of whose employees such contributions were made.

SEC. 4. Section 24605 of said code is amended to read:

Deductible contributions for trusts outside United States

24605. If a stock bonus, pension, or profit-sharing trust would qualify for exemption under Section 17501 of Part 10, of Division 2 of this code except for the fact that it is a trust created or organized outside the United States, contributions to such a trust by an employer which is a resident, or corporation, or other entity of the United States, shall be deductible under the preceding sections.

CHAPTER 83

An act to maintain the Public Resources Code by amending Sections 5781.3, 6816, and 8011, and by repealing Section 5787.01 as added by Chapter 583 of the Statutes of 1959, thereof, relating to natural resources and the conservation, utilization and supervision thereof.

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5781.3 of the Public Resources Code is amended to read:

Methods to initiate proceedings for the formation of a recreation and park district

5781.3. Alternative methods may be used to initiate proceedings for the formation of a recreation and park district:

(a) In the first method, a supervising authority may determine by resolution that certain territory or territories are in need of the formation of a recreation and park district. The supervising authority shall proceed under the provisions of Article 4 (commencing at Section 58090) and Article 5 (commencing at Section 58130) of Chapter 1 of Division 1 of Title 6 of the Government Code to hold a public hearing on the matter and, if it determines the district should be established, to call and conduct an election on the formation of the district.

(b) Whenever it is desired to form a recreation and park district, an alternative method may be used. A petition requesting the creation and maintenance of a recreation and park district and describing exterior boundaries of the proposed district shall be signed by a number of registered voters equal in number to at least 25 percent of the number of votes cast in the territory comprising the proposed district at the last preceding general election at which a Governor was elected. The petition shall be presented to the supervising authority and the supervising authority shall proceed under the provisions of Article 4 (commencing at Section 58090) and Article 5 (commencing at Section 58130) of Chapter 1, of Division 1 of Title 6 of the Government Code to hold a public hearing on the matter and, if it determines the district should be established, to call and conduct an election on the formation of the district.

Repeal

SEC. 2. Section 5787.01, as added by Chapter 583 of the Statutes of 1959, of said code is repealed.

SEC. 3. Section 6816 of said code is amended to read:

Moneys and remittances received by the State

6816. All moneys and remittances received by the State pursuant to this chapter, except rents, bonuses, royalties and profits accruing from the use of state school land, shall, with the exception of the amount which is appropriated by Section 898 of the Military and Veterans Code to the Veterans' Dependents' Education Fund, be deposited in the State Treasury

to the credit of the State Lands Act Fund, which fund is continued in existence. In addition thereto, such other moneys shall be deposited in such fund as may be provided by law. The moneys in the fund are hereby appropriated as follows:

Appropriation

(a) For the payment of refunds, as authorized by the commission and approved by the State Board of Control.

(b) The remainder of the moneys shall be used by the commission, with the approval of the Director of Finance and the consent of the Governor, to carry out the provisions of this chapter, including the acquisition of real property or interests therein, the purchase of materials and supplies, and the conducting of operations by the State as provided herein, the payment by the State of such sums as may be provided pursuant to agreements or contracts authorized herein, and the payments of the necessary expenses of the commission.

Transfer of balance

(c) Upon order of the Controller, the remaining balance shall be transferred as follows:

1. Seventy percent to the State Beach and Park Fund; provided, that the total aggregate amount transferred to said fund in any one fiscal year beginning after June 30, 1956, shall not exceed twelve million dollars ($12,000,000).

2. The remainder to the General Fund; provided, that any amounts transferred to the General Fund in excess of three million dollars ($3,000,000) during any fiscal year beginning after June 30, 1956, shall be set aside and transferred to the Investment Fund, and shall be available for expenditure only when appropriated by the Legislature.

SEC. 4. Section 8011 of said code is amended to read:

Mapping program

8011. The department shall investigate mapping; shall prepare a complete report thereon including plans and recommendations for an adequate mapping program for California; and shall adopt a general plan and program for the accomplishment of the policy declared in this article. The general plan and program so adopted, and as from time to time modified, amended or revised by the department, shall be the authorized general plan and program to be carried out by the state departments. The department may from time to time make such further investigations and reports upon mapping as deemed proper by it in pursuance of the policy declared in this article.

CHAPTER 84

An act to maintain the Government Code by amending Sections 4210, 6103.1, 8000, 11112, 28102, 31007, 31008, 31676.1, 45308.1, and 70051, amending and renumbering the heading of Article 5 (commencing at Section 12050) of Chapter 1 of Part 2 of Division 3 of Title 2, as enacted by Chapter 2062 of the 1959 Statutes, Sections 12050, 12051, 12052, and 12053 all as enacted by Chapter 2062 of the 1959 Statutes, Section 25828, the heading of Article 4 (commencing at Section 53070) of Chapter 1 of Part 1 of Division 2 of Title 5, the heading of Article 6 (commencing at Section 54201) of Chapter 5 of Part 1 of Division 2 of Title 5, and Sections 74346.5 and 75588, and by repealing Sections 20004.5, 20004.6, 20031.5, 20031.6, 20124.5, 20230.5, 20497, 20198, 20989, 22213, and 22550.5 all as enacted by Chapter 2067 of the Statutes of 1959, Section 20601.5 as enacted by Chapter 2066, by Chapter 2067, and by Section 2 of Chapter 2068, of the Statutes of 1959, Section 21251.14 as enacted by Chapter 2066, by Chapter 2067, and by Section 3 of Chapter 2068, of the Statutes of 1959, Article 6 (commencing at Section 21380) of Chapter 9 of Part 3 of Division 5 of Title 2, as enacted by Chapter 2067 of the Statutes of 1959, Section 22153 as enacted by Chapter 2066 of the Statutes of 1959, and Section 69612, thereof, and to amend Section 28104 of the Government Code, as proposed by Assembly Bill No. 640, relating to the government of public agencies within this State.

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 4210 of the Government Code is amended to read:

Stop notice

4210. In any case in which the law of this State affords a right to a person furnishing labor or materials for a public work who has not been paid therefor to file a stop notice with the public agency concerned and thereby cause the withholding of payment from the contractor for the public work, any such person having no direct contractual relationship with the contractor, other than a person who performed actual labor for wages, may file such a notice, but no payment shall be withheld from any such contractor pursuant to any such notice, unless such person has given written notice to said contractor and the public agency concerned within 90 days from the date on which such person furnished the last of the labor or materials with respect to which the notice is given, stating with substantial accuracy the amount claimed and the name of the party to whom the labor or materials were furnished. Such notice shall be served by mailing the same by registered or certified mail, postage prepaid, in an envelope addressed to the contractor at any place he maintains an office or conducts

his business, or his residence, or by personal service. In case of any public works constructed by the Department of Public Works of the State, such notice shall be served by mailing in the same manner as above, addressed to the office of the disbursing officer of the department or by personal service upon such officer.

SEC. 2. Section 6103.1 of said code is amended to read.

Excepted fees

6103.1. Section 6103 does not apply to:

(a) Any fee or charge for official services required by Parts 2, 3, and 4 of Division 2 of the Water Code, other than for services to the Department of Water Resources.

(b) The fee for traveling in the service or execution of any process or notice as provided by Section 26746 of the Government Code.

SEC. 3. Section 8000 of said code is amended to read:

Senate Committee on Interstate Co-operation

8000. There is in the state government a Senate Committee on Interstate Co-operation, consisting of seven Members of the Senate. The members and chairman of this committee shall be designated in the same manner as are the members and chairmen of standing committees of the Senate. The President of the Senate may serve as one of the seven members of this committee.

SEC. 4. Section 11112 of said code is amended to read:

Approval, etc., by regulation

11112. The approval, modification, or revocation of the Attorney General shall be by regulation filed with the Secretary of State pursuant to Section 11380.

SEC. 5. The heading of Article 5 (commencing at Section 12050) of Chapter 1 of Part 2 of Division 3 of Title 2 of said code, as enacted by Chapter 2062 of the Statutes of 1959, is amended and renumbered to read:

Article 6. Succession to the Office of Governor in the Event of War or Enemy-caused Disaster

SEC. 6. Section 12050 of said code, as enacted by Chapter 2062 of the Statutes of 1959, is amended and renumbered to read:

"Disaster"

12060. As used in this article "disaster" means a war or enemy-caused calamity occurring in the State of California, such as an attack by nuclear weapons, as a result of which the incumbent Governor is either killed, missing or so seriously injured as to be unable to perform his duties.

SEC. 7. Section 12051 of said code, as enacted by Chapter 2062 of the Statutes of 1959, is amended and renumbered to read:

Appointment of qualified citizens by Governor

12061. As soon as practicable after the effective date of this article, and thereafter as soon as practicable after his election and qualification to office, the Governor shall appoint and designate by filing with the Secretary of State the names of at least four and not more than seven citizens qualified to

become candidates for the office to succeed, in the order specified, to the office of Governor in the event of disaster. Any such appointee may be replaced by the Governor at any time and for any reason.

In making appointments the Governor shall give consideration to places of residence and employment of the appointees and shall appoint from different parts of the State so that there shall be the greatest probability of survival in a disaster.

The names of the persons designated pursuant to this section shall be submitted to, and shall be subject to confirmation by, the Senate as soon as possible after such designation is made.

Each person appointed as provided in this section shall take the oath of office and shall deliver to the Secretary of State within 30 days after his appointment a written declaration under oath that he accepts the appointment and that he will faithfully perform the obligations imposed upon him thereby and shall thereupon be designated Disaster Acting Governor.

SEC. 8. Section 12052 of said code, as enacted by Chapter 2062 of the Statutes of 1959, is amended and renumbered to read:

Filling Governor's office

12062 In the event that the office of Governor is not filled within 24 hours after disaster as provided in Section 16 of Article V of the Constitution, one of the Disaster Acting Governors, in the order specified, shall fill said office and shall declare that he is undertaking the duties thereof and take and subscribe the oath therefor and continue to serve therein until the incumbent Governor is able to perform his duties or until his successor is chosen and qualifies or until a person prior in the order of succession declares that he is undertaking the office and takes the oath therefor. Any Disaster Acting Governor may declare that he is undertaking the office of Governor and take the prescribed oath if no person prior in the order of succession fills said office within 24 hours after disaster.

SEC. 9. Section 12053 of said code, as enacted by Chapter 2062 of the Statutes of 1959, is amended and renumbered to read.

Powers, duties, etc

12063. Each Disaster Acting Governor shall, while filling the office of Governor, have the powers, perform all the duties, and receive the salary and perquisites of said office

Repeal

SEC. 10. Section 20004.5 of said code, as enacted by Chapter 2067 of the Statutes of 1959, is repealed.

Repeal

SEC. 11. Section 20004.6 of said code, as enacted by Chapter 2067 of the Statutes of 1959, is repealed.

Repeal

SEC. 12. Section 20031.5 of said code, as enacted by Chapter 2067 of the Statutes of 1959, is repealed

Repeal

SEC. 13. Section 20031.6 of said code, as enacted by Chapter 2067 of the Statutes of 1959, is repealed.

Repeal

SEC. 14. Section 20124.5 of said code, as enacted by Chapter 2067 of the Statutes of 1959, is repealed.

Repeal

SEC. 15. Section 20230.5 of said code, as enacted by Chapter 2067 of the Statutes of 1959, is repealed.

Repeal

SEC. 16. Section 20497 of said code, as enacted by Chapter 2067 of the Statutes of 1959, is repealed.

Repeal

SEC. 17. Section 20498 of said code, as enacted by Chapter 2067 of the Statutes of 1959, is repealed.

Repeal

SEC. 18. Section 20989 of said code, as enacted by Chapter 2067 of the Statutes of 1959, is repealed.

Repeal

SEC. 19. Section 22213 of said code, as enacted by Chapter 2067 of the Statutes of 1959, is repealed.

Repeal

SEC. 20. Section 22550.5 of said code, as enacted by Chapter 2067 of the Statutes of 1959, is repealed.

Repeal

SEC. 21. Section 20601.5 of said code, as enacted by Chapter 2066 of the Statutes of 1959, is repealed.

Repeal

SEC. 22. Section 20601.5 of said code, as enacted by Chapter 2067 of the Statutes of 1959, is repealed.

Repeal

SEC. 23. Section 20601.5 of said code, as enacted by Section 2 of Chapter 2068 of the Statutes of 1959, is repealed.

Repeal

SEC. 24. Section 21251.14 of said code, as enacted by Chapter 2066 of the Statutes of 1959, is repealed.

Repeal

SEC. 25. Section 21251.14 of said code, as enacted by Chapter 2067 of the Statutes of 1959, is repealed.

Repeal

SEC. 26 Section 21251.14 of said code, as enacted by Section 3 of Chapter 2068 of the Statutes of 1959, is repealed.

Repeal

SEC. 27. Article 6 (commencing at Section 21380) of Chapter 9 of Part 3 of Division 5 of Title 2 of said code, as enacted by Chapter 2067 of the Statutes of 1959, is repealed.

Repeal

SEC. 28. Section 22153 of said code, as enacted by Chapter 2066 of the Statutes of 1959, is repealed.

SEC. 29. Section 25828 of said code is amended and renumbered to read:

Loan by board of supervisors

23010 2. The board of supervisors may loan to any city within its limits which has been incorporated for less than one year an amount not exceeding eighty-five percent (85%) of the city's anticipated revenues for the fiscal year in which such loan is made. Such loans shall be repaid within the fiscal year in which made.

SEC. 30. Section 28102 of said code is amended to read:

County of second class. Officers' salaries

28102. In a county of the second class the officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

Jurors' fees

The fees of grand jurors and trial jurors in the superior court, and trial jurors in the municipal court, in both civil and criminal cases, shall be six dollars ($6) for each day's attendance upon the court or a session of the grand jury. Notwithstanding any other provisions in law, trial jurors and grand jurors shall not be paid any mileage for travel either coming or going in attending the court or a session of the grand jury. Fees of grand jurors and trial jurors in criminal cases shall be a charge against the county or city and county and shall be paid from county or city and county funds on

or about the first day of the following month as certified to by the court. Fees in civil cases, unless otherwise provided for, are to be deposited by the litigants and shall be payable to jurors only for each day's actual service upon a jury.

SEC. 30.5. Section 28104 of said code, as proposed by Assembly Bill No. 640, is amended to read:

28104. In a county of the fourth class the officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county

County of fourth class officers' salaries

The fees of grand jurors and trial jurors in the superior court, and trial jurors in the municipal court, in both civil and criminal cases, shall be six dollars ($6) for each day's attendance upon the court or a session of the grand jury. Notwithstanding any other provisions in law, trial jurors and grand jurors shall not be paid any mileage for travel either coming or going in attending the court or a session of the grand jury. Fees of grand jurors and trial jurors in criminal cases shall be a charge against the county or city and county and shall be paid from county or city and county funds on or about the first day of the following month as certified to by the court. Fees in civil cases, unless otherwise provided for, are to be deposited by the litigants and shall be payable to jurors only for each day's actual service upon a jury.

Jurors' fees

SEC. 30.6. Section 30.5 of this act shall become operative only if Section 28104 of the Government Code as proposed by Assembly Bill No. 640 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 640 takes effect; at which time Section 28102 of the Government Code as amended by Section 30 of this act is repealed.

Effect Stats 1961, Chap 640

SEC. 31. Section 31007 of said code is amended to read:

31007. This part does not require or authorize the employment of any person in a particular county employment who has reached the compulsory retirement age prescribed by a county employees' retirement system for that particular employment whether such person is a member of such county employees' retirement system or not.

Employment not authorized

SEC. 32. Section 31008 of said code is amended to read:

31008. This part does not prevent the board of supervisors from fixing minimum or maximum age limits for the employment of deputy sheriffs and county peace officers or county firemen, nor, while acting directly as the governing body or ex officio governing body of any fire district or fire protection district, from fixing minimum or maximum age limits for the employment of firemen for any such district.

Fixing age limit

SEC. 33. Section 31676.1 of said code is amended to read:

31676.1. This section shall apply in any county having a population in excess of 295,000 as of the 91st day following the adjournment of the 1953 Session of the Legislature. This section may be made applicable in any other county on the first day of the month after the board of supervisors of such

Application of section

Computation of benefit

county adopts, by majority vote, a resolution providing that this section shall become applicable in such county. Notwithstanding any other provisions of this chapter the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed sixty-five percent (65%) of the member's final compensation.

Age of retirement	Fraction	
	Men	Women
50	.6852	.7091
50¼	6945	.7183
50½	.7037	.7274
50¾	.7130	.7366
51	.7222	7457
51¼	.7314	.7547
51½	.7406	.7637
51¾	7498	.7726
52	.7590	.7816
52¼	.7684	.7907
52½	.7779	.7999
52¾	.7873	.8090
53	.7967	.8181
53¼	.8065	.8275
53½	.8164	.8369
53¾	.8262	.8462
54	.8360	.8556
54¼	.8465	.8656
54½	.8570	.8755
54¾	.8674	.8855
55	.8779	.8954
55¼	.8893	9061
55½	.9006	.9168
55¾	.9119	.9275
56	.9232	.9382
56¼	.9355	.9498
56½	.9478	.9614
56¾	.9602	.9730
57	.9725	.9846
57¼	.9860	.9972
57½	.9994	1.0098
57¾	1.0129	1 0224
58	1 0264	1 0350
58¼	1.0411	1.0487

Age of retirement	Fraction Men	Women
58½	1.0559	1.0625
58¾	1.0706	1.0762
59	1.0853	1.0899
59¼	1.1015	1.1049
59½	1.1176	1.1199
59¾	1.1338	1.1349
60	1.1500	1 1500
60¼	1.1610	1.1611
60½	1.1721	1.1723
60¾	1.1832	1.1835
61	1.1943	1 1947
61¼	1.2091	1.2097
61½	1.2239	1.2247
61¾	1.2387	1.2398
62	1.2535	1.2548
62¼	1.2691	1.2707
62½	1.2848	1.2867
62¾	1.3004	1.3026
63	1 3160	1 3186
63¼	1.3326	1 3355
63½	1.3491	1.3525
63¾	1.3657	1 3695
64	1.3822	1.3865
64¼	1.3998	1.4047
64½	1.4173	1.4229
64¾	1.4349	1.4411
65 and over	1.4525	1.4593

The fractions herein set forth shall be used until adjusted by each board for its retirement system in accordance with the interest and mortality tables adopted by each such board with respect to its retirement system. Contributions shall not be made by members having credit for 30 years of continuous service.

In any county operating under this section any limitation in any other provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded. Application

SEC. 34 Section 45308.1 of said code is amended to read:

45308.1. All funds received by city retirement systems and not required for current disbursements shall be invested only in: Investment of city retirement funds

(a) Securities which are legal for savings bank investments in this State, or which have been certified as legal investments for savings banks pursuant to Division 10 (commencing at Section 20000) of the Water Code.

(b) Securities which, pursuant to the statutes or laws providing for the issuance of such securities, are entitled to the same force or value or use as bonds issued by any municipality.

(c) Securities issued pursuant to those acts, statutes or laws of this State, wherein such law specifically states by reference or otherwise that such securities shall be legal investments for either savings banks, insurance companies, all trust funds, state school funds, and any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the State.

(d) Securities which have been investigated and approved by a commission or board now or hereafter authorized by law to conduct such investigation and give such approval, and by authority of which such securities are declared to be legal investments for insurers.

(e) Securities issued pursuant to those acts, statutes or laws of this State, wherein such law specifically states by reference or otherwise that such securities shall be legal investments for any pension fund, retirement fund, or retirement plan.

(f) Deposits at interest in any state or national bank in accordance with law authorizing and controlling the deposit of public funds in banks.

(g) Certificates and shares of a savings and loan association or a federal savings and loan association, if the certificates or shares are insured as defined in Title IV of the National Housing Act.

(h) Registered warrants of any political subdivision of this State.

SEC. 35. The heading of Article 4 (commencing at Section 53070) of Chapter 1 of Part 1 of Division 2 of Title 5 of said code is amended and renumbered to read:

Article 4.5. Compensation of Elective and Appointive Officers During War

SEC. 36. The heading of Article 6 (commencing at Section 54201) of Chapter 5 of Part 1 of Division 2 of Title 5 of said code is amended and renumbered to read:

Article 7. Purchases of Supplies and Equipment by Local Agencies

Repeal

SEC. 37. Section 69612 of said code is repealed.

SEC. 38. Section 70051 of said code is amended to read:

Fees limited

70051. No further fee than that prescribed in Sections 70053 to 70059.5, inclusive, shall be collected from, or assessed against, any party to any proceeding for the services of a phonographic reporter in taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court, but a phonographic reporter shall be allowed and unless waived by him shall receive the fees allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcriptions shall be paid pursuant to Article 9 of this chapter and any other law pertinent to the case.

SEC. 39. Section 74346 5 of said code, as enacted by Chapter 2176 of the Statutes of 1959, is amended and renumbered to read:

74356. With respect to any position provided for by Sections 74342 to 74346, inclusive, if the salary provided by law for a person occupying a corresponding position, after the same period of service, in the municipal courts of the South Bay Judicial District, El Cajon Judicial District, or Oceanside Judicial District is higher than the salary provided by Sections 74342 to 74346, inclusive, then, notwithstanding such sections, the salary of such person occupying a position provided for by such sections shall be equal to the highest salary provided by law for a person occupying the corresponding position, and having the same period of service, in any of the three above-named judicial districts. Salary

SEC. 40. Section 75588 of said code is amended and renumbered to read:

73588. Except as provided in Section 73587 appointments to positions provided for in Sections 73582, 73583, and 73585 shall be made following a procedure as close as practicable to that used in the Civil Service System of Contra Costa County, including classifying positions, establishing qualifications, examining applicants and certifying lists of eligibles for appointment upon request of the judge or marshal. Such employees shall be members of the County Employees' Retirement System and of the Civil Service System of Contra Costa County and entitled to the rights and benefits thereof and subject to the duties and obligations thereof, except as otherwise provided by law. The salary demands and payrolls of the attaches and employees are subject to the inspection and approval of the director of personnel of said county. Vacancies

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CHAPTER 85

An act to maintain the Education Code by amending Sections 12059, 15709, 15802, 19757, and 19807, by amending and renumbering Sections 817 (as added by Chapter 1133 of the Statutes of 1959), 10853 (as added by Chapter 2130 of the Statutes of 1959), and 17704 (as added by Chapter 1969 of the Statutes of 1959), and by repealing Section 17308, thereof, relating to institutions of learning, including their establishment, maintenance, government and operation.

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 817 (as added by Chapter 1133 of the Statutes of 1959) of the Education Code is amended and renumbered to read:

Contract for election duties

818. Whenever by this code the county superintendent of schools is authorized or required to prepare for, hold or conduct any election in or for any public school district, such county superintendent may contract with the county clerk, or with the registrar of voters if such office has been established in the county for the performance under the supervision of such county superintendent of any or all of the duties incident to the preparation for and holding of such.

SEC. 2. Section 10853 (as added by Chapter 2130 of the Statutes of 1959) of said code is amended and renumbered to read:

Punishment of pupils

10854. The governing board of any school district shall adopt rules and regulations authorizing teachers, principals, and other certificated personnel to administer reasonable corporal or other punishment to pupils when such action is deemed an appropriate corrective measure.

SEC. 3. Section 12059 of said code is amended to read:

12059. Any person who shall disregard any traffic signal or direction given by a member of a school safety patrol, shall be guilty of a misdemeanor, and subject to the penalties provided in Section 42001 of the Vehicle Code.

SEC. 4. Section 15709 of said code is amended to read:

Election

15709. In lieu of calling an election pursuant to Section 15708, the governing board of a school district may call an election pursuant to this section. Within 10 days after the governing board has opened the proposals pursuant to Section 15712 it may accept a proposal and execute the lease or agreement, and immediately thereafter call an election pursuant to this section.

The governing board of the district shall call, hold, and conduct an election in the manner provided in Section 20803, except that the ballot used in the election shall contain substantially the words: "shall the governing board of the _____ District lease [a site and] a building to be constructed for use by the school district [designating the location of the site on which the building will be constructed, and generally describing the building and the cost thereof], and, for such purposes, shall the maximum tax rate of the district be increased from _____ to _____, such rate to be in effect in the _____ District for the years 19___ to 19___, be authorized and the amount of such increase used solely and exclusively for such purposes?"

SEC 5. Section 15802 of said code is amended to read:

Rental, furnishing and insurance of school property

15802. The governing board of any school district shall furnish, repair, insure, and in its discretion rent the school property of its districts. The insurance shall be written in any admitted insurer, or in any nonadmitted insurer to the extent and subject to the conditions prescribed in Section 1763 of the Insurance Code. In districts within or partly within cities having a population of over five hundred thousand (500,000) as determined by the 1920 federal census fire insurance on

property of the districts may be, in the discretion of the governing board, of the deductible type of coverage. By deductible type of coverage is meant a form of insurance under which the insurance becomes operative when the loss and damage exceeds an amount stipulated in the policy or policies.

Repeal

SEC. 6. Section 17308 of said code is repealed.

SEC. 7. Section 17704 (as added by Chapter 1969 of the Statutes of 1959) of said code is amended and renumbered to read:

Computation of district aid

17705. (a) Upon request of the district, the Superintendent of Public Instruction shall use in computing district aid under Section 17702 and 17702.1, whichever is in effect, the total assessed valuation of property in a district as shown on the equalized assessment roll for the preceding fiscal year, reduced by the portion thereof representing the total assessed valuation of water with respect to which revenues of the district taxes levied in the 1958-1959 fiscal year or thereafter have been impounded by the county auditor pursuant to Section 26906.1 of the Government Code.

(b) Whenever, after July 1, 1959, the county auditor notifies the Superintendent of Public Instruction and the Controller of the release of such impounded tax revenues to the school district, the Superintendent of Public Instruction shall compute and certify to the Controller the amount to be deducted, and the Controller shall deduct, from the apportionment or apportionments from the State School Fund to the district, in the first fiscal year or the second fiscal year succeeding such notification of release, that amount apportioned to the district in any prior year or years by reason of the exclusion under this section, of assessed valuation with respect to tax revenues impounded and thereafter released.

(c) If a request is received from a school district and the assessed valuation of the district is reduced pursuant to subdivision (a) hereof, Section 17416 shall not apply with respect to any tax revenues to which subdivision (a) applies.

SEC. 8. Section 19757 of said code is amended to read:

Appropriation for expenses of bonds

19757. The sum of seventy-five thousand dollars ($75,000) was appropriated, by Chapter 41 of the Statutes of 1954 (Extraordinary Session) out of the General Fund to be used as a revolving fund to pay the expenses incurred by the State Treasurer in having the bonds prepared and in advertising their sale or their prior redemption, for expenses incurred by the committee pursuant to Government Code Section 16758, and for legal services, upon approval of the State Board of Control, pursuant to Government Code Section 16760. Whenever bonds are sold, out of the first money realized from their sale, there shall be redeposited in the revolving fund such sums as have been expended for the above purposes, which may be used for the same purpose and repaid in the same manner whenever additional sales are made. Whenever all the bonds authorized by this chapter (Sections 19751 to 19764, inclusive)

have been sold, the amount of the appropriation made by this section shall revert to the unappropriated surplus in the General Fund.

SEC. 9. Section 19807 of said code is amended to read:

Same

19807. The sum of seventy-five thousand dollars ($75,000) was appropriated, by Chapter 18 of the Statutes of 1957 out of the General Fund to be used as a revolving fund to pay the expenses incurred by the State Treasurer in having the bonds prepared and in advertising their sale or their prior redemption, for expenses incurred by the committee pursuant to Government Code Section 16758, and for legal services, upon approval of the State Board of Control, pursuant to Government Code Section 16760 Whenever bonds are sold, out of the first money realized from their sale, there shall be redeposited in the revolving fund such sums as have been expended for the above purposes, which may be used for the same purpose and repaid in the same manner whenever additional sales are made. Whenever all the bonds authorized by this chapter (Sections 19801 to 19814, inclusive) have been sold, the amount of the appropriation made by this section shall revert to the unappropriated surplus in the General Fund.

CHAPTER 86

An act to maintain the Military and Veterans Code by amending Sections 340, 507, 701, 972, 980, 981, 981.4, 981.5, 985.3, 990.7, 990.9, 991, 991.1, 991.2, and the heading of Chapter 1 (commencing at Section 690) of Division 4, thereof, relating to military and veterans' affairs.

In effect September 15, 1961

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.]

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

SECTION 1. Section 340 of the Military and Veterans Code is amended to read:

Injury compensation: National Guard, etc

340. In all cases in which any officer or enlisted man of the National Guard, or the unorganized militia when called into active service, or Naval Militia not in active service of the United States is wounded, injured, disabled, or killed in active service and in line of duty, such officer or enlisted man or the dependents of such officer or enlisted man shall be entitled to receive compensation from the State, in accordance with the provisions of Division 4 of the Labor Code. In all such cases, such an officer or enlisted man shall be held and deemed to be an employee of the State. The compensation to be awarded to any such officer or enlisted man shall be ascertained, determined, and fixed upon the basis of his average income from all sources during the year immediately preceding the date of such injury or death or the commencement of

such disability; but such compensation shall in no case exceed the maximum prescribed in Division 4 of the Labor Code; except, and provided further, that all officers, warrant officers and enlisted men on active duty with the office of the Adjutant General shall be entitled to receive from the State all rights and benefits provided in Section 3, Public Law 108, Chapter 225, 81st Congress, First Session. The benefits granted by this section shall be made available to the person entitled thereto as soon as practicable and without suspension to await a determination as to the availability of similar federal benefits. Any and all such similar federal benefits, when made available to any person entitled thereto, including all members of the National Guard, shall be deducted from or credited as a payment of any benefits granted by this section.

SEC. 2. Section 507 of said code is amended to read:

Cancellation of commission or warrant

507. Any cadet commissioned officer or cadet noncommissioned officer may have his commission or warrant canceled and be reduced to the ranks, or dismissed from the California Cadet Corps and any cadet may be dismissed from the corps, upon the recommendation of the president, director or chief administrative officer of the college or junior college or the principal of the high school, for deficiency in his studies or for misbehavior either in college, junior college or high school or in the California Cadet Corps or for other good cause in the judgment of the president, director or chief administrative officer of the college or junior college or the principal of the high school.

SEC. 3. The heading of Chapter 1 (commencing at Section 690) of Division 4 of said code is amended to read:

CHAPTER 1. DEPARTMENT OF VETERANS AFFAIRS

SEC. 4. Section 701 of said code is amended to read:

Acceptance of federal act

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

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

SEC. 5. Section 972 of said code is amended to read:

Compensation and expenses of county service officers

972. The board of supervisors may provide the county service officer with such assistants and facilities as it deems necessary. If such a position is created and filled, the compensation and expenses of the county service officer shall be a

county charge, but the Department of Veterans Affairs, out of state moneys available therefor, may pay each county a portion of such costs in an amount determined by the department, conditioned upon the observance of standards and regulations prescribed by, and in compliance with the direction of, the department and its authorized representatives. Contributions by the department to any county toward the payment of the salary of the county service officer shall not exceed the sum of seventy-five dollars ($75) per month.

SEC. 6. Section 980 of said code is amended to read:

"Veteran" 980. As used in this chapter, "veteran" means any citizen of the United States who served in the active military, naval, or air service of the United States on or after April 6, 1917, and prior to November 12, 1918, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was, at the time of his entry into active duty, a native of or a bona fide resident of this State, or who, if a minor at such time, entered active duty while in the State of California and had lived in this State for six months immediately preceding his entry into active duty; or any person who served in the active military, naval, or air service of the United States for a period of not less than 90 consecutive days or was discharged from the service due to a service-connected disability within such 90-day period, any portion of which was on or after December 7, 1941, and prior to January 1, 1947, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was at the time of his entry into active duty a native of or bona fide resident of this State, or who, if a minor at such time, entered active duty while in the State of California and had lived in this State for six months immediately preceding his entry into active duty; or any person who served in the active military, naval or air service of the United States for a period of not less than 90 consecutive days or was discharged from the service due to a service-connected disability within such 90-day period, any portion of which was on or after June 27, 1950, and prior to February 1, 1955, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was at the time of his entry into active duty a native of or a bona fide resident of this State or who, if a minor at such time, entered active duty while in the State of California and had lived in this State for six months immediately preceding his entry into active duty.

Exclusions This chapter does not include:

(a) A person who was separated from such forces under other than honorable conditions.

(b) A person who was separated from such forces on account of alienage.

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

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

(e) A person who served only in an auxiliary or reserve component of the armed forces whose service therein did not exempt him from the operation of the Selective Training and Service Act of 1940.

(f) A person whose service with the armed forces was due to temporary active duty orders for the sole purpose of training duty, processing or a physical examination.

SEC. 7. Section 981 of said code is amended to read:

California Veterans' Educational Institute

981. There is in the state government an educational institution known as the California Veterans' Educational Institute, which is under the management and control of the Department of Veterans Affairs. The purpose of the institute is to provide opportunities for veterans to continue their education.

SEC. 8. Section 981.4 of said code is amended to read:

Application for admission

981.4. The department shall consider the application of veterans for admission to the institute in the order in which they are received. If the funds available are insufficient to meet the obligations which would arise from the guardianship of all worthy applicants, the department shall assume wardship over such veterans as are most urgently in need of further education.

SEC. 9. Section 981.5 of said code is amended to read:

Co-operation with United States

981.5. The department may co-operate and confer with authorized agencies of the United States in carrying out the provisions of this article.

SEC. 10. Section 985.3 of said code is amended to read:

985.3. The administration of the provisions of this article is vested in the Department of Veterans Affairs.

SEC. 11. Section 990.7 of said code is amended to read:

Execution of bonds

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

detach therefrom all coupons which have matured or will mature before the day fixed for such sale.

SEC. 12. Section 990.9 of said code is amended to read:

Investment of surplus moneys

990.9. The Department of Veterans Affairs is authorized, with the approval of the State Department of Finance, to invest any surplus moneys in the Veterans' Farm and Home Building Fund of 1943 in bonds of the United States, or of the State of California, or of the several counties or municipalities or other political subdivisions of the State of California, and to sell such bonds, or any of them, at the governing market rates, upon approval of the State Department of Finance; or the Department of Veterans Affairs may, with the approval of the Director of Finance, invest moneys in such fund, in interest-bearing certificates of deposit of state banks having a paid-up capital of five hundred thousand dollars ($500,000) or more; provided, that the total amount of money so deposited with any one bank shall not exceed a sum equal to 50 percent of the paid-up capital of such bank; provided, however, that nothing herein contained shall inhibit or be construed to inhibit the depositing in banks in accordance with the provisions of an act entitled "An act to authorize and control the depositing in banks of moneys belonging to or in the custody of the State and to repeal all acts or parts of acts conflicting with this act," approved April 12, 1923, and of any and all acts amendatory thereof or supplemental thereto, of moneys of any of the funds subject to the control of the Department of Veterans Affairs or appropriated for its use.

Stats. 1923, p. 21

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

SEC. 13. Section 991 of said code is amended to read:

Veterans' Finance Committee of 1943

991. There is hereby created a Veterans' Finance Committee of 1943 composed of the Governor, State Controller, State Treasurer, Director of Finance, and Director of Veterans Affairs, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said committee. The Attorney General of the State shall be the legal adviser of the Veterans' Finance Committee of 1943.

Bond issue

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

SEC. 14. Section 991.1 of said code is amended to read:

Resolution for bond issue

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

prepare the requisite number of suitable bonds and shall specify:

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

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

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

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

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

Maturity dates

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

Interest rate

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

SEC. 15. Section 991.2 of said code is amended to read:

Expenses

991.2. All actual and necessary expenses of the Veterans' Finance Committee of 1943 and of the members thereof incurred in the performance of their duties arising out of the provisions of this article shall be paid out of the Veterans' Farm and Home Building Fund of 1943, upon approval of

the State Board of Control and on Controller's warrant duly drawn for that purpose, and shall constitute expenses of the Department of Veterans Affairs.

CHAPTER 87

An act to maintain the Penal Code by repealing Section 1461, and amending Section 1529, thereof, relating to crimes and punishment.

In effect September 15, 1961

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.]

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

SECTION 1. Section 1461 of the Penal Code is repealed:

SEC. 2. Section 1529 of said code is amended to read:

1529. The warrant must be in substantially the following form:

County of _____.

The people of the State of California to any sheriff, constable, marshal, or policeman in the County of _____:

Proof, by affidavit, having been this day made before me by (naming every person whose affidavit has been taken), that (stating the grounds of the application, according to Section 1524, or, if the affidavit be not positive, that there is probable cause for believing that _____ stating the ground of the application in the same manner), you are therefore commanded, in the daytime (or at any time of the day or night, as the case may be, according to Section 1533), to make immediate search on the person of C. D. (or in the house situated _____, describing it or any other place to be searched, with reasonable particularity, as the case may be) for the following property: (describing it with reasonable particularity); and if you find the same or any part thereof, to bring it forthwith before me at (stating the place).

Given under my hand, and dated this _____ day of _____, A.D. 19___.

E. F., Judge of the Justice Court (or as the case may be).

CHAPTER 88

An act to maintain the Fish and Game Code by amending Sections 3500, 4341, and 12153, thereof, relating to fish and game.

[Approved by Governor March 10, 1961. Filed with Secretary of State April 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 3500 of the Fish and Game Code is amended to read:

Resident game birds

3500. Resident game birds are: Chinese spotted doves, ringed turtledoves of the family Columbidae, California quail and varieties thereof, Gambel or desert quail, mountain quail and varieties thereof, sooty or blue grouse and varieties thereof, ruffed grouse, sage hens and sage grouse, Hungarian partridges, red-legged partridges including the chukar and other varieties, ring-necked pheasants and varieties, and wild turkeys of the order Galliformes.

Migratory game birds are: ducks and geese, coots and gallinules, jacksnipe, western mourning doves, white-winged doves and band-tailed pigeons.

References in this code to "game birds" means both resident game birds and migratory game birds.

SEC. 2. Section 4341 of said code is amended to read:

Countersigning deer license tag

4341. Any person legally killing a deer in this State shall have the license tag countersigned by a person employed in the department, a person designated for this purpose by the commission, or by a judge of a justice court, notary public, postmaster, peace officer, or an officer authorized to administer oaths, before transporting such deer, except for the purpose of taking it to the nearest person authorized to countersign the license tag, on the route being followed from the point where the deer is taken.

SEC. 3. Section 12153 of said code is amended to read:

Forfeiture of fishing license

12153. Any commercial fishing license is forfeited for the violation of any of the provisions of Sections 1050 to 1060, inclusive, or 2012 of this code, or of any of the provisions of this code relating to the use of nets.

CHAPTER 89

An act to maintain the Probate Code by repealing Section 5 as enacted by Chapter 400 of the 1959 Statutes, and by amending Section 772, thereof, relating to probate.

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5 of the Probate Code as enacted by Chapter 400 of the 1959 Statutes is repealed:

SEC. 2. Section 772 of the Probate Code is amended to read:

772. Except as provided in Sections 757, 770 and 771 of this code, personal property may be sold only after public notice given for at least 10 days by notice posted at the courthouse of the county in which the proceedings are pending; or by publication pursuant to Section 6062 of the Government Code in a newspaper in such county, or by both, as the executor or administrator may determine, containing the time and place of sale, and a brief description of the property to be sold. Public sales must be made at the courthouse door, or at some other public place, or at the residence of the decedent; but no sale shall be made of any personal property which is not present at the time of sale, unless the court shall otherwise order.

CHAPTER 90

An act to amend Section 2137.1 of the Business and Professions Code, relating to persons authorized to practice medicine in state institutions.

In effect September 15, 1961

[Approved by Governor April 11, 1961. Filed with Secretary of State April 11, 1961.]

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

SECTION 1. Section 2137.1 of the Business and Professions Code is amended to read:

2137.1. Subject to the provisions of the State Civil Service Act, any person who is licensed to practice medicine in any other state and who complies with each and all of the requirements of Section 2147.5 with respect to registration with the board and graduation from a school approved by the board, may be appointed to a medical staff within a state institution and, under supervision of a licensed physician and surgeon, may treat persons under the jurisdiction of any such state institution for a period not exceeding one year or until October 1, 1963, whichever is later; provided, that qualified physicians and surgeons cannot be recruited in the State of California. At the end of such time he must have secured a physician's and surgeon's certificate in order to continue as a member of such medical staff. Until such person has obtained a physician's and surgeon's certificate he shall not engage in the practice of medicine and surgery in this State except to the extent expressly herein permitted. No person appointed pursuant to this section shall be employed in any state institution or institutions for a period in excess of two years from the date such person was first employed. The provisions of this section shall terminate on October 1, 1963.

CHAPTER 91

An act to repeal Section 11530 of the Business and Professions Code, relating to subdivision maps.

[Approved by Governor April 11, 1961. Filed with Secretary of State April 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 11530 of the Business and Professions Code is repealed.

CHAPTER 92

An act to amend Section 27550.1 of the Government Code, relating to qualifications of county surveyors.

[Approved by Governor April 11, 1961. Filed with Secretary of State April 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 27550.1 of the Government Code is amended to read:

27550.1. The qualifications for eligibility to a county or district office, required by Section 24001 of this code, shall not apply to candidates or applicants for, or a person elected or appointed to, the office of surveyor in a county containing a population of under 12,500 as determined by the 1960 federal census.

CHAPTER 93

An act to amend Sections 541.1 and 771 of, and to add Section 1405.1 to, the Probate Code, relating to deposit of funds in savings institutions.

[Approved by Governor April 11, 1961. Filed with Secretary of State April 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 541.1 of the Probate Code is amended to read:

Proceeding for determination of the amount of bond required by executor or administrator

541.1 Notwithstanding the provisions of Section 541, in any proceedings for the determination of the amount of bond to be required of the executor or administrator (whether at the time of appointment or subsequently), when it appears that the estate of the decedent includes money or securities which have been, or will be, deposited in a bank or banks in this State or in a trust company authorized to transact a trust business in this State or money which has been, or will be,

invested in an account or accounts in an insured savings and loan association or associations upon condition that such money or securities will not be withdrawn except on authorization of the court, the court may, in its discretion, order such money or securities so deposited or such money so invested and may exclude such deposited property from the computation of the amount of such bond or reduce the amount of bond to be required in respect of such money or securities to such an amount as it may deem reasonable.

The petitioner for letters testamentary or of administration may deliver to any such bank or trust company any such money or securities in his possession or may deliver to any such association any such money in his possession or may allow such bank or trust company to retain any such money or securities already in its possession or may allow such association to retain any such money already invested with it; and, in either event, the petitioner shall secure and file with the court a written receipt including the agreement of the bank or trust company or association that such money or securities shall not be allowed to be withdrawn except on authorization of the court. In so receiving and retaining such money or securities, the bank or trust company or association shall be protected to the same extent as though it had received the same from a person to whom letters testamentary or of administration had been issued.

The term "account in an insured savings and loan association" used in this section has the same meaning as in Section 1431 of the Probate Code.

SEC. 2. Section 771 of said code is amended to read:

Sale, etc., of securities Court order

771. Stocks, bonds, voting trust certificates, stock warrants or subscription rights, land trust certificates, certificates of beneficial interest in trusts, investment trust certificates, mortgage participation certificates, or any other securities, or certificates of deposit for any of the foregoing, may be sold, or may be surrendered for redemption or conversion, and title thereto passed without the necessity for confirmation, upon obtaining an order of the court. A petition for such an order shall be filed with the clerk, who shall set the same for hearing by the court and shall give notice thereof for the period and in the manner required by Section 1200 of this code, but the court or judge may order the notice to be given for a shorter period or dispensed with. The order shall fix the terms and conditions of sale, and when the minimum selling price is fixed or when the securities are to be sold upon an established stock or bond exchange, or surrendered for redemption or conversion, no notice of sale or of such redemption or conversion need be given.

Condition

This section shall not be applicable to the sale of note or notes secured by a mortgage or deed of trust unless such note or notes have been authorized or permitted to be issued by the Commissioner of Corporations, or have been made by a public utility subject to the provisions of the Public Utilities Act.

Investment certificates and withdrawable shares (but not guarantee stock) of state-chartered savings and loan associations doing business in this State and savings accounts and share accounts of federal savings and loan associations may be sold, or may be surrendered for withdrawal, and title thereto passed without the necessity for notice, confirmation or an order of court if an amount of money is obtained upon such sale or withdrawal not less than the value of such investment certificates or withdrawable shares, as such value is defined in Section 5070 of the Financial Code, or equal to not less than the amount paid on a savings account or a share account in a federal savings and loan association, plus earnings credited thereon, less lawful deductions therefrom.

Investment certificates and withdrawable shares of savings and loan associations

SEC. 3. Section 1405.1 is added to said code, to read:

1405.1. Notwithstanding the provisions of Section 1405, in any proceedings for the determination of the amount of bond to be required of a guardian (whether at the time of appointment or subsequently), when it appears that the estate of the ward includes money or securities which have been, or will be, deposited in a bank or banks in this State or in a trust company authorized to transact a trust business in this State or money which has been, or will be, invested in an account or accounts in an insured savings and loan association or associations upon condition that such money or securities will not be withdrawn except on authorization of the court, the court may, in its discretion, order such money or securities so deposited or such money so invested and may exclude such deposited property from the computation of the amount of such bond or reduce the amount of bond to be required in respect of such money or securities to such an amount as it may deem reasonable.

Bond requirements when securities invested upon a condition

The petitioner for letters of guardianship may deliver to any such bank or trust company any such money or securities in his possession or may deliver to any such association any such money in his possession or may allow such bank or trust company to retain any such money or securities already in its possession or may allow such association to retain any such money already invested with it; and, in either event, the petitioner shall secure and file with the court a written receipt including the agreement of the bank or trust company or association that such money or securities shall not be allowed to be withdrawn except on authorization of the court. In so receiving and retaining such money or securities, the bank or trust company or association shall be protected to the same extent as though it had received the same from a person to whom letters of guardianship had been issued

Letters of guardianship

The term "account in an insured savings and loan association" used in this section has the same meaning as in Section 1431 of the Probate Code.

"Account in an insured savings and loan association"

CHAPTER 94

An act to amend Section 2002.5 of the Government Code, relating to malpractice suits.

In effect September 15, 1961

[Approved by Governor April 11, 1961. Filed with Secretary of State April 11, 1961.]

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

SECTION 1. Section 2002.5 of the Government Code is amended to read:

2002.5. Whenever a suit is filed against an employee or officer of the State of California licensed in one of the healing arts under Division 2 of the Business and Professions Code, for malpractice alleged to have arisen out of the performance of his duties as a state employee, a copy of the complaint shall also be served upon the Attorney General and the Attorney General upon the request of such employee shall defend said suit on behalf of such employee. If there is a settlement or judgment in the suit the State shall pay the same; provided, that no settlement shall be effected without the consent of the head of the state agency concerned and the approval of the Attorney General. The settlement of such claims or judgments shall be limited to those arising from acts of such officers and employees of the State in the performance of their duties; or by reason of emergency aid given to inmates, state officials, employees, and to members of the public.

CHAPTER 95

An act making an appropriation for the contingent expenses of the Assembly, to take effect immediately.

In effect immediately

[Approved by Governor April 11, 1961. Filed with Secretary of State April 11, 1961.]

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

SECTION 1. The sum of six hundred fifty thousand dollars ($650,000) is appropriated from the General Fund for contingent expenses of the Assembly, in augmentation of the appropriation made by Item 8 of the Budget Act of 1960.

Current expense

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

CHAPTER 96

An act to repeal Chapter 2.6 (commencing with Section 24375) of Division 20 of the Health and Safety Code, relating to the San Joaquin Valley Air Pollution Control District Law.

[Approved by Governor April 10, 1961. Filed with Secretary of State April 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Chapter 2.6 (commencing with Section 24375) of Division 20 of the Health and Safety Code is repealed.

CHAPTER 97

An act to amend Section 104.5 of the Welfare and Institutions Code, relating to appeals to the Social Welfare Board.

[Approved by Governor April 11, 1961 Filed with Secretary of State April 12, 1961]

In effect September 15, 1961

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

SECTION 1. Section 104.5 of the Welfare and Institutions Code is amended to read:

104.5. (a) Whenever any appeal to, or hearing before, the board is otherwise authorized by law, the appeal shall be made, or the hearing applied for, within one year after the order or other action complained of. Within one year after the board's original order or decision, any interested party may apply for a rehearing or the board may on its own motion order a rehearing. Any such appeal, hearing, or rehearing may be heard by the board, or a referee designated by the board.

(b) The board or referee conducting an appeal, hearing, or rehearing shall have all the powers and authority conferred upon the head of a department in Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

(c) If an appeal, hearing, or rehearing is not heard by the board, a report of the proceedings shall be prepared by the referee conducting it and the report, together with any data the party appealing may desire, shall be presented to the board for final decision. The department shall mail a copy of the final decision promptly to each party. Only the board may make such final decision.

(d) The department shall set the appeal for a hearing to be commenced within 45 days after the appeal is filed. The referee or the board may, upon good cause shown, continue the hearing for a period not to exceed 30 days. If heard by a referee his report shall be filed promptly. Within 75 days after the conclusion of the hearing or the filing of the report by the referee the board shall render its decision. Failure to meet such time limits shall not invalidate such decision.

(e) This section shall not apply to proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 98

An act to amend Section 25351.3 of, and to add Section 25351.4 to, the Government Code, relating to powers and duties of boards of supervisors.

In effect September 15, 1961

[Approved by Governor April 11, 1961. Filed with Secretary of State April 12, 1961.]

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

SECTION 1. Section 25351.3 of the Government Code is amended to read:

Powers and duties

25351.3. In addition to its other powers and duties the board may:

(a) Acquire land for and construct, lease, sublease, build, furnish, refurnish or repair buildings for convention and exhibition halls, trade and industrial centers, auditoriums, opera houses, music halls and centers, motion picture and television museums, and related facilities as places of public assembly for the use, benefit and enjoyment of the public, including off-street parking places for motor vehicles, ways of ingress and egress and such other facilities and improvements as are necessary or convenient for their use.

(b) Acquire land and construct such buildings, structures and facilities thereon in whole or in part, with county funds or it may, by contract or lease with any nonprofit association or corporation, provide for the acquisition of land or the construction of such buildings, structures and facilities, or all or any part thereof, for such public purposes, upon such terms as the board may determine.

(c) Lease, pursuant to Section 25371 of this code, any real property owned by the county and available for such public purposes to any person, firm, corporation or nonprofit association or corporation for such purposes, or any thereof, such person, firm, corporation or nonprofit association or corporation to lease the real property as improved back to the county for use for the purposes stated in the lease. Any lease authorized by the board under this subdivision (c) shall be awarded to the lowest responsible bidder after public competitive bidding conducted in the manner determined by the board. Notice inviting bids shall be published pursuant to Section 6066 of this code in such newspaper as the board may direct.

(d) Enter into a lease or sublease, without advertising for bids therefor, of such buildings, structures and facilities or any thereof with any nonprofit association or corporation which agrees to use the buildings, structures and facilities so

leased to it for the public purposes for which the same were or are to be built; or contract, without advertising for bids therefor, with any nonprofit association or corporation for the maintenance, operation and management, or any thereof, of such buildings, structures and facilities or any part thereof, including the scheduling and promotion of events therein, for a specified term, not to exceed forty (40) years, upon such terms and conditions as may be agreed upon. Such leases, subleases or contracts shall provide that at least annually there shall be paid to the county the net revenue, if any, from the operation and use of the facilities, remaining after the payment of expenses and costs, if any, for maintenance, operation or management, interest and principal payments upon loans to the nonprofit corporation or association for purposes of maintenance, operation or management, and any other expenses, and after providing maintenance and operation reserves Such lease, sublease, or contract shall also provide that upon its expiration, all of the assets of the nonprofit association or corporation after payment or discharge of its indebtedness and liabilities shall be transferred to the county.

(e) If the county has a population in excess of 4,000,000, without advertising for bids therefor, grant any real property owned by the county, or lease, for a term not to exceed ninety-nine (99) years, any real property owned by the county, to any city, district or other public corporation for any of the above public uses, without consideration except the agreement of grantee or lessee to use said real property for the public uses specified, and upon such terms and conditions as may be agreed upon by the board and the grantee or lessee.

SEC. 2 Section 25351.4 is added to said code, to read:

25351.4. As used in Section 25351.3, the term "motion picture and television museums" means a museum which includes, but is not limited to, any one or more of the following facilities: "Motion picture and television museums"

(a) Completely equipped sound stages suitable for demonstrating to the public the actual filming of motion picture or television sequences;

(b) Theater facilities suitable for public showings of motion picture and television films of historical or educational interest;

(c) Film archives and related facilities for the physical preservation of motion picture and television films;

(d) Restaurant and refreshment facilities for the museum staff and the visiting public;

(e) Office facilities which may be rented as general offices to one or more nonprofit corporations which serve the interests of the motion picture or television industries as a whole.

CHAPTER 99

An act to amend Section 16401 of the Education Code, relating to school district property.

In effect September 15, 1961

[Approved by Governor April 11, 1961. Filed with Secretary of State April 12, 1961.]

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

SECTION 1. Section 16401 of the Education Code is amended to read:

16401. The governing board of any school district may sell for cash any personal property belonging to the district if the property is not required for school purposes, or if it should be disposed of for the purpose of replacement, or if it is unsatisfactory or not suitable for school use. There shall be no sale until notice has been given by posting in at least three public places in the district for not less than two weeks, or by publication for at least once a week for a period of not less than two weeks in a newspaper published in the district and having a general circulation there; or if there is no such newspaper, then in a newspaper having a general circulation in the district; or if there is no such newspaper, then in a newspaper having a general circulation in a county in which the district or any part thereof is situated. The board shall sell the property to the highest responsible bidder, or shall reject all bids.

CHAPTER 100

An act to amend Section 16430 of the Government Code, relating to investment of state funds.

In effect September 15, 1961

[Approved by Governor April 11, 1961. Filed with Secretary of State April 12, 1961.]

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

SECTION 1. Section 16430 of the Government Code is amended to read:

16430. Eligible securities for the investment of surplus moneys shall be:

(a) Bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Bonds of this State, or those for which the faith and credit of this State are pledged for the payment of principal and interest.

(c) Bonds of any county, city, metropolitan water district, municipal utility district, or school district of this State.

(d) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal

land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for co-operatives established under the Farm Credit Act of 1933, as amended, in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, in stock, bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act as amended, and in the bonds of any federal home loan bank established under said act.

CHAPTER 101

An act to amend the title of, to amend Sections 2, 5, 5.2, and 23 of, and to add Sections 4.1 and 8.4 to, the Sacramento County Water Agency Act (Chapter 10, Statutes of 1952, 1st Ex. Sess.), relating to the powers of the Sacramento County Water Agency and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 11, 1961. Filed with Secretary of State April 12, 1961.] In effect immediately

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

SECTION 1. The title of the Sacramento County Water Agency Act (Chapter 10 of the Statutes of 1952, 1st Ex. Sess.) is amended to read:

An act to create a district to be called "the Sacramento County Water Agency" for the purpose of controlling and conserving storm, flood and other surface waters for any beneficial use and for the protection of life and property in said district, for the purpose of co-operating and contracting with the United States, the State of California, municipalities and certain districts for the storage and diversion, the transportation and delivery, and the sale or other disposition of such water; for the obtaining of ground or other water or a water supply and the production, storage, transmission, distribution, sale, or other disposition of such water; to provide for the powers of such district necessary to carry out its purposes including among other powers, the right to contract, the right to acquire property and to acquire water or a water supply, the right to purchase and sell water, the right to acquire or construct or have constructed dams, conduits, and other works for the control, conservation, diversion and transportation of such water, the right to make contributions in aid of construction and acquisition of such works and in aid of obtaining water and a water supply, the right of said district and its member units to assume indebtedness either as principal, guarantor or underwriter, certain rights to appropriate water, to acquire water rights, and to sell water and to collect

Sacramento County Water Agency

charges for water used; to provide for the organization, government and management of said district and establishing the boundaries thereof; to provide for certain powers, rights and liabilities of member units located within or partially within said district; to provide for the appointment, powers, duties, liabilities and compensation of the officers and employees of said district; to provide certain officers and employees of the County of Sacramento shall be ex officio officers and employees of said district; to authorize the incurring of indebtedness, the voting and issuing and selling of bonds, the voting and levying and collection of special assessments; the levying and collection of taxes; to provide certain limitation on creation of indebtedness, levying of taxes and special assessments and issuance of bonds; to provide that the existence, property and powers of municipalities or public districts located within or partially within said district shall not be affected by this act; and to empower municipalities, irrigation districts, county water districts, water conservation districts, flood control districts, and any other political subdivisions of the State empowered by law to appropriate water and to deliver it to users, to enter into contracts with the agency and to carry out the terms of such contracts, and providing for the dissolution of such agency.

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

Definitions

Sec. 2. As used in this act, the following words shall have the following respective meanings unless by the context otherwise indicated:

(a) "The agency" shall mean the Sacramento County Water Agency;

(b) "The county" shall mean the County of Sacramento of the State of California;

(c) "United States" shall include the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the United States of America;

(d) "State of California" shall include the State of California and all bureaus, commissions, divisions, departments, boards, agencies and officers of the State of California;

(e) "Work" or "works" shall include, but shall not be limited to, dams and dam sites, all reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission of surface waters, wells, pumps, storage tanks, reservoirs, and all transmission and distribution facilities useful in the production, storage and distribution of ground waters, and all land, property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing;

(f) "District" means any of the following lying within or partially within the agency: irrigation districts, county water districts, water conservation districts, municipalities, flood control districts, and any other districts or political subdivisions of the State empowered by law to appropriate water and to deliver water to users;

(g) "Member unit" shall mean any district which enters into a contract with the agency for (i) the repayment in whole or part to the agency or any other person, corporation, public district, State of California, or the United States, of any or all of the construction costs of any works constructed by or on behalf of the agency or such district, or for (ii) the underwriting in whole or part of any or all of such construction costs, or for (iii) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or the United States of any or all of the cost of furnishing water or a water supply to the agency or such district or the underwriting in whole or in part of such cost, or for (iv) the payment in whole or in part for water to be furnished or sold to such district by the agency or the United States;

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" shall mean any elector of the county qualified under the laws of the State to vote in the county at general elections;

(i) "May" is permissive and "shall" is mandatory.

(j) "Bonds" as used herein include both agency bonds and zone bonds. "Agency indebtedness" means any indebtedness of the agency secured by all taxable property in the agency as a whole and does not include any indebtedness secured only by the taxable property in a designated zone or zones "Agency bonds" are those bonds issued to finance projects of, or for purposes of, the whole agency secured by all taxable property in the agency. "Zone bonds" are those bonds issued by the agency to finance projects of, or for purposes of, the designated zone or zones and secured by the taxable property in the zone or zones.

SEC. 3. Section 4.1 is added to said act, to read:

Sec. 4.1. The agency may produce, store, transmit and distribute ground waters. Ground waters

SEC. 4. Section 5 of said act is amended to read:

Sec. 5. The agency shall have the power:

(a) To sell, lease or otherwise dispose of water or any rights to the use of the works of the agency. Powers of agency

(b) To fix, revise, and collect rates and charges for the services, facilities, or water furnished by it.

(c) To establish rules and regulations to protect the public health in the operation of the works, to provide for the sale, distribution and use of water and the services and facilities of the works, to provide that service, facilities, or water shall not be furnished to persons against whom there are delinquent charges, and to provide for charges for the restoration of service.

(d) To provide that charges for any of its services or facilities may be collected together with and not separately from the charges for other services or facilities rendered by it, or it may contract that all such charges be collected by any other private

or public utility, and that such charges be billed upon the same bill and collected as one item.

(e) To provide that if all or part of a bill is not paid, the agency may discontinue any or all services or facilities for which the bill is rendered.

(f) To provide for the collection of charges. Remedies for their collection and enforcement are cumulative and may be pursued alternatively or consecutively as the agency determines.

(g) To provide for a basic penalty of not more than 10 percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition to provide for a penalty of not exceeding one-half of 1 percent per month for nonpayment of the charges and basic penalty. The agency may provide for the collection of such penalties.

SEC. 5. Section 5.2 of said act is amended to read:

Limitation of powers

Sec. 5.2. The agency shall have no power to sell, lease, or otherwise dispose of water or of any right to the use of the works of the agency for the conservation, control or transportation of water to member units except as all member units having rights to such water or interest in such works shall grant such power by written contract; and the power so granted shall be limited to the extent and by the conditions set forth in the most restrictive of such contracts.

No preference shall be given to any zone which is not also available upon the same terms and conditions to a member unit, consistent with the resources of the agency and the rights of the member units.

SEC. 6. Section 8.4 is added to said act, to read:

Funds and accounts

Sec. 8.4. The agency may establish and maintain such separate funds and accounts as it deems necessary to carry out the separate purposes of this act, and may establish such additional separate funds as it shall from time to time determine.

The agency may create and administer revolving funds to facilitate and assist in the carrying on and completing of any acquisition, work, or improvements provided for herein, and may abolish such funds.

The agency may make such transfers, for purposes of a loan or permanently, from one fund to another fund of the agency, as to its funds, or from one fund to another fund of a zone, as to said zone, as the agency shall determine.

SEC. 7. Section 23 of said act is amended to read:

Zone taxes

Sec. 23. Each year at the time the board fixes and levies taxes for agency purposes, it shall also fix the rates of zone taxes and shall levy the taxes upon the zone. The zone rate shall be such as will produce, after allowance of not to exceed 15 percent for delinquencies, the amount required to meet the expenditures incident to the project or works of improvement for which the zone is established and the cost of the maintenance thereof or both, during the current fiscal year. The tax in any one fiscal year shall not exceed an aggregate of twenty-

five cents ($0.25) on each one hundred dollars ($100) of assessed valuation of the taxable property in the zone for any and all zone projects or works of improvement unless the excess is authorized at an election as provided in this section.

The taxes levied pursuant to this section shall be in addition to any other taxes or assessments provided by this act and shall be levied and collected at the same time and in the same manner as other agency taxes and assessments. All funds collected by reason of the tax shall be expended only on behalf of the zone and only for the purpose for which the zone was formed as set forth in the notice of hearing on the proposal to establish the zone.

Rate of zone tax in excess of $0 25

Whenever the board determines it is in the best interest of a zone to undertake a project or works of improvement which will require a rate of zone tax in excess of twenty-five cents ($0 25) on each one hundred dollars ($100) of assessed valuation of the taxable property in the zone it may submit the proposition to the electors within the zone. The board shall, by resolution, call an election for the purpose of proposing the question to the voters of the zone as to whether or not the taxes in excess of twenty-five cents ($0.25) for each one hundred dollars ($100) of assessed valuation of the taxable property in the zone shall be proposed within the zone, prescribing the notice, time, place, and manner of conducting the election in conformity, as nearly as practicable, with the provisions of the Elections Code governing general elections. An election is invalid unless held within the zone and notice of the time, place, and purpose of the election has been given by publication in the district pursuant to Section 6066 of the Government Code and posted in not less than three public places in the zone. If a majority of the votes cast favor such tax rate, the board may thereafter tax not to exceed such new rate.

Levy and collection

The taxes shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from agency taxes or assessments shall be paid into the county treasury to the credit of the agency, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

Urgency

SEC. 8. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

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

The fair and equitable distribution of water, and the costs thereof, require that the agency have jurisdiction to provide for the production, storage, distribution and sale of underground waters, as well as surface waters. To insure the most beneficial development of various areas of the agency, and to allow the agency to act in the manner most beneficial to the health and safety of the people within its jurisdiction, it is necessary that the agency have this power to produce, store, distribute, and sell underground waters as soon as possible.

Unless this act takes effect immediately, many people served by the agency will be deprived of a fair and equitable distribution of water.

CHAPTER 102

An act to add Section 7607 to the Education Code, relating to elementary schools.

In effect September 15, 1961

[Approved by Governor April 11, 1961 Filed with Secretary of State April 12, 1961]

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

SECTION 1. Section 7607 is added to the Education Code, to read:

7607. Notwithstanding any provision of Sections 654, 7553, or of any other law to the contrary, the governing board of any district maintaining an elementary school may provide for the teaching of one or more foreign languages in any or all elementary schools of the district.

CHAPTER 103

An act to amend Section 13517 of the Education Code, relating to school district employees.

In effect September 15, 1961

[Approved by Governor April 11, 1961 Filed with Secretary of State April 12, 1961.]

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

SECTION 1. Section 13517 of the Education Code is amended to read:

13517. The governing board of any school district may arrange to pay the persons in positions requiring certification qualifications employed by it in 10 or 11 or 12 equal payments instead of by the school month. In lieu thereof, orders for the payment of salary, and payroll orders for the payment of salary and warrants for the payment of salary of employees employed in positions requiring certification qualifications may be drawn once each two weeks or once each four weeks as determined by the governing board.

CHAPTER 104

An act to amend Section 11501 of the Government Code, relating to administrative adjudication.

[Approved by Governor April 12, 1961. Filed with Secretary of State April 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 11501 of the Government Code is amended to read:

11501. (a) The procedure of any agency shall be conducted pursuant to the provisions of this chapter only as to those functions to which this chapter is made applicable by the statutes relating to the particular agency.

(b) The enumerated agencies referred to in Section 11500 are:

Board of Dental Examiners of California.
Board of Medical Examiners of the State of California.
Board of Osteopathic Examiners of the State of California.
Board of Nurse Examiners of the State of California.
State Board of Optometry.
California State Board of Pharmacy.
State Department of Public Health.
State Board of Public Health.
Board of Examiners in Veterinary Medicine.
State Board of Accountancy.
California State Board of Architectural Examiners.
State Board of Barber Examiners.
State Board of Registration for Civil and Professional Engineers.
Registrar of Contractors.
State Board of Cosmetology.
State Board of Funeral Directors and Embalmers.
Structural Pest Control Board.
Yacht and Ship Brokers Commissioner.
Director of Professional and Vocational Standards.
Collection Agency Licensing Bureau.
State Fire Marshal.
State Mineralogist.
Director of Agriculture.
Labor Commissioner.
Real Estate Commissioner.
Commissioner of Corporations.
Department of Social Welfare.
Social Welfare Board.
Department of Mental Hygiene.
Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.
Board of Pilot Commissioners for Humboldt Bay and Bar.
Board of Pilot Commissioners for the Harbor of San Diego.
Fish and Game Commission.

State Board of Education.
Insurance Commissioner.
Savings and Loan Commissioner.
State Board of Dry Cleaners.
Board of Social Work Examiners of the State of California.
State Board of Chiropractic Examiners.
State Board of Guide Dogs for the Blind.
California Aeronautics Commission.
Board of Administration, State Employees' Retirement System.
Department of Motor Vehicles.
Bureau of Furniture and Bedding Inspection.
Cemetery Board.
Department of Natural Resources.
Department of Water Resources acting pursuant to Section 414 of the Water Code.
Board of Vocational Nurse Examiners of the State of California.
Certified Shorthand Reporters Board.
Bureau of Private Investigators and Adjusters.
California State Board of Landscape Architects.
Department of Alcoholic Beverage Control.
California Horse Racing Board.
School districts under Section 13444 of the Education Code.
State Fair Employment Practice Commission.

CHAPTER 105

An act to add Section 70044.1 to the Government Code, relating to superior courts, and declaring the urgency thereof to take effect immediately.

In effect immediately

[Approved by Governor April 12, 1961 Filed with Secretary of State April 13, 1961.]

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

SECTION 1. Section 70044.1 is added to the Government Code, to read:

70044.1. In any county having a population of over 250,000 and under 277,000, as determined by the 1950 federal census, the fee for reporting testimony and proceedings in contested cases is thirty-five dollars ($35) a day, and the fee for reporting each default or uncontested action or proceeding is seven dollars ($7).

The official reporter shall report to the court when ordered to do so by any judge of the court, and when not ordered to so report, the reporter may be employed in his professional capacity elsewhere.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Fresno County Superior Court official reporters have for some time been receiving a lower compensation than many of the other reporters of counties of a similar size. Recently a number of the reporters have left their employment with the court because of the lower compensation and a number of others have indicated they will also terminate their employment unless they receive an increase in their compensation. The court has found it very difficult to find replacement for those reporters who have left or are leaving because of the lower compensation now being paid reporters of that court. The court will be unable to handle the large volume of business pending before it without an adequate staff of reporters. In order to retain the services of the present reporters and to aid in the employment of the new reporters needed to fill the present vacancies it is necessary that this act take effect immediately.

CHAPTER 106

An act to amend Section 11510 of the Government Code, relating to administrative adjudication.

[Approved by Governor April 12, 1961. Filed with Secretary of State April 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 11510 of the Government Code is amended to read:

11510. (a) Before the hearing has commenced the agency, or the assigned hearing officer, shall issue subpoenas and subpoenas duces tecum at the request of any party in accordance with the provisions of Section 1985 of the Code of Civil Procedure. After the hearing has commenced the agency itself hearing a case or a hearing officer sitting alone may issue subpoenas and subpoenas duces tecum.

(b) The process issued pursuant to subdivision (a) shall extend to all parts of the State and shall be served in accordance with the provisions of Sections 1987 and 1988 of the Code of Civil Procedure. No witness shall be obliged to attend at a place out of the county in which he resides unless the distance be less than 100 miles from his place of residence, except that the agency, upon affidavit of any party showing that the testimony of such witness is material and necessary, may indorse on the subpoena an order requiring the attendance of such witness

(c) All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the State or any political subdivision thereof, shall receive fees, and all wit-

nesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed by law for witnesses in civil actions in a superior court. Witnesses appearing pursuant to subpoena, except the parties, who attend hearings at points so far removed from their residences as to prohibit return thereto from day to day shall be entitled in addition to fees and mileage to a per diem compensation of three dollars ($3) for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to and from the hearing. Fees, mileage and expenses of subsistence shall be paid by the party at whose request the witness is subpoenaed.

CHAPTER 107

An act to add Section 19594.1 to the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 12, 1961. Filed with Secretary of State April 13, 1961.]

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

SECTION 1. Section 19594.1 is added to the Education Code, to read:

19594.1. If the board has made an apportionment to a school district after November 1, 1960, upon the condition that the district issue and sell district bonds in an amount prescribed by the board, and an election was heretofore held in the district at which two-thirds of the voters voting on the proposition to authorize the issuance and sale of bonds in an amount sufficient to meet the condition of the apportionment voted in favor thereof, all acts or proceedings heretofore taken by or on behalf of the school district, under any law, or under the color of any law, for the authorization, issuance, sale or exchange of such bonds of such school district for any public purpose are hereby confirmed, validated and declared legally effective. This shall include all acts and proceedings of the governing board of such school district, and of any person or officer, heretofore done or taken upon the authorization, issuance, or sale of such bonds.

All bonds of any such school district heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the district.

As used in this section the word "hereafter" means any time on or subsequent to the effective date of this section and the word "heretofore" means any time prior to such effective date.

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

The electors of school districts have voted to issue and sell bonds and have been approved for state building aid loans upon condition that a portion of such bonds be sold. The proceedings leading up to such elections contain procedural flaws which may legally be validated. Rapidly expanding population growth in such districts requires additional housing facilities for students. It is necessary, therefore, that such districts, in order to provide adequate housing facilities for such students, be able to immediately sell the first series of such bonds, and qualify for state building aid loans. It is essential that these bond issues be validated immediately in order that said bonds may be sold, and that this act, therefore, take effect immediately.

CHAPTER 108

An act to add Section 46 to the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955), relating to the Fresno Metropolitan Flood Control District.

[Approved by Governor April 12, 1961. Filed with Secretary of State April 13, 1961.] In effect September 15, 1961

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

SECTION 1. Section 46 is added to the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955), to read:

Sec. 46. (a) The board, by resolution thereof, adopted from time to time, may establish zones within said district, setting forth in such resolutions descriptions of the zones by metes and bounds and entitling said zones by zone number, and institute zone projects for the specific benefit of such zones. Zones

Proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be taken and had in the manner prescribed in subdivision (b) of this act.

(b) The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement authorized by this act and of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of the project to be borne by the Projects for zones

particular zone and, in the case of participating zones, the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation in such zone or each of said participating zones, if there be such a newspaper and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or in each of said participating zones. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person; said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

Public hearing

Same, notice

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless, prior to the conclusion of said hearing, a written protest against the proposed project signed by a holder or holders of title to the real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which said project was initiated, be filed with the board, in which event said proceedings shall be terminated and no new proceeding contemplating projects of the same zone or zones shall be commenced within a period of six months following the date of such termination.

Written objections

In all matters in this section referred to, the last equalized assessment roll of the County of Fresno next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone or within any of the participating zones for which the project was initiated.

Assessment roll as prima facie evidence of ownership

Executors, administrators, special administrators and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Executors, administrators, etc

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, any one of the owners or representatives or partners may sign the protest

Joint tenancy, tenancy in common, etc

for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do; provided, further, that where real property appears to be owned in common or jointly by husband and wife either may sign the protest without the written consent of the other.

Trusts

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

Protest of public corporation

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

When real property has been contracted to be sold

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

Procedure for authorizing bonds

(c) The procedure for authorizing bonds shall be as follows:

(1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zones, the board may by resolution determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by

the secretary, to be filed for record in the office of the Recorder of Fresno County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

Special bond election

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

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

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

Maps

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

Publication of election ordinance

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and par-

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

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election a majority of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless a majority of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

Form of bonds

(d) The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zone affected, and of the interest coupons attached thereto. Said bonds shall be payable, annually or semiannually at the discretion of the board, each and every year on a day and date, and at a place, to be fixed by said board and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, not less than one-fortieth of the indebtedness of such issue or series shall be paid every year. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

Denomination of bonds

The bonds shall be issued in such denomination as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be made payable annually or

semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the secretary of the board. Either or both of such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his printed, engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officers had remained in office until the delivery of the bonds.

Issuance and sale of bonds

(e) The board may issue and sell the bonds of any such zones authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the County of Fresno to the credit of said district and the respective participating zones thereof, for the uses and purposes of the zone or zones voting said bonds; and the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling for such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of Fresno.

Payment of interest on bonds

(f) Any bonds issued under the provisions of this act, and the interest thereon, shall be paid by revenue derived from an annual tax consisting of a levy or assessment upon all real property within a zone or participating zones, including both land and improvements thereon.

(g) The board shall levy a tax or assessment each year sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. Such taxes or assessments shall be levied and collected in the respective zones of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said Fresno County to the credit of the zone of issuance, and be used for the payment of the principal and interest on said bonds and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of said Fresno County in the manner provided by law for the payment of principal and interest on bonds of said county.

(h) The provisions of law of this State, prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency and the redemption from such sale, and the duties of the several county officers with respect thereto, are,

so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof.

Bonds as legal investments

(i) The bonds of the district issued for any zone thereof pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, such bonds of said district may be so used.

This section of this act is intended to be and shall be considered the latest enactment with respect to the matters herein contained and any and all acts or parts of acts in conflict with the provisions hereof are hereby repealed.

Tax exemption of bonds

(j) All bonds issued by said district under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the district organized by this act is a reclamation district and an irrigation district within the meaning of Section 1¾ of Article XIII and Section 13 of Article XI of the Constitution of this State.

(k) The repeal or amendment of this act shall not in any way affect or release any of the property in said district or any zone thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

(*l*) Notwithstanding any provisions of this act to the contrary, in the event the proceeds from the sale of bonds of any zone are invested temporarily in United States bonds, notes, or certificates of indebtedness, or in other legal investments pending the expenditure of said funds for the purpose or purposes for which said indebtedness was incurred, any revenue or interest received or accruing therefrom may be used to pay the annual or semiannual installments of principal and/or interest on said bonds as same become due.

CHAPTER 109

An act to amend Section 103.1 of the Welfare and Institutions Code, relating to the administration of public assistance.

In effect September 15, 1961

[Approved by Governor April 12, 1961. Filed with Secretary of State April 13, 1961.]

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

SECTION 1. Section 103.1 of the Welfare and Institutions Code is amended to read:

103.1. Notwithstanding any other provisions of this code, the State Social Welfare Board is the only body within the Department of Social Welfare that is authorized to adopt rules, regulations, orders, or standards of general application which are adopted to implement, interpret, or make specific the law enforced by the department, and such rules, regulations, orders, and standards shall be adopted, amended, or repealed by the State Social Welfare Board only in accordance with the provisions of Chapter 4, Part 1, Division 3, Title 2 of the Government Code, except that such regulations need not be printed in the California Administrative Code or California Administrative Register if they are included in the publications of the Department of Social Welfare.

In adopting such rules and regulations the board shall strive for clarity of language which may be readily understood by those administering public assistance directly to the applicants and recipients.

The rules of the State Social Welfare Board need not specify or include the detail of forms, reports or records but shall include the essential authority by which any person, agency, organization, association or institution subject to the supervision or investigation of the department is required to use, submit or maintain such forms, reports or records.

CHAPTER 110

An act to add Section 32128.5 to the Health and Safety Code, relating to the powers and duties of hospital districts.

In effect September 15, 1961

[Approved by Governor April 12, 1961. Filed with Secretary of State April 13, 1961.]

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

SECTION 1. Section 32128.5 is added to the Health and Safety Code, to read:

32128.5. The rules of the hospital, established by the board of directors pursuant to this article, may include provision for use of the hospital facilities by duly licensed podiatrists subject to the rules and regulations governing such use established by the medical staff of the hospital.

CHAPTER 111

An act to amend Section 8276 of the Fish and Game Code, relating to crabs.

[Approved by Governor April 12, 1961. Filed with Secretary of State April 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 8276 of the Fish and Game Code is amended to read:

8276. Notwithstanding any other provisions of this code or any regulations made pursuant to this code:

(a) Crabs may be taken in Districts 6, 7, 8, and 9 only between December 15th and July 15th.

(b) Crabs may be taken in all other districts only between the second Tuesday in November and June 30th.

(c) Crabs may not be taken for commercial purposes in any district or part of a district lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

This section shall remain in effect until the 91st day after the final adjournment of the 1963 Regular Session of the Legislature.

Effective period

CHAPTER 112

An act to amend Section 560 of the Welfare and Institutions Code, relating to county agencies to co-ordinate activities designed to prevent juvenile and adult delinquency.

[Approved by Governor April 12, 1961. Filed with Secretary of State April 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 560 of the Welfare and Institutions Code is amended to read:

560. In counties having a population in excess of 5,000,000, the board of supervisors may by ordinance provide for the establishment, support and maintenance of one or more agencies or departments to co-operate with and assist in co-ordinating on a countywide basis the work of those community agencies engaged in activities designed to prevent juvenile and adult delinquency; and such agencies or departments may co-operate with any such public or community committees, agencies, or councils at their invitation.

CHAPTER 113

An act to add Section 987.16 to the Military and Veterans Code, relating to veterans' farm and home purchase aid.

In effect September 15, 1961

[Approved by Governor April 12, 1961 Filed with Secretary of State April 13, 1961]

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

SECTION 1. Section 987.16 is added to the Military and Veterans Code, to read:

987.16. Any veteran for whom a home or farm is purchased under this article shall be granted a subsequent opportunity to purchase another home or farm if the property originally purchased is taken in condemnation proceedings brought by a public agency or is sold to a public agency in lieu of the taking of such property in condemnation proceedings brought by the agency.

This section shall not be construed to prevent the department from adopting or continuing in effect any regulation authorizing the granting to a veteran of a subsequent opportunity to purchase another home under this article if circumstances render property previously purchased for his benefit unsuitable for the needs of himself and his dependents.

CHAPTER 114

An act to add Section 22127 to the Government Code, relating to the State Employees' Retirement System.

In effect September 15, 1961

[Approved by Governor April 12, 1961 Filed with Secretary of State April 13, 1961]

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

SECTION 1. Section 22127 is added to the Government Code, to read:

22127. Notwithstanding any provision of this part (commencing with Section 22000), the board, upon application of a public agency other than the State and execution of an agreement or an amendment to an agreement as provided in Section 22203, shall execute a modification to the agreement in conformity with Section 102(k), Public Law 86-778, to include services performed by any individual who, on or after January 1, 1957, and on or before December 31, 1959, was employed by the public agency in any hospital employee's position which, on September 1, 1954, was covered by a retirement system, but which, prior to 1960 was removed from coverage by such retirement system, if, prior to July 1, 1960, there have been paid in good faith to the Secretary of the Treasury, with respect to any of the services performed by such indi-

vidual in any such position, amounts equivalent to the sum of the taxes which would have been imposed by Sections 3101 and 3111 of the Internal Revenue Code of 1954 if such services had constituted employment for purposes of Chapter 21 of such code at the time they were performed.

CHAPTER 115

An act to add Section 54950.5 to the Government Code, relating to meetings of local governmental agencies.

[Approved by Governor April 12, 1961 Filed with Secretary of State April 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 54950.5 is added to the Government Code, to read:

54950.5. This chapter shall be known as the Ralph M. Brown Act.

CHAPTER 116

An act to add Article 11 (commencing with Section 53920), to Chapter 4, Part 1, Division 2, Title 5, of the Government Code, relating to the destruction of bonds and coupons previously paid or canceled.

[Approved by Governor April 12, 1961 Filed with Secretary of State April 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Article 11 (commencing with Section 53920) is added to Chapter 4, Part 1, Division 2, Title 5, of the Government Code, to read:

Article 11. Destruction of Bonds Previously Paid and Canceled

53920. As used in this article:

Definitions

(a) "Local agency" means city, county, or other public or municipal corporation.

(b) "Fiscal agent" means any bank within or without the State which is authorized to pay the principal and interest of bonds of any local agency.

Destruction of bonds

53921. Under such conditions as the treasurer of a local agency fixes, with the approval of the legislative body, he, or fiscal agents, or other duly authorized agents, may destroy or cremate any or all bonds and any or all coupons pertaining thereto which have been previously paid or canceled.

CHAPTER 117

An act to amend Section 21712 of the Vehicle Code, relating to driving rules.

In effect September 15, 1961

[Approved by Governor April 12, 1961. Filed with Secretary of State April 13, 1961.]

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

SECTION 1. Section 21712 of the Vehicle Code is amended to read:

21712. No person shall ride, and no person driving a motor vehicle shall knowingly permit any person to ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision does not apply to an employee engaged in the necessary discharge of his duty or to persons riding completely within or upon vehicle bodies in space intended for any load on the vehicle.

CHAPTER 118

An act to amend Sections 22110 and 24951 of the Vehicle Code, relating to vehicle signals.

In effect September 15, 1961

[Approved by Governor April 12, 1961. Filed with Secretary of State April 13, 1961.]

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

SECTION 1. Section 22110 of the Vehicle Code is amended to read:

Signals by hand and arm, signal lamp

22110. The signals required by this chapter shall be given either by means of the hand and arm or by a signal lamp or mechanical signal device, but when the body or load on any vehicle or combination of vehicles projects 24 inches or more to the left of the center of the steering wheel, or under any condition when a hand and arm signal would not be visible both to the front and rear of the vehicle or vehicles, then the vehicle or vehicles shall be equipped with, and signals shall be given by, a signal lamp or device.

SEC. 2. Section 24951 of said code is amended to read:

Lamp type turn signal

24951. (a) Any vehicle may be equipped, and when required by this code, shall be equipped, with a lamp type turn signal system or semaphore turn signal device capable of clearly indicating any intention to turn either to the right or to the left.

Same, required

(b) The following vehicles which are manufactured and first registered on or after January 1, 1958, shall be equipped with a lamp type turn signal system of a type approved by the department and meeting the requirements of this chapter:

All passenger type vehicles except motorcycles and motor-driven cycles.

All motor trucks and truck tractors

All trailers or semitrailers having a gross weight of 6,000 pounds or more.

This requirement does not apply to special mobile equipment, pole or pipe dollies, or auxiliary dollies

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CHAPTER 119

An act to amend Section 25802 of the Vehicle Code, relating to vehicles operated incidentally on the highway.

[Approved by Governor April 12, 1961. Filed with Secretary of State April 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 25802 of the Vehicle Code is amended to read:

25802. The provisions of Sections 24002, 24005, 24250, 24251, 24400 through 24404, inclusive, 24600 through 24604, inclusive, 24606 through 24610, inclusive, 25261, 25953, Articles 4, 5, 6, 9, 11, and 13 (commencing with Sections 24800, 24950, 25100, 25350, 25450, and 25650, respectively) of Chapter 2 of this division, Chapters 3, 4, and 5 (commencing with Sections 26300, 26700 and 27000, respectively) of this division, and the provisions of Chapters 2, 3, 4, and 5, (commencing with Sections 29200, 29800, 30800, and 31300, respectively) of Division 13 shall not apply to any vehicle of a type subject to registration under this code which is not designed, used or maintained for the transportation of persons or property and which is only incidentally operated or moved over a highway; but any such vehicle shall be subject to the provisions of Sections 2800, 2806, 24004, 25260, 25803, 25950, 25952, 26457, 27454, 27602, 31500, 40150, and Article 12 (commencing with Section 25500) of Chapter 2 of this division.

CHAPTER 120

An act to amend Section 35111 of the Vehicle Code, relating to passenger vehicles.

[Approved by Governor April 12, 1961. Filed with Secretary of State April 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 35111 of the Vehicle Code is amended to read:

35111. No passenger vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on its left side or more than six inches beyond the line of the fenders on its right side.

CHAPTER 121

An act to amend Section 27257 of the Government Code, relating to indices in the Recorder's Office.

In effect September 15, 1961

[Approved by Governor April 12, 1961. Filed with Secretary of State April 13, 1961.]

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

SECTION 1. Section 27257 of the Government Code is amended to read:

27257. Instead of these indices the recorder may keep two indices, labeled respectively: "General index of grantors" and "General index of grantees." Each page of the general index of grantors shall be divided into seven columns, labeled respectively: "Date filed," "Grantors and defendants," "Grantees and plaintiffs," "Title," "Document Number," "Book," and "Page." Each page of the general index of grantees shall be divided into seven columns, labeled respectively: "Date filed," "Grantees and plaintiffs," "Grantors and defendants," "Title," "Document Number," "Book," and "Page." In those counties where the recorder alphabetizes grantors' and grantees' names, by mechanical methods, fewer columnar headings may be used in the two indices, if adequate index reference to the location of each document in the permanent file, book, or film record is provided.

The alphabetical subdivisions in each of the general indices shall be so arranged, as nearly as possible, that the entries to be made in the indices will be equally apportioned. The alphabetical subdivisions shall be sufficient in number to facilitate quick reference.

CHAPTER 122

An act to amend Section 750 of the Code of Civil Procedure, relating to actions to quiet title.

In effect September 15, 1961

[Approved by Governor April 12, 1961. Filed with Secretary of State April 13, 1961.]

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

SECTION 1. Section 750 of the Code of Civil Procedure is amended to read:

750. Within one year after the filing of the complaint, as required by Sections 749 or 749.1, a summons must be issued, which shall contain the matters required by Section 407 of this code, and in addition, a description of the property and a statement of the object of the action. In said summons the said unknown defendants shall be designated as in the complaint, whether they are the sole defendants or not. If as to any defendant the action is one brought under the provisions of Sec-

tion 738 and sections pertinent thereto of this code, such defendant may be named in the same summons and no separate or additional summons need be issued directed to such defendant.

Within 30 days after the issuance of the summons, the plaintiff shall post or cause to be posted a copy thereof in a conspicuous place on the property described in the complaint.

At any time after the issuance of the summons, the plaintiff, or his agent or attorney, shall make and file an affidavit wherein there shall be stated the following matters:

(a) The names of the defendants, if any, as to whom the action is brought under the provisions of Section 738 and sections pertinent thereto of this code; if there is no such defendant that fact shall be stated;

(b) The names of all the defendants who have been served personally, if any; if there is none that fact shall be stated;

(c) The names of the defendants who reside out of the State and their places of residence, if known to the plaintiff; and

(d) The names of the defendants residing in or out of the State whose place of residence is unknown to the plaintiff.

All defendants as to whom the action is one brought under the provisions of Section 738 and sections pertinent thereto of this code, shall be served with said summons in the manner provided in Title 5 of Part 2 of this code.

All other defendants residing in the State of California, whose place of residence is known to the plaintiff shall be served personally with said summons; provided, that any such defendant who conceals himself to avoid service of summons may be served as provided in Sections 412 and 413 of this code.

Except as otherwise provided, upon the making and filing of the aforesaid affidavit, the court or a judge thereof shall make an order directing the said summons to be served upon the defendants residing out of the State, whose place of residence is known to the plaintiff and upon the defendants residing in or out of the State, whose place of residence is unknown to the plaintiff, and upon all the unknown defendants as stated in the complaint and summons, by publication in some daily or weekly newspaper of general circulation printed and published in the county where the property is situated, and if there be no such paper in such county, then in some adjoining county, to be designated by the court or a judge thereof, which publication shall be pursuant to Government Code Section 6064.

Within 10 days after the making of the said order directing publication of summons, a copy of the summons and complaint, properly addressed and with the postage thereon fully prepaid, shall be mailed to each of the defendants whose names are known who reside out of the State, at their place of residence, if known, and also to the defendants whose names are known residing in or out of the State, whose place of residence is unknown to plaintiff, addressed to them at the county seat of the county where the action is commenced.

All such unknown persons so served shall have the same rights as are provided by law in cases of all other defendants named, upon whom service is made by publication, or personally, and the action shall proceed against such unknown persons in the same manner as against the defendants who are named upon whom service is made by publication or personally, and with like effect; and any such unknown person who has or claims to have any right, title, estate, lien or interest in the said property, or cloud on the title thereto, adverse to plaintiff, at the time of the commencement of the action, who has been duly served as aforesaid, and anyone claiming under him, shall be concluded by the judgment in such action as effectually as if the action was brought against the said person by his or her name and personal service of process was obtained, notwithstanding any such unknown person may be under legal disability. Service shall be deemed complete upon the completion of the mailing and publication.

In the event that service of any summons shall be required to be by publication as to any defendant as to whom the action is brought under the provisions of Section 738 of this code, the order for such publication, made pursuant to the provisions of Sections 412 and 413 of this code may be made either as a part of the order for publication of summons made as to other defendants, or as a separate order, as the court or a judge thereof may consider proper in the particular case.

CHAPTER 123

An act to amend Section 3081.05 of the Civil Code, relating to transactions involving real estate, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 12, 1961. Filed with Secretary of State April 13, 1961.]

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

SECTION 1. Section 3081.05 of the Civil Code is amended to read:

3081.05. The applicant shall if a corporation file and maintain with the commissioner a fidelity bond issued by an admitted corporate surety insurer, in a minimum amount of twenty-five thousand dollars ($25,000) and at all times in a principal amount that is equal to or in excess of the total aggregate amount of all moneys held by or under the control of the mortgage broker at any one time for the account of others. Said fidelity bond shall be in favor of the applicant and shall provide for the recovery by him of any loss of such funds held by him or his agent or employees arising out of a defalcation, misappropriation or theft of such funds by such agent or employees. If the applicant is an individual or a copartnership, the individual or copartner shall file with the

application in lieu of said fidelity bond, a bond in the sum of five thousand dollars ($5,000) issued by an admitted corporate surety insurer, approved by the commissioner, in which the applicant is the obligor. Any debtor or lender claiming to be injured by the fraud, deceit, or willful negligence of any individual or copartnership real property loan broker may bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by such fraud, deceit, or willful negligence, or the failure to comply with the provisions of this chapter. No terms or conditions shall be imposed other than provided for in this chapter. The provisions of this section shall not be applicable to any transaction involving a real property loan broker, acting as an agent, in which all funds not the property of the broker are placed in an independent escrow, licensed under Division 6 (commencing with Section 17000) of the Financial Code or with any person described by subdivision (a) or (c) of Section 17006 of that code.

It shall be the responsibility of the broker and not of the surety to maintain the bond in the form and in the amount prescribed by this section. In no event shall the aggregate liability of the surety for all breaches of the conditions of the bond exceed the principal amount set forth in the bond.

Urgency

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

Section 3081.05 was added to the Civil Code at the 1959 Regular (General) Session of the Legislature, and was amended at the 1960 First Extraordinary Session of the Legislature. As enacted, and as amended, the section contained a clause intended to exempt mortgage brokers who do not "actually or constructively in any way keep, have charge of, or otherwise handle" any funds involved in their transactions. An error in the wording has caused the exemption clause to be construed as exempting mortgage brokers only when engaged in loan transactions. Desist and refrain orders have been served on several hundred brokers engaged in other mortgage transactions who have not obtained bonds. Because the surety companies generally have refused to write the required bonds, these orders have forced many mortgage brokers to suspend operations contrary to the intent of the Legislature, causing great hardship to the brokers and their principals.

CHAPTER 124

An act to amend Sections 1662 and 1714 of, and to add Section 1712.5 to, the Insurance Code, relating to production agencies.

In effect September 15, 1961

[Approved by Governor April 12, 1961 Filed with Secretary of State April 13, 1961.]

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

SECTION 1. Section 1662 of the Insurance Code is amended to read:

Bond

1662. An applicant for a license as an insurance broker shall, as part of his application, file the bond as required by this article, and, if licensed, shall continuously maintain such bond in force. Any such license shall automatically terminate immediately upon there being no bond in force, and the license shall be returned by its lawful custodian to the commissioner for cancellation.

SEC. 2. Section 1712.5 is added to said code, to read:

Organization license inoperative

1712.5. The license of an organization licensed as an insurance agent or insurance broker shall become inoperative upon:

(a) The termination of all insurer appointments; or

(b) The removal of the last natural person named thereon.

Unless such license is reactivated within 30 days by the correction of all deficiencies including, if necessary,

(a) The filing of a notice of appointment of agent by an admitted insurer, or

(b) The adding of a natural person to transact insurance under the authority of the organization's license pursuant to Section 1661,

the license shall automatically terminate and the physical evidence of the license shall be returned by its lawful custodian to the commissioner for cancellation.

SEC. 3. Section 1714 of said code is amended to read:

Natural person's certificate

1714. A natural person who is otherwise entitled in all respects to be licensed as an insurance agent, or insurance solicitor, but has never had an insurer appointment or has had all the same terminated, or has never filed a statement of employment or has had the same terminated, has the right upon request to be issued a certificate stating an insurance agent's license, or an insurance solicitor's license, as the case may be, will be issued upon the filing of such an appointment or such a statement. Such right must be renewed in the same manner and subject to the payment of the same fees as the license to which it relates. In all events the right to receive an actual license must be exercised at least 90 days before the end of the license term of the certificate's second renewal.

The provisions of this section shall not permit such person to take an examination for a license as an insurance agent or

solicitor unless at the time of the administration thereof he is in compliance with Section 1706 or 1657 as the case may be.

A solicitor who files a statement of employment for a new employer within 30 days after termination of his prior employment need not request such a certificate and will be issued without fee a license naming the new employer for a term ending on the same date as that stated in the former license.

CHAPTER 125

An act to add Section 5513 to, the Fish and Game Code, relating to the use of gaffs

[Approved by Governor April 12, 1961 Filed with Secretary of State April 13, 1961]

In effect September 15, 1961

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

SECTION 1. Section 5513 is added to the Fish and Game Code, to read:

5513. A gaff not exceeding three (3) feet in overall length may be used as an accessory while angling from a boat in the Sacramento River, exclusive of tributaries, in any district or part of a district in Tehama County. This section shall remain in effect until October 1, 1963.

In effect until October 1, 1963

CHAPTER 126

An act to amend Section 19663 of the Education Code, relating to state school building aid.

[Approved by Governor April 12, 1961. Filed with Secretary of State April 13, 1961]

In effect September 15, 1961

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

SECTION 1. Section 19663 of the Education Code is amended to read:

19663. Notwithstanding any change in the boundaries of a state-aided district or the annexation to, or the inclusion in, another district of a state-aided district, the state-aided district as it existed immediately prior to the effective date of such action shall be continued in existence for the determination of the assessed valuation of the property therein and for the purposes of the computations provided by Sections 19601, 19602, 19603, 19604, and 19615; and all the computations required to be made pursuant to said sections shall be made exactly as if there had been no such change of boundaries, annexation, or inclusion, except as otherwise provided in Sections 19664 and 19665; provided, however, that if a state-aided district shall be included entirely in another school district

which subsequently becomes state aided, then the unpaid balances of the apportionments made to the original district shall be added to the balances of the apportionments made to the newly aided district. In such cases, no further computations as aforesaid, or repayments, shall be made with respect to the original district, but such computations and repayments shall thenceforth be based solely upon the territory and assessed valuation of such newly aided district, in the manner provided by Sections 19601, 19602, 19603, 19604, and 19615.

CHAPTER 127

An act to add Section 619 to the Revenue and Taxation Code, relating to the assessment of real property.

In effect September 15, 1961

[Approved by Governor April 13, 1961. Filed with Secretary of State April 14, 1961.]

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

SECTION 1. Section 619 is added to the Revenue and Taxation Code, to read:

619. With the approval of the board of supervisors, the assessor shall, prior to completion of the local roll, either;

(a) Inform the assessees of real property on the local secured roll of the amounts at which their respective properties will be assessed on the next assessment roll; or

(b) Inform each assessee of real property on such roll of the amount of any increase in the assessed value of such real property if the increase exceeds 10 percent of its assessed value on the roll for the year immediately preceding or, if not listed on that roll, over the assessed value on the roll on which the property last appeared.

The information given by the assessor to the assessee pursuant to subdivisions (a) or (b) shall include a notification of hearings by the county board of equalization, which shall include the period during which assessment protests will be accepted and the place where they may be filed.

This information may be furnished by the assessor to the assessee by regular United States mail directed to him at his latest address known to the assessor, or by any other means which, in the opinion of the assessor, is reasonably likely to inform the assessee.

Neither the failure of the assessee to receive this information nor the failure of the assessor to so inform the assessee shall in any way affect the validity of any assessment or the validity of any taxes levied pursuant thereto.

CHAPTER 128

An act to add Section 12405.5 to the Business and Professions Code, relating to weights and measures.

[Approved by Governor April 13, 1961 Filed with Secretary of State April 14, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 12405 5 is added to the Business and Professions Code, to read:

12405.5. In sales of liquefied petroleum gas and other gases which liquefy under pressure or at low temperatures, whenever the amount offered for sale is determined through an approved temperature compensating meter, or is determined on a temperature corrected basis by the calibrated container method, which container has been calibrated and sealed by a weights and measures official of the State, the seller shall give to the purchaser full volume at the rate of 231 cubic inches to the gallon at 60 degrees Fahrenheit.

CHAPTER 129

An act to add Section 906 5 to the Education Code, relating to legal counsel for school districts.

[Approved by Governor April 14, 1961 Filed with Secretary of State April 14, 1961]

In effect September 15, 1961

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

SECTION 1. Section 906.5 is added to the Education Code, to read:

906.5. The governing board of any school district may contract for the services of an attorney in private practice to prepare and conduct school district litigation, or to assist it in the preparation and conduct of school district litigation, and compensation of such attorney pursuant to contract shall be a proper use of school district funds.

CHAPTER 130

An act to amend Section 1410 of the Water Code, relating to revocation of permits to appropriate water.

[Approved by Governor April 14, 1961 Filed with Secretary of State April 17, 1961]

In effect September 15, 1961

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

SECTION 1. Section 1410 of the Water Code is amended to read:

1410 If the work is not commenced, prosecuted, and completed, or the water applied to beneficial use as contemplated in the permit and in accordance with this division and the rules and regulations of the board, the board shall, after notice in writing and mailed in a sealed, postage prepaid and registered letter addressed to the permittee at his last-known address, and after a hearing, revoke the permit and declare the water subject to further appropriation.

CHAPTER 131

An act to add Sections 1354 and 1355 to the Water Code, relating to payment of costs of taking testimony at hearings before the State Water Rights Board.

In effect September 15, 1961

[Approved by Governor April 14, 1961 Filed with Secretary of State April 17, 1961]

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

SECTION 1. Section 1354 is added to the Water Code, to read:

Reporter's charges

1354. The reporter's charges for taking testimony at a hearing shall be borne by the parties thereto as follows: Each party shall pay for the direct examination of his own witness and the cross-examination of opponents' witnesses, and the parties shall share equally for that part of the examination directed by the representative of the board.

SEC. 2. Section 1355 is added to said code, to read:

Transcript copy

1355. One copy of the transcript of testimony taken at the hearing shall be furnished to the board at the cost of the parties.

CHAPTER 132

An act to amend Section 2015 of the Water Code, relating to the court reference procedure.

In effect September 15, 1961

[Approved by Governor April 14, 1961. Filed with Secretary of State April 17, 1961.]

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

SECTION 1. Section 2015 of the Water Code is amended to read:

2015. Within 30 days after the date of the mailing of the draft, or within such further time as the court may for good cause allow, any party may file objections to it with the board.

CHAPTER 133

An act to amend Sections 376, 2571, and 2572 of, and to add Sections 7933.1 and 8136.5 to, the Elections Code, and to amend Sections 458, 6460, and 6461 of, and to add Sections 18413.5 and 18756.5 to, the Elections Code as proposed by Assembly Bill No. 8, relating to the compilation and publication of election data.

[Approved by Governor April 14, 1961 Filed with Secretary of State April 17, 1961]

In effect September 15, 1961

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

SECTION 1. Section 376 of the Elections Code is amended to read:

376. The county clerk or registrar of voters, immediately following the cancellation of affidavits of registration pursuant to Section 295, shall compile a current list showing the number of voters, by party affiliations, in each assembly, senatorial, and congressional district located in whole or in part within the county and in each supervisorial district and city located within the county. The list shall be made available, upon request, to any elector residing within the county.

Current list of voters

A copy of the list shall also be sent, within 10 days after its compilation, to the Secretary of State. The Secretary of State, on the basis of the lists transmitted to him by the county clerks, shall compile a statewide list showing the number of voters, by party affiliations, in the State and in each city, assembly district, senatorial district, congressional district, and supervisorial district in the State. A copy of this list shall be made available, upon request, to any elector of this State.

Statewide list

SEC. 2. Section 2571 of said code is amended to read:

2571. A statement of the number of voters in his county at the close of registration on the 19th day prior thereto shall be transmitted to the Secretary of State by each county clerk at the following times:

Statement of number of voters

(a) On the 135th day before each presidential primary and before each direct primary.

(b) On the 35th day before each statewide election.

The statement shall show the total number of voters in the county, the number registered as affiliated with each political party and the number who declined to state a party affiliation.

The statement shall also show the number of voters, by party affiliations, in each city, assembly district, senatorial district, supervisorial district, and congressional district located in whole or in part within the county.

The Secretary of State, on the basis of the statements transmitted to him by the county clerks, and within 30 days after receiving such statements, shall compile a statewide list showing the number of voters, by party affiliations, in the State and in each county, city, assembly district, senatorial district, con-

gressional district, and supervisorial district in the State. A copy of this list shall be made available, upon request, to any elector of this State.

SEC. 3. Section 2572 of said code is amended to read:

Form

2572. Statements of the number of voters transmitted by the county clerks to the Secretary of State shall be in substantially the following form:

STATEMENT OF REGISTRATION

To the Secretary of State
Sacramento, California

I, _____, County Clerk (registrar of voters) of the County of _____, do hereby certify that the number of voters, in this county on the _____ day of _____, 19___, under the political affiliations hereinafter stated, is as follows:

(Name)	(Number)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

That the number of electors registered in this county on that date who declined to declare a party affiliation was _____ _____

That the total number of electors registered in this county on that date was _____ _____

That the number of voters in each city in the county on that date, under the political affiliations hereinafter stated, is as follows:

(_____ Party)

(Name of city)	(Number)
_____	_____
_____	_____
_____	_____

(_____ Party)

(Name of city)	(Number)
_____	_____
_____	_____
_____	_____

That the number of voters in each assembly district in the county on that date, under the political affiliations hereinafter stated, is as follows:

(_____ Party)

(District)	(Number)
_____	_____
_____	_____
_____	_____

(_____ Party)

(District)	(Number)
_____	_____
_____	_____
_____	_____

That the number of voters in each senatorial district in the county on that date, under the political affiliations hereinafter stated, is as follows:

(_____ Party)

(District)	(Number)
_____	_____
_____	_____
_____	_____

(_____ Party)

(District)	(Number)
_____	_____
_____	_____
_____	_____

That the number of voters in each congressional district in the county on that date, under the political affiliations hereinafter stated, is as follows:

(_____Party)

(District)	(Number)
_____	_____
_____	_____
_____	_____

(_____Party)

(District)	(Number)
_____	_____
_____	_____
_____	_____

That the number of voters in each supervisorial district in the county on that date, under the political affiliations hereinafter stated, is as follows:

(_____Party)

(District)	(Number)
_____	_____
_____	_____
_____	_____

(District)	(_____Party) (Number)
_____	_____
_____	_____
_____	_____

Dated this _____ day of _____, 19___.

(SEAL) _____

County clerk

By_____

Deputy

SEC. 4. Section 7933.1 is added to said code, to read:

Number of votes cast in each city, assembly district, etc

7933.1. This statement shall also show the number of votes cast in each city, assembly district, congressional district, senatorial district and supervisorial district located in whole or in part in the county for each candidate for the offices of presidential elector, Governor, and United States Senator, depending on the offices to be filled, and on each statewide ballot proposition of major interest as determined by the Secretary of State. The Secretary of State shall notify the county clerks of his determination regarding ballot propositions not less than 25 days before the election.

SEC. 5. Section 8136.5 is added to said code, to read:

Supplement to the statement of vote

8136.5. Following the filing of the statement of vote pursuant to Section 8136, the Secretary of State, upon the basis of the information provided to him under Section 7933.1, shall compile a supplement to the statement of vote, showing the number of votes cast in each county, city, assembly district, senatorial district, congressional district and supervisorial district for each candidate for the offices of presidential elector, Governor, and United States Senator, depending on the offices to be filled, and on each statewide ballot proposition of major interest. A copy of this supplement shall be made available, upon request, to any elector of this state.

NOTE: The sections of the Elections Code affected by this chapter appear in their proper places in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code

Effect· Stats. 1961, Ch 23

SEC. 11. Sections 6 through 10 of this act shall become operative only if the Elections Code as proposed by Assembly Bill No. 8 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 8 takes effect; at which time the provisions of the Elections Code as added or amended by Sections 1 through 5 of this act are repeal.

CHAPTER 134

An act to validate certain contracts entered into by counties, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 14, 1961. Filed with Secretary of State April 17, 1961] In effect immediately

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

SECTION 1. Any contract entered into by a county after July 1, 1959, and before the passage of this act, under the circumstances set forth in Section 2 hereof, where the entire cost of the contract to the county did not exceed fourteen thousand dollars ($14,000), is hereby approved, confirmed, and validated to all intents and purposes, and all payments made and obligations to pay contractors, materialmen, or laborers in connection with and as a part of such contract are hereby ratified, approved, confirmed and declared to be legal and binding. Contracts of county

SEC. 2. This act applies to those situations in which all of the following circumstances are present: (a) where the county road commissioner asked for, and received from suppliers, at least three price quotations for lumber and materials to be used for county highway purposes; (b) where such lumber and materials were thereafter delivered to county officers or employees by one of the suppliers furnishing such quotations; and (c) where the board of supervisors finds that such materials and supplies were furnished at a reasonable price and were actually used for county highway purposes by county officers and employees. Circumstances to which applicable

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

There have been technical failures on the part of certain county road commissioners to follow statutory requirements in contracting for lumber and materials which have been delivered to counties and actually used for county highway purposes. As a result of these technical failures, the suppliers of the lumber and materials, who dealt with the county road commissioners in good faith, have been unable to secure payment from the counties for the lumber and materials. This has imposed a serious hardship upon the suppliers of the lumber and materials. It is in the public interest, for the preservation of the public peace, health, and safety, to honor obligations entered into in good faith despite technical defects in procedure. Therefore, in order that the contracts entered into by the county road commissioners may be honored by the counties without delay and the suppliers relieved of the serious hardship now imposed upon them, it is necessary that this act take effect immediately.

CHAPTER 135

An act to validate acts of road commissioners.

In effect September 15, 1961

[Approved by Governor April 14, 1961. Filed with Secretary of State April 17, 1961.]

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

SECTION 1. All acts of any county road commissioner in securing at a cost of not in excess of two thousand two hundred dollars ($2,200), the installation of electrical work for an addition to a county building constructed between August 1, 1959, and May 1, 1960, where the general contract did not include provision for the installation of such electrical work, are hereby confirmed, validated and declared sufficient to create a legal obligation of the county to pay such amount as may have been agreed upon between the road commissioner and the person installing the electrical work, and approved by the board of supervisors, notwithstanding any other provision of law prescribing requirements applicable to contracts for the construction or improvement of county buildings.

The provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts heretofore taken as the Legislature could have supplied or provided before the acts were taken.

CHAPTER 136

An act to amend Section 1044 of the Education Code, relating to school districts.

In effect September 15, 1961

[Approved by Governor April 14, 1961. Filed with Secretary of State April 17, 1961.]

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

SECTION 1. Section 1044 of the Education Code is amended to read:

1044. The governing board of any school district shall insure against the liability (other than a liability which may be insured against under the provisions of Divisions 4 and 5 of the Labor Code) of the district and against the personal liability of the members of the board and of the officers and employees of the district, for damages to property or damage by reason of the death of, or injury to, any person or persons, as the result of any negligent act by the district, or by a member of the board, or any officer or employee when acting within the scope of his office or employment, and may also insure against the personal liability of the members of the board or any officer or employee of the district as an individual, for any act or omission performed in the line of official duty. The

insurance may be written in any insurance company authorized to transact the business of insurance in the State, or in a nonadmitted insurer to the extent and subject to the conditions prescribed by Section 1763 of the Insurance Code.

CHAPTER 137

An act to amend Section 5707 of the Elections Code, and Section 14409 of the Elections Code as proposed by Assembly Bill No. 8, relating to instructions to voters.

[Approved by Governor April 14, 1961. Filed with Secretary of State April 17, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5707 of the Elections Code is amended to read:

5707. In order to prevent voters from marking their ballots with a pencil, except for write-in votes, or otherwise contrary to law, whenever an election officer delivers a ballot to any voter he shall then orally and distinctly state to him, so that he may be heard by the bystanders, that he shall mark the ballot with the stamp provided by law or the ballot will not be counted except that he may write in his choice of candidate for any office he desires.

Marking ballots

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9602 of the Government Code.

SEC. 3. Section 2 of this act shall become operative only if the Elections Code as proposed by Assembly Bill No. 8 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 8 takes effect; at which time Section 5707 of the Elections Code as amended by Section 1 of this act is repealed.

Effect Stats 1961, Ch 23

CHAPTER 138

An act to amend Sections 16051 and 16068 of the Education Code, relating to sale or lease of school district property.

[Approved by Governor April 14, 1961 Filed with Secretary of State April 17, 1961]

In effect September 15, 1961

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

SECTION 1. Section 16051 of the Education Code is amended to read:

16051. The governing board of any school district may sell any real property belonging to the school district or may lease for a term not exceeding 99 years, any real property,

Lease or sale of property

together with any personal property located thereon, belonging to the school district which is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession. The sale or lease may be made without first taking a vote of the electors of the district, and shall be made in the manner provided by this article (commencing at Section 16051).

SEC. 2. Section 16068 of said code is amended to read:

16068. The governing board of any school district may, without complying with any other provision of this article (commencing at Section 16051), let in the name of the district any buildings, grounds, or space therein, together with any personal property located thereon, not needed for school classroom buildings upon such terms and conditions as may be agreed upon by the governing board of the district and the lessee thereof for a period not exceeding five separate or consecutive calendar days or portions thereof in each fiscal year.

CHAPTER 139

An act to amend Section 215 of the Labor Code, relating to employee paydays.

In effect September 15, 1961

[Approved by Governor April 14, 1961. Filed with Secretary of State April 17, 1961.]

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

SECTION 1. Section 215 of the Labor Code is amended to read:

215. Any person, or the agent, manager, superintendent or officer thereof, who violates any provision of Sections 204, 204b, 205, 207, 208, 209, or 212 is guilty of a misdemeanor. Any failure to keep posted any notice required by Section 207 is prima facie evidence of a violation of such sections

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CHAPTER 140

An act to amend Section 21383 of the Government Code, relating to the State Employees' Retirement System.

In effect September 15, 1961

[Approved by Governor April 14, 1961. Filed with Secretary of State April 17, 1961.]

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

SECTION 1. Section 21383 of the Government Code is amended to read:

21383. When the survivor is entitled to receive a monthly allowance under Section 21365.5 or as a special death benefit provided by Article 5 (commencing with Section 21360) of

this chapter and at the same time is entitled to receive a survivor allowance, the survivor allowance payable in any month shall be reduced by the amount of such other allowance or benefit.

SEC. 2. This act shall become operative on October 1, 1961. Operative date

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CHAPTER 141

An act to amend Section 394 of the Agricultural Code, relating to estray animals.

[Approved by Governor April 14, 1961. Filed with Secretary of State April 17, 1961.] In effect September 15, 1961

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

SECTION 1. Section 394 of the Agricultural Code is amended to read:

394. If the owner is not found, and the estimated value of the animal exceeds forty dollars ($40), the director shall cause a notice to remain posted for a period of three weeks on a bulletin board in each office of the Bureau of Livestock Identification. In addition to posting said notice, the director shall cause the notice to be published once each week for three successive weeks in a local paper in the vicinity in which the animal is known to have originated, or if such origin is not known, then in the locality in which the animal was found.

If the estimated value of the animal is less than forty dollars ($40) and notice has been posted for five days on a bulletin board in each office of the Bureau of Livestock Identification, the director may cause the sale of the animal at a public sale and hold the proceeds as provided in Section 399.

The notice shall describe the weight, sex, breed, color, marks and brands, if any, and shall state the time and place of the proposed sale of the animal.

CHAPTER 142

An act to amend Sections 10203.4, 10204, and 10270.5 of the Insurance Code, relating to group insurance.

[Approved by Governor April 14, 1961 Filed with Secretary of State April 17, 1961.] In effect September 15, 1961

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

SECTION 1. Section 10203.4 of the Insurance Code is amended to read:

10203.4. Insurance under any group life insurance policy issued pursuant to Sections 10202, 10202.7, 10202.8, 10203 and 10203.7 may, if 75 percent of the insured employees elect, Insurance of dependent

be extended to insure the dependents, or any class or classes thereof, of each insured employee who so elects, in amounts in accordance with some plan which precludes individual selection and which shall not be in excess of 50 percent of the insurance on the life of such insured employee or one thousand dollars ($1,000), whichever is less; provided, however, in the case of a dependent whose age at death is under six months, the amount shall not be in excess of one hundred dollars ($100).

A dependent shall be the spouse or a child under 21 years of age of the insured employee. The premiums for the insurance on such dependents may be paid by the employer or by the employee or by the employer and the employee jointly.

SEC. 2. Section 10204 of said code is amended to read:

Definitions

10204. For the purpose of this chapter, the term "employer" includes the association or union designated by Section 10203, and the institution, vendor, credit union, or creditor designated by Sections 10203.5 and 10203.6, and the principal designated by Section 10203.7, and the trustees designated by Section 10202.8, and the term "employee" includes the members of such union, credit union or association and the debtors of or purchasers from such institution, credit union, vendor or creditor, the agents referred to in Section 10203.7, and the employees and members referred to in Section 10202.8.

SEC. 3. Section 10270.5 of said code is amended to read:

Group disability insurance

10270.5. Group disability insurance is that form of disability insurance which conforms to all of the following conditions:

(a) Written under a master policy,

(1) Issued either to the federal or state government, or to any federal or state agency, political subdivision or district, or to any public, governmental, or municipal corporation, or to any unit, agency or department thereof, or to any corporation, copartnership or individual employer, or to the trustee of any association of employers, offering insurance to all the employees of any such employer or of the employer members of such association or to all of any class or classes thereof determined by conditions pertaining to employment and covering not less than 10 such employees or such employees together with their dependents or spouses for amounts of insurance based upon some plan which will preclude individual selection by the employee as to the amount of his insurance coverage thereunder; or

(2) Issued to a principal eligible to have issued to him a policy of group life insurance under the provisions of Section 10203.7 and insuring not less than 10 agents as defined in that section and eligible thereunder to be insured, or such agents together with their dependents or spouses; or

(3) Issued to any association having a constitution and bylaws and formed in good faith for purposes other than that of obtaining insurance, offering insurance to all the eligible members of such association and covering not less than 10 such

members or such members together with their dependents or spouses and not less than 50 percent of all eligible members for amounts of insurance based upon some plan which will preclude individual selection by the member as to the amount of his insurance coverage thereunder. If the master policy is to be issued to cover members of labor unions, it may be issued to more than one such union; or

(4) Issued to any trustees eligible to have issued to them a policy of group life insurance under the provisions of Section 10202.8 and insuring not less than 10 employees or members eligible thereunder to be insured or such employees or members together with their dependents or spouses; or

(5) Issued to a school district or districts or to the governing board of any school district or districts or to a private or parochial school or schools or to the governing board or person in charge of the operation of any private or parochial school or schools, insuring not less than 50 pupils of the school or district and providing benefits to pupils or persons responsible for their support for hospital, medical and surgical expenses resulting from accident to such pupils while they are in or on buildings or premises of the schools or districts during the time such pupils are required to be therein or thereon by reason of their attendance upon a college or a regular day school or any regular day school of a school district or districts or while being transported by the school or schools or district or districts to and from school or other place of instruction or while at any other place as an incident to school-sponsored activities and while being transported to, from and between such places; and under which

(b) Transmission or collection of all premiums or premium contributions shall be performed by the policyholder, except where the policy specifies the persons other than the policyholder by whom such transmission or collection shall be made, and in one of the following situations:

(1) If such policy covers the employees of more than one employer, the insurer may collect premium contributions from individual employers whose employees are insured or may assist the policyholder in making such collections. If the employees of more than 100 such employers are covered under such policy, it shall state as a separate part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(2) If the policy covers a group of governmental employees and the governmental unit paying such employees will not transmit their premium contribution after payroll deduction, the insurer may collect from the individual employees. If more than 100 such employees are covered under such policy, it shall state as a separate part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(3) If individual members of the group make payment of their share of the premium contribution to the insurer without

billing or solicitation by the insurer during a period of temporary absence from active work of not exceeding 90 days, such payment may be received without the necessity of any separately stated charge by the insurer.

(4) If the policy covers the members of an association, the insurer may collect premium contributions from individual members or may assist the policyholder in making such collections. If more than 100 such members are covered under such policy, it shall state as a part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(c) There is issued and delivered in accordance with the policy provision required by subsection (b) of Section 10270.6 an individual certificate setting forth the benefits and the exceptions under, and referring to, the master policy under which the certificate is issued.

Such certificates are not subject to the provisions of this chapter relating to the master policy, but the forms thereof shall be submitted to the commissioner for his approval and shall not be issued without such approval of such forms in the manner provided in the case of the master policy.

CHAPTER 143

An act to amend Section 10202.5 of the Insurance Code, relating to group insurance.

In effect September 15, 1961

[Approved by Governor April 14, 1961. Filed with Secretary of State April 17, 1961.]

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

SECTION 1. Section 10202.5 of the Insurance Code is amended to read:

"Employees"

10202.5. (a) The term "employees" as used in Section 10202 may include the officers, managers and employees of subsidiary or affiliated corporations, and the individual proprietors, partners and employees of affiliated individuals and firms, when the business of such subsidiary or affiliated corporations, firms or individuals is controlled by the policyholder through stock ownership, contract or otherwise, or when the policyholder is controlled by affiliated corporations, firms or individuals through stock ownership, contract or otherwise. The term "employees" as used in Section 10202 may also include the individual proprietors or partners who constitute the policyholder, but limited to such individual proprietors and partners who are actively engaged in the business the employees of which are covered by the group insurance.

(b) Nothing contained herein shall permit any person other than an officer, manager, or employee for compensation of the policyholder or of one or more of the individuals, firms, or corporations or of the individual proprietors or partners specified in subdivision (a) to become insured under a group policy.

CHAPTER 144

An act to add Section 19590.5 to the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 14, 1961. Filed with Secretary of State April 17, 1961.] In effect immediately

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

SECTION 1. Section 19590.5 is added to the Education Code, to read:

19590.5. Notwithstanding the provisions of Section 19590, a final apportionment may be made to a school district which did not, on the date a conditional apportionment was made, have outstanding bonds of the district exceeding ninety-five percent (95%) of the maximum amount of bonds which it could have outstanding under any law, if all of the following conditions exist:

(a) The amount of outstanding bonds of the district on the date the conditional apportionment was made falls short of 95 percent of the maximum amount of bonds it could have had outstanding under any law, by one hundred dollars ($100) or less;

(b) The deficiency in outstanding bonded indebtedness described in subdivision (a) arose because of the retirement of outstanding bonded indebtedness; and

(c) The retirement of outstanding bonded indebtedness occurred within fifteen (15) days prior to the date of the conditional apportionment.

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

A school district which has applied for a conditional apportionment and which meets the requirements of law that it be bonded to 95 percent of capacity, may, in connection with operations involving retirement of bonds shortly before the date of a conditional apportionment, inadvertently cause the outstanding bonded indebtedness to fall to less than the required amount, but with the deficiency amounting only to a very nominal sum. At least one school district in the State finds itself in this unfortunate predicament at a time when it is in dire need of funds for school building construction and is otherwise eligible therefor in all respects. In order that school districts in this situation may receive the loans to which they are otherwise entitled without further delay, it is necessary that this act take effect immediately.

CHAPTER 145

An act to amend Section 1856 of, to amend and renumber Section 1857 of, and to add Sections 1857, 1858, and 1859 to, and to add Article 3 (commencing with Section 2031) to Chapter 3 of Division 5 of, the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 17, 1961. Filed with Secretary of State April 17, 1961.]

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

SECTION 1. Section 1856 of the Education Code is amended to read:

Allocation of funds, properties, etc

1856. Whenever a district is annexed to another district, pursuant to this article (commencing at Section 1851), all funds, property, and obligations of the districts shall become funds, property, and obligations of the enlarged district. The bonded indebtedness of any district incurred prior to an annexation action, pursuant to this article (commencing at Section 1851), shall remain the sole obligation of the territory of the district as it existed prior to the annexation, unless the terms agreed upon by the governing boards of the school districts include the assumption by the district to be annexed of its pro rata portion of the bonded indebtedness existing against the annexing school district. In the latter event, the board of supervisors shall call an election in the district proposing to assume the indebtedness, for the purpose of determining whether the indebtedness shall be authorized and assumed. The election shall be held separately but simultaneously with the annexation election.

SEC. 2. Section 1857 of said code is amended and renumbered to read:

Cessation of existence

1860. Upon the effective date of the annexation of the district, for all purposes, to another district the governing board of the district annexed ceases to exist.

SEC. 3. Section 1857 is added to said code, to read:

Election

1857. The election for the assumption by the district to be annexed of its pro rata portion of any bonded indebtedness existing against the annexing school district shall be held in the same manner as are school district bond elections, except that the returns shall be made to the board of supervisors.

SEC. 4. Section 1858 is added to said code, to read:

Two-thirds majority vote

1858. Notwithstanding any provisions of this article to the contrary, unless it appears from the returns of the election held pursuant to Section 1857 that two-thirds of the votes cast at such election are in favor of the assumption by the district seeking to be annexed of its pro rata portion of the bonds, the district shall not be annexed to the annexing school district.

SEC. 5. Section 1859 is added to said code, to read:

1859. If the bonded indebtedness is assumed by the annexed district, all levies of taxes made for the payment of the bonds and interest thereon, shall be upon the property of the annexed district at the same rate as levied upon the property of the original annexing school district. Property tax levy

SEC. 6. Article 3 (commencing with Section 2031) is added to Chapter 3 of Division 5 of said code, to read:

Article 3. Provision Relating to Annexation of Elementary Districts

2031. If, when an elementary district of any kind is annexed to another elementary district of any kind pursuant to this chapter, the terms of the agreement to the annexation include the assumption by the district to be annexed of its pro rata portion of the bonded indebtedness existing against the annexing district, an election shall be held in the district proposing to assume the indebtedness on the question of such assumption. The election shall be combined with the election on the question of annexation and shall be ordered, called and conducted pursuant to Section 1624. Assumption of bonded indebtedness

2032. Unless it appears from the returns of the election that two-thirds of the votes cast at the election on the question of assumption of indebtedness are in favor thereof, the petitioning district shall not be annexed. Two-thirds majority vote

2033. If the bonded indebtedness is assumed by the annexed district, all levies of taxes made for the payment of bonds and interest thereon shall be upon the property of the annexed district at the same rate as levied upon the property of the original annexing district.

SEC 7. Section 6 of this act shall become operative only if Assembly Bill No 463 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No 463; at which time Sections 1856, 1857, 1858 and 1859 of the Education Code, as added or amended by Sections 1 to 5, inclusive, of this act, are repealed. Effect Assembly Bill No. 463

SEC. 8. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

The law provides that whenever districts propose to join each other by annexation they may agree to condition the annexation upon an assumption of bonds There is no way by which the issue may be decided at the time an annexation election is held. In consequence there is great reluctance to initiate some desirable district reorganizations. At least one annexation proposal is being held in abeyance until this matter is clarified.

CHAPTER 146

An act to repeal Section 12 of Chapter 1971 of the Statutes of 1957, and to amend Sections 452, 453, 455 and 456 of the Fish and Game Code, relating to decr.

In effect September 15, 1961

[Approved by Governor April 14, 1961. Filed with Secretary of State April 18, 1961.]

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

Repeal

SECTION 1. Section 12 of Chapter 1971 of the Statutes of 1957 is repealed.

SEC. 2. Section 452 of the Fish and Game Code is amended to read:

Department's recommendations to commission

452. Prior to the April meeting of the commission, as required in Section 207 of this code, the department shall recommend to the commission whether any antlerless hunts should be ordered. The department shall inform the commission of the condition of each management area or unit. Upon receipt of the recommendations and information required in this section, the commission shall make such material known to the public. The recommendations of the department shall include the number, if any, of antlerless deer that should be taken on areas or units, whether the permits should be either-sex permits, the proposed dates for each such taking, the number of permits proposed for each area or unit, the fee, if any, for such permits and the manner in which such permits would be issued.

SEC. 3. Section 453 of said code is amended to read:

Proposed orders

453 At its April meeting required by statute the commission shall announce the full contents of its proposed orders for the taking of antlerless deer and fix the times and places

Hearings

at which hearings on the proposed orders shall be held. The time shall not be less than 21 days from the day of the meeting and the place shall be the county seat of each of the counties affected. Notice of the hearing shall be published at least once, and at least 10 days prior to the hearing, in a newspaper of general circulation in each county affected, or if no such newspaper is published in the county, then in such newspaper in an adjoining county. The hearings shall be conducted by either (a) the commission, (b) a member of the commission designated by it, or (c) the director or other employee of the department if specially directed so to do by the commission.

SEC. 4. Section 455 of said code is amended to read:

Objections

455. Not later than 15 days after the holding of such hearing, the board of supervisors may, by resolution adopted, object to the proposed order of the commission or may, by resolution adopted, determine that the proposed order should be modified, setting forth the necessary modifications.

Applicability

This section applies throughout the State until October 1, 1961. Thereafter, this section applies only to the boards of supervisors of, and to those districts or parts of districts in, Siskiyou, Modoc, Trinity, Shasta, Lassen, Plumas, Sierra, Al-

pine, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Imperial, Inyo, Lake, Madera, Mariposa, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Orange, Placer, Riverside, San Luis Obispo, Santa Barbara, Santa Clara, Tehama, Tuolumne, Yolo, and Yuba Counties.

SEC. 5. Section 456 of said code is amended to read:

456. (a) The commission shall meet on the last Friday in June to make such orders under this article as it may find necessary.

Limitations

(b) The commission at its June meeting shall not authorize the taking of deer under this article in a county if it has received from the board of supervisors of that county a resolution objecting to such taking. In the event a board of supervisors of a county has submitted a resolution determining that the commission's proposed orders should be modified for that county, the commission shall either so modify its orders or shall not authorize the taking of deer under this article in such county.

The limitations on the authority of the commision by the board of supervisors of a county authorized by the subdivision (b) of this section apply throughout the State until October 1, 1961, and thereafter they apply only to the boards of supervisors of, and to those districts or parts of districts in, Siskiyou, Modoc, Trinity, Shasta, Lassen, Plumas, Sierra, Alpine, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Imperial, Inyo, Lake, Madera, Mariposa, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Orange, Placer, Riverside, San Luis Obispo, Santa Barbara, Santa Clara, Tehama, Tuolumne, Yolo, and Yuba Counties.

CHAPTER 147

An act to add Section 3131 to the Business and Professions Code, relating to the practice of optometry.

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 3131 is added to the Business and Professions Code, to read:

3131. In addition to other proceedings provided for in this chapter, whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, an offense against this chapter, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of the board, the Attorney General, or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2

of the Code of Civil Procedure, except that no undertaking shall be required in any action commenced hereunder.

CHAPTER 148

An act to add Article 11 (commencing with Section 16470) to Chapter 2 of Division 12 of the Education Code, relating to stock in mutual water companies owned by school districts.

In effect September 15, 1961

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.]

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

SECTION 1. Article 11 (commencing with Section 16470) is added to Chapter 2 of Division 12 of the Education Code, to read:

Article 11. Temporary Transfer of Mutual Water Company Stock

Rental, lease or assignment of shares

16470. The governing body of any school district owning shares of stock in a mutual water company, which stock is not appurtenant to any land, may rent, lease, or assign such shares, for a term not to exceed one year, if the board determines the water to which the district is entitled by ownership of such shares is not required to meet the needs of the district during the term for which it is rented, leased or assigned.

16471. The rental, lease, or assignment of the shares of stock shall be made upon such consideration, and such terms and conditions, as may be fixed by action of the board.

Notice

16472. No rental, lease, or assignment of shares of stock shall be made until notice has been given by posting in at least three public places in the district for not less than two weeks, or by publication for a period of not less than two weeks in a newspaper published in the district and having a general circulation there; or if there is no such newspaper, then in a newspaper having a general circulation in the district; or if there is no such newspaper, then in a newspaper having a general circulation in a county in which the district or any part thereof is situated.

CHAPTER 149

An act to add Section 6359.3 to the Revenue and Taxation Code, relating to sales and use taxes.

In effect September 15, 1961

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.]

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

SECTION 1. Section 6359.3 is added to the Revenue and Taxation Code, to read:

6359.3. Any nonprofit organization whose primary purpose is to promote good citizenship in boys or girls by creating in them a spirit of civic duty and usefulness to others, and by stimulating their interest in wholesome, mental, moral, industrial and physical activities, is a consumer of, and shall not be considered a retailer within the provisions of this part with respect to, candy or other confectionery which it sells, where the profits are used solely and exclusively in furtherance of such purpose. Such an organization includes, but is not limited to, the Boy Scouts, the Cub Scouts, the Girl Scouts and the Camp Fire Girls.

CHAPTER 150

An act to amend Section 800 of the Insurance Code, relating to restrictions on underwriting by insurers.

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.] In effect September 15, 1961

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

SECTION 1. Section 800 of the Insurance Code is amended to read:

800. This article shall not apply to:

(a) Insurers made exempt therefrom by other provisions of this code.

(b) Insurance upon the interests of common carriers engaged in interstate trade, or upon property in their custody.

(c) Insurance contracts executed without this State, but which during the term thereof temporarily cover subject matter within this State.

(d) Bid bonds issued by any admitted insurer in connection with any public or private contract.

The requirements of Section 904 do not apply to insurers or insurance exempted from the provisions of this article.

CHAPTER 151

An act to add Section 2207.1 to the Public Resources Code, relating to reports of mineral consumption.

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.] In effect September 15, 1961

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

SECTION 1. Section 2207.1 is added to the Public Resources Code, to read:

2207.1. A manufacturer or processor, at his option, may upon request report to the State Mineralogist data on con-

sumption or utilization of mineral materials. Such reports shall be confidential. Publications issued as commodity or marketing studies under the provisions of Section 2205 of this code may contain figures from such reports, provided that these figures are presented so as not to disclose the consumption or utilization of minerals by any user.

CHAPTER 152

An act to add Section 6008 to the Public Resources Code, and to add Section 6511 to the Fish and Game Code, relating to state lands in Humboldt Bay

In effect September 15, 1961

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.]

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

SECTION 1. Section 6008 is added to the Public Resources Code, to read:

Restrictions on conveyancing

6008. In order to protect the public's access to, and use of, all state-owned lands in Humboldt Bay, no right to the use of any state lands, including but not limited to tide and submerged lands, in and adjacent to Humboldt Bay south of the entrance to the bay shall be sold, leased, rented or otherwise conveyed or granted.

This section does not apply to any leases, permits, rentals, easements or other existing rights in such lands existing on October 1, 1961, or extensions or renewals of such rights, if such extensions or renewals are presently provided for in such agreements and such extensions or renewals do not expand or extend the areas presently covered.

SEC. 2. Section 6511 is added to the Fish and Game Code, to read:

Same

6511. In order to protect the public's access to, and use of, all state-owned lands in Humboldt Bay, no right to the use of any state lands, including but not limited to tide and submerged lands, in and adjacent to Humboldt Bay south of the entrance to the bay shall be sold, leased, rented or otherwise conveyed or granted as an oyster allotment or otherwise.

This section does not apply to any leases, permits, rentals, easements or other existing rights in such lands existing on October 1, 1961, or extensions or renewals of such rights, if such extensions or renewals are presently provided for in such agreements and such extensions or renewals do not expand or extend the areas presently covered.

CHAPTER 153

An act to amend Section 8951 of the Education Code, relating to the education of mentally retarded minors.

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 8951 of the Education Code is amended to read:

Special training classes for mentally retarded minors

8951. (a) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 901 in the elementary schools of the district and who come within the provisions of Section 6902. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. The district shall pay to the county school service fund of the county in which the district is located all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors.

Any elementary or unified school district which has an average daily attendance of less than 901 in elementary schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded minors who come within the provisions of Section 6902.

(b) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6902 and contract with an elementary or unified school district with an average daily attendance of 901 or more in the elementary schools of the district, or with a high school district with an average daily attendance of less than 900, subject to such terms and conditions as may be agreed upon. The contract shall be approved by the county board of education and shall require the district to pay to the county school service fund of the county in which the district is located all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors.

Whenever a special training school or class is established under the provisions of this subdivision, the computations prescribed by Sections 17658 and 17663, or Sections 17658.1 and 17663.1, whichever are in effect, shall not apply.

(c) The county superintendent of schools may, with the approval of the county board of education, establish and main-

tain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6903.

Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them.

CHAPTER 154

An act to amend Section 74907 of the Government Code, relating to municipal courts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.]

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

SECTION 1. Section 74907 of the Government Code is amended to read:

74907. The clerk and deputy clerks shall be appointed from the present personnel of the Walnut Creek Judicial District without examination, and upon appointment, shall become members of the county civil service system.

The deputy marshals shall be appointed without examination from the deputy constables of the Walnut Creek Judicial District who held such positions prior to the establishment of the Walnut Creek Municipal Court, and upon appointment such marshals shall become members of the county civil service system.

Urgency

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

This act is necessary to correct an oversight which occurred in the 1960 legislation providing for the officers and attaches of the newly created Walnut Creek Municipal Court. This act will remedy the situation by authorizing the appointment of marshals from the constables of the prior Walnut Creek Judicial District. In order to provide for the appointment of such marshals, whose services are necessary to the administration of justice, it is necessary that this act take effect immediately.

CHAPTER 155

An act to amend Section 35413 of the Vehicle Code, relating to vehicle equipment.

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 35413 of the Vehicle Code is amended to read:

35413. No person shall drive a motor vehicle upon a highway with any tire fastened in front of the vehicle, unless such tire is securely mounted in a tire carrier firmly attached to the vehicle in a manner approved and specified by the California Highway Patrol.

CHAPTER 156

An act to add Section 25305 to the Vehicle Code, relating to the use of fusees.

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 25305 is added to the Vehicle Code, to read:

25305. No fusee, which produces other than red light, shall be placed on the highway to warn of any stalled vehicle or other hazard to traffic.

CHAPTER 157

An act to amend Section 5532 of the Public Resources Code, relating to regional park district elections.

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5532 of the Public Resources Code is amended to read:

5532. Except as otherwise provided in this section, the provisions of Sections 3040 and 3041 of the Elections Code and of Sections 5, 6 and 10 of the Direct Primary Law as the latter existed in 1926 shall substantially govern as to the manner of appointment of verification deputies, the form of nomination papers and the securing of signatures and fasten-

ing together of sections of the nomination paper containing the signatures, the filing of the candidate's affidavit, the payment of filing fees, and all other things necessary to get the name of the candidate upon the ballot.

Verification deputies may obtain signatures to the nomination paper of any candidate at any time not more than 70 days nor less than 45 days prior to the election, and all nomination papers shall be filed with the secretary of the district not more than 65 days nor less than 45 days before the day of election and shall be examined by him.

The election shall be consolidated with the general election as to territory which is the same, and the secretary of the district shall certify the names of all candidates to be placed upon the ballot to the county clerk or county clerks within the territory affected by the consolidation at least 40 days prior to the date of the election.

Upon the filing of a sufficient nomination paper and affidavit by any candidate, the name of the candidate shall go upon the ballot at the ensuing general election. Upon receipt of the returns of the canvass by the respective boards of supervisors, the directors of the district shall meet and determine results of the election and declare the candidate or candidates elected.

The secretary of the district shall issue certificates of election, signed by him and duly authenticated, immediately following the determination of the result of the election by the directors of the district.

The oath of office shall be taken, subscribed, and filed with the secretary of the district within 30 days after the officer has notice of his election or appointment or before the expiration of 15 days before the commencement of his term of office. No other filing is required.

CHAPTER 158

An act to amend Section 4891 of, and to add Sections 4891.1 and 4892.1 to, the Health and Safety Code, relating to sewer maintenance districts.

In effect September 15, 1961

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.]

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

SECTION 1. Section 4891 of the Health and Safety Code is amended to read:

Real property tax

4891. The board may levy a tax each year upon the real property in the district sufficient to defray the cost of maintaining, operating, and repairing the sewers in the district, of maintaining the district, and of meeting such other expenditures as are authorized by this chapter. The amount of taxes to be collected from the levy made upon property located within

the incorporated area of a city may be paid in whole by the city, if the city elects to make such payment as provided in Section 4892.1.

SEC. 2. Section 4891.1 is added to the Health and Safety Code, to read:

Reserve for contingencies

4891.1. The annual tax levy may include a reserve for contingencies not to exceed 10 percent of the total levy. The contingency reserve shall be available for expenditure during the fiscal year for which the levy was made for necessary expenses of the district for which no specific appropriation has been made. The board may provide for the cancellation of the contingency reserve at the end of each fiscal year and for the establishment of such reserve as a specific appropriation or reserve or both or may carry it forward as encumbered surplus and add to it.

SEC. 3. Section 4892.1 is added to said code, to read:

Election to pay out of municipal funds

4892.1. On or before the first day of July the governing body of any city, the area of which, in whole or in part, is included within one or more sewer maintenance districts, may elect to pay out of municipal funds, in lieu of providing sewer maintenance service to such territory, the whole of the amount of taxes which will be levied for district purposes for the fiscal year commencing upon said first day of July upon property located within such city.

The election shall be made by the adoption of an order reciting that the city, pursuant to this section, elects to pay the whole of the amount of taxes which will be levied by said district or districts upon property located within the incorporated limits of the city and stating the time and manner in which payment shall be made

Upon the adoption of the order a certified copy of the same shall be presented to the governing body of the district or districts for approval If the governing body of the district or districts is satisfied that the financial condition of the city reasonably will assure such payment and if the time and manner of payment is acceptable, the governing body of the district or districts shall by order approve the city's election to pay taxes. Immediately upon the adoption of the order approving the city's election to pay the taxes, certified copies of each order shall be filed with the county auditor, county assessor and county tax collector.

Thereafter, if the whole of the taxes which are levied on property within the city is to be paid by the city, the county auditor shall not extend the district tax on such property.

If the payment made by any city shall exceed the amount of district taxes which have been levied against property within the city, the amount of such excess without interest shall be refunded to the city prior to the close of the fiscal year for which the payment was made.

Any election to pay taxes pursuant to this section shall be effective only for the fiscal year for which made.

CHAPTER 159

An act to amend Sections 375, 24606, 25107, and 25251 of, and to add Section 25108 to, the Vehicle Code, relating to equipment of vehicles.

In effect September 15, 1961

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.]

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

SECTION 1. Section 375 of the Vehicle Code is amended to read:

"Lighting equipment"

375. "Lighting equipment" is any of the following lamps or devices:

(a) Any headlamp, auxiliary driving, passing, or fog lamp, rear lamp, stop lamp, license plate lamp, clearance lamp, signal lamp or device, or turn signal pilot indicator lamp mounted on the exterior of the vehicle.

(b) Any dimout or air-raid lamp, fender turning lamp, diffused nonglaring lamp, and flashing red schoolbus lamp.

(c) Any equipment regulating the light emitted from any lamp or device in subdivisions (a) or (b) or the light sources therein.

(d) Reflectors, including red reflectors for use on bicycles and reflectors used for required warning devices.

SEC. 2. Section 24606 of said code is amended to read:

Backup lamp

24606. (a) Any motor vehicle may be equipped with a backup lamp either separately or in combination with another lamp. A backup lamp shall be so directed as to project a white or amber light illuminating the highway to the rear of the vehicle for a distance not to exceed 75 feet.

(b) No backup lamp shall exceed a diameter of six inches or an area of 28 square inches measured across the lens or face thereof nor shall it be lighted on any vehicle moving forward or otherwise except when the vehicle is about to be or is backing on a highway.

SEC. 3. Section 25107 of said code is amended to read:

Fender lamps

25107. Any motor vehicle may be equipped with not more than two fender lamps designed and of sufficient intensity for the purpose of revealing objects only in the direction of turn while the vehicle is turning or while the turn signal lamps are operating to signal an intention to turn. The lamps shall be designed so that no glaring light is projected into the eyes of an approaching driver.

SEC. 4. Section 25108 is added to said code, to read:

Turn signal pilot indicator lamps

25108. Any motor vehicle may be equipped with turn signal pilot indicator lamps mounted on the exterior.

SEC. 5. Section 25251 of said code is amended to read:

25251. Flashing lights are permitted on motor vehicles as follows:

Permitted use of flashing lights

(a) To indicate an intention to turn or move to the right or left upon a roadway, approved turn signal lamps and ap-

proved turn signal pilot indicator lamps may be flashed on the side of a vehicle toward which the turn or movement is to be made.

(b) As warning lights on disabled vehicles as permitted in Section 25300 or on other vehicles which are disabled upon the roadway, four or more approved turn signal lamps may be flashed, at least two of which must be toward the front and at least two toward the rear of the vehicle.

(c) For use on emergency vehicles.

(d) For use on tow cars to the extent provided in Section 25253.

(e) For use during darkness, vehicles used by highway authorities or bridge and highway districts in highway maintenance work may be equipped with flashing or other red lights, to the front or rear, which may be used while the vehicles are parked or working on the highway.

(f) For use during darkness, vehicles used by mosquito abatement districts or pest abatement districts when dispersing insecticides in aerosol form or as mists, fogs, or smokes, may be equipped with flashing or other red lights to the front or rear which may be used while the vehicles are parked or working on the highway.

CHAPTER 160

An act to amend Section 108.5 of the Agricultural Code, relating to agricultural pests.

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 108.5 of the Agricultural Code is amended to read:

108.5. Whenever the director determines that a particular pest, either within the State or from areas adjacent to the State, cannot be eradicated or effectively controlled by recognized ordinary means or that it is impracticable to eradicate or control such pests without the destruction in whole or in part of uninfected or uninfested host plants, the director may issue a proclamation declaring a host-free period or a host-free district or both, describing the host or hosts and the district wherein the planting, growing, cultivating or maintenance in any manner of any plants capable of continuing the particular pest is prohibited during a specified period of time and until the menace therefrom no longer exists.

During the existence of a host-free period or host-free district established by the proclamation of the director, any of the therein described hosts which are planted, growing or being cultivated or maintained within such host-free period or district is a public nuisance and is subject to all the laws relating

to the abatement of such nuisances. Any person who, after notice of the host-free period or host-free district established by proclamation of the director, plants, grows, cultivates or maintains any described host or hosts within such host-free period or district is guilty of a misdemeanor.

CHAPTER 161

An act to amend Section 21368 of, and to add Section 21367.6 to, the Government Code, relating to the State Employees' Retirement System.

In effect September 15, 1961

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.]

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

SECTION 1. Section 21367.6 is added to the Government Code, to read:

Retirement allowance accrued at time of death

21367.6. Any retirement allowance payable to a retired person, which has accrued and remained unpaid at the time of his death, shall be paid to:

(a) The beneficiary entitled to payment in accordance with an optional settlement chosen by the member, or

(b) The beneficiary entitled to receive the lump-sum death benefit provided upon death of a retired person if the member has not chosen an optional settlement, or

(c) The estate of the retired person, if there is not a beneficiary entitled under either (a) or (b).

SEC. 2. Section 21368 of said code is amended to read:

When payable to estate of deceased

21368. If any benefit is payable by this system to the estate of a deceased person, whether because the estate is the beneficiary of the person or because no beneficiary was designated, and the estate would not be probated if no amount were due from this system, then such benefit shall be paid directly without probate to the surviving next of kin of the deceased, or the guardians of such survivors' estates, share and share alike.

Such payment shall be made in the same order in which the following groups are listed:

1. Husband or wife,
2. Children,
3. Father and mother,
4. Grandchildren,
5. Brothers and sisters,
6. Nieces and nephews.

Operative date

SEC. 3. This act shall become operative on October 1, 1961.

CHAPTER 162

An act to amend Section 21384 of, and to add Section 21387 to, the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 21384 of the Government Code is amended to read:

21384. This article (commencing with Section 21380) applies from and after January 1, 1960 to state members, and local miscellaneous members included in this system under Chapter 4 5 (commencing with Section 20580), who entered or enter membership after November 4, 1959, or were members on November 4, 1959, and elected to be subject to this article. This article shall not apply to any such members with respect to service which is included in the federal system.

Employees who entered membership after Nov. 4, 1959

SEC. 2. Section 21387 is added to said code, to read:

21387. A person who in any month is an eligible survivor of more than one member, or of a member subject to this article (commencing with Section 21380) in more than one concurrent employment, shall receive only one allowance under this article, such allowance to be the largest of the monthly allowances to which he would otherwise be entitled.

Eligible survivors of more than one member

SEC. 3. This act shall become operative on October 1, 1961.

Operative date

CHAPTER 163

An act to amend Section 8151 of the Fish and Game Code, relating to sardines.

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 8151 of the Fish and Game Code is amended to read:

8151. It is unlawful to take sardines for use in a reduction plant or by a packer, or to pack, or process sardines in a reduction plant, except during the following times in the following places:

(a) In Districts 4, 4¾ and those portions of Districts 3½ and 18 lying south of a line running east and west through Point Arguello, 19, 20A and 21, between September 1st and December 31st, inclusive.

(b) In District 19A between October 1st and December 31st.

(c) Elsewhere in the State, except in District 20 where they may not be so taken, between August 1st and December 31st.

(d) As authorized by Sections 8152 and 8158.

(e) Sardines may be possessed, packed or processed in a packing or reduction plant for 24 hours immediately after the closing dates of the sardine seasons set forth herein.

CHAPTER 164

An act to repeal Sections 2371 and 8388 and Article 1 (commencing with Section 7254), Chapter 2, Part 2, Division 6 and to amend and renumber headings of Articles 2 (commencing with Section 7290) and 3 (commencing with Section 7332), Chapter 2, Part 2, Division 6, of the Fish and Game Code, relating to fish.

In effect September 15, 1961

[Approved by Governor April 21, 1961. Filed with Secretary of State April 21, 1961.]

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

Repeal

SECTION 1. Sections 2371 of the Fish and Game Code is repealed.

Repeal

SEC. 2. Section 8388 of said code is repealed.

Repeal

SEC. 3. Article 1 (commencing with Section 7254), Chapter 2, Part 2, Division 6 of said code is repealed.

SEC. 4. The heading of Article 2 (commencing with Section 7290), Chapter 2, Part 2, Division 6 of said code is amended and renumbered to read:

Article 1. Pismo Clams

SEC. 5 The heading of Article 3 (commencing with Section 7332), Chapter 2, Part 2, Division 6 of said code is amended and renumbered to read:

Article 2. Clams Generally, Mollusks, and Crustaceans

CHAPTER 165

An act to add Sections 1224.1 and 1487.5 to the Education Code, relating to school districts.

In effect September 15, 1961

[Approved by Governor April 22, 1961. Filed with Secretary of State April 22, 1961.]

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

SECTION 1. Section 1487.5 is added to the Education Code, to read:

1487.5. An annual election for members of the board of education shall be held in each unified district which is coterminous with or includes in its boundaries all or any portion of a chartered city or city and county the charter of which provides for a board of education, of five members with five-year terms, with the term of one member expiring each year. Annual election

The election shall be held annually on the third Tuesday in April. The election shall be called, held and conducted by the county superintendent of schools in substantially the same manner as elections held under Section 931 to 974, inclusive.

SEC. 2. Section 1224.1 is added to said code, to read:

1224.1. An annual election for members of the board of education shall be held in each unified district which is coterminous with or includes in its boundaries all or any portion of a chartered city or city and county the charter of which provides for a board of education, of five members with five-year terms, with the term of one member expiring each year.

The election shall be held annually on the third Tuesday in April. The election shall be called, held and conducted by the county superintendent of schools in substantially the same manner as elections for governing board members of school districts held pursuant to Section 1111.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 463 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 463 takes effect; at which time Section 1487.5 of the Education Code as added by Section 1 of this act is repealed. Effect Assembly Bill No. 463

CHAPTER 166

An act to amend Sections 779.4 and 10203.5 of, and to add Section 10203.55 to, the Insurance Code, relating to credit life insurance.

[Approved by Governor April 22, 1961. Filed with Secretary of State April 22, 1961.] In effect September 15, 1961

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

SECTION 1. Section 779.4 of the Insurance Code is amended to read:

779.4. The amount of credit life insurance and credit disability insurance shall not exceed the following: Limits of credit life & disability insurance

(a) The amount of credit life insurance shall not exceed the initial indebtedness or the indebtedness existing at the date of claim, whichever is greater. Where an indebtedness repayable in substantially equal installments is secured by an individual policy of credit life insurance the amount of insurance shall at no time exceed the scheduled amount of indebtedness and, where secured by a group policy of credit life insurance shall at no time exceed the amount of unpaid indebtedness.

Notwithstanding the provisions of the above paragraph, the amount of insurance on agricultural or horticultural loan commitments may be equal to the amount of the loan commitment.

(b) The amount of periodic indemnity payable by credit disability insurance in the event of disability, as defined in the policy, shall not exceed the aggregate of the periodic scheduled unpaid installments of indebtedness and shall not exceed the original indebtedness divided by the number of periodic installments.

SEC. 2. Section 10203.5 of the Insurance Code is amended to read:

Group life insurance

10203.5. (a) Life insurance conforming to all the following conditions is another form of group life insurance:

(1) Covering one of the following groups:

(A) All members are or become borrowers from one financial institution, including subsidiary or affiliated persons, under an agreement to repay the sum borrowed.

(B) All members are or become purchasers of merchandise or other property (exclusive of securities, investment certificates and bank deposits) under an agreement to pay the balance of the purchase price.

(2) The group numbers not less than 100 new entrants yearly.

(3) The amount insured on any one borrower or purchaser does not exceed (A) the amount of the loan commitment in the case of an agricultural or horticultural loan commitment repayable in one sum or in irregular installments within a period not in excess of 18 months from the initial date of the loan commitment, or ten thousand dollars ($10,000), whichever is less, and (B) in all other cases the balance of the indebtedness to the institution or vendor or ten thousand dollars ($10,000), whichever is less, on any one life

(4) The repayment or payment of purchase price is to be made, under the agreement of loan or purchase, in substantially equal installments over a period not exceeding 32 years, or in one sum or irregular installments within a period not in excess of 18 months from the initial date of the commitment on an agricultural or horticultural loan.

(5) The policy is issued upon application of and made payable to the institution, vendor, or a creditor to whom such vendor may transfer title to the indebtedness, as beneficiary, and the premiums are paid by or through the institution, vendor, or such creditor.

(b) A policy of insurance conforming to the provisions of this section is not subject to the provisions of Section 10209 or 10213.

SEC. 3. Section 10203.55 is added to the Insurance Code, to read:

Loan commitment

10203.55. An agricultural or horticultural loan commitment as used in Section 10203.5 and in Article 5.9, Chapter 1, Part 2, Division 1 (commencing with Section 779.1) means a

binding agreement to loan money up to a fixed amount as needed for agricultural or horticultural purposes, which commitment is issued by:

(1) a national or state commercial bank; or

(2) a federal intermediate credit bank or a production credit association organized under the Farm Credit Act of 1933, as amended;

lawfully operating in this State.

CHAPTER 167

An act to amend Section 987 of the Insurance Code, relating to title insurers.

[Approved by Governor April 22, 1961. Filed with Secretary of State April 22, 1961.] In effect September 15, 1961

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

SECTION 1. Section 987 of the Insurance Code is amended to read:

987. A title insurer is insolvent whenever provision for its liabilities would, after exhausting its required surplus, so far impair its capital paid in as to reduce it below two hundred fifty thousand dollars ($250,000), or below 75 percent of the aggregate par value of its issued capital stock.

CHAPTER 168

An act to amend Section 459 of the Health and Safety Code, relating to health and sanitary conditions in jails.

[Approved by Governor April 22, 1961. Filed with Secretary of State April 22, 1961.] In effect September 15, 1961

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

SECTION 1. Section 459 of the Health and Safety Code is amended to read:

459. The county health officer shall investigate health and sanitary conditions in every county jail and other detention facility of the county at least annually. He may make such additional investigations of any county jail or other detention facility of the county as he may determine are necessary. He shall submit his report to the Attorney General, the Board of Corrections, the sheriff or other person in charge of such jail or detention facility, and to the board of supervisors. In any city having a health officer, such health officer shall investigate health and sanitary conditions in every city jail and other detention facility at least annually. He may make such additional investigations of any city jail or detention facility as he may

determine are necessary. He shall submit his report to the Attorney General, the Board of Corrections, the person in charge of such jail or detention facility, and to the governing body of the city.

Whenever so requested by the sheriff, the chief of police, the local legislative body, or the board of corrections, but not oftener than twice annually, the county health officer or, in cities having a city health officer, the city health officer, shall investigate health and sanitary conditions in any of the jails and detention facilities described in this section, and submit his report to each of the officers and agencies authorized in this section to request such investigation and to the Attorney General and the Board of Corrections.

The investigating officer shall determine if the food, clothing, and bedding is of sufficient quantity and quality which at least shall equal minimum standards and requirements prescribed by the Board of Corrections for the feeding, clothing and care of prisoners in all county, city and other local jails and detention facilities, and if the sanitation requirements required by Article 2 (commencing with Section 28620), Chapter 11, Division 21 of this code for restaurants have been maintained.

CHAPTER 169

An act to amend Section 1034 of the Agricultural Code, relating to fertilizing materials.

In effect September 15, 1961

[Approved by Governor April 22, 1961. Filed with Secretary of State April 22, 1961.]

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

SECTION 1. Section 1034 of the Agricultural Code is amended to read:

1034. Whenever the analysis of a sample of commercial fertilizer shows a deficiency of not more than 0.5 percent of nitrogen, or not more than 0.7 percent of available phosphoric acid, or not more than 0.5 percent of soluble potash, the statement of the producer, manufacturer, importer, agent or dealer, as required in this article, is not false within the meaning of this article.

CHAPTER 170

An act to add Section 13722.1 to the Education Code, relating to school district employees.

In effect September 15, 1961

[Approved by Governor April 22, 1961 Filed with Secretary of State April 22, 1961]

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

SECTION 1. Section 13722.1 is added to the Education Code, to read:

13722 1. Any employee serving in a certificated position whose position is by virtue of change of law deemed to be in the classified service shall without examination become a member of the classified service in accordance with the terms of Sections 13720 and 13721. Full seniority rights shall be retained, except that no seniority credit shall be allowed by virtue of previous certificated service in case of layoff for lack of funds or lack of work.

Any employee serving in a classified position whose position is by virtue of change of law deemed to be in the certificated service shall without examination become an employee of the certificated service and shall be deemed to have the necessary certification qualifications for such position. Full seniority rights will be retained, except that no seniority credit will be allowed by virtue of previous classified service in case of layoff for lack of funds or lack of work. Any such person who has been continuously employed in a regular position in the classified service for the length of time necessary to acquire permanency as a certificated employee shall be deemed to be a permanent certificated employee of the district. Any such person serving in a regular position in the classified service for an amount of time less than that deemed to be necessary to acquire permanency as a certificated employee shall be a certificated probationary employee of the district; such regular classified service shall be considered as probationary service toward the attainment of permanency by a certificated employee of the district.

CHAPTER 171

An act to amend the heading of Chapter 14 (commencing with Section 740) of Division 4 of, to amend Sections 742, 743, and 750.1 of, to repeal Section 750.2 of, and to add Section 750.5 to, the Agricultural Code, relating to the dairy industry, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 22, 1961. Filed with Secretary of State April 22, 1961.] In effect immediately

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

SECTION 1. The heading of Chapter 14 (commencing with Section 740) of Division 4 of the Agricultural Code is amended to read:

CHAPTER 14. THE DAIRY COUNCIL OF CALIFORNIA

SEC. 2. Section 742 of said code is amended to read:

742. As used in this chapter: Definitions

(a) "Board" means the Dairy Council of California and the "California Dairy Industry Advisory Board" means the Dairy Council of California constituted and appointed as hereinafter prescribed.

(b) "Person" means an individual, corporation, partner-

ship, trust, association, co-operative association, and any other business unit or organization.

(c) "Milk" means the lacteal secretion obtained from the udders of cows.

(d) "Cream" means that portion of milk, rich in milkfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force.

(e) "Skim milk" is milk from which a substantial part of the milkfat has been removed.

(f) "Dairy products" includes milk and any derivative of milk in natural, processed, or manufactured form, or constituting part of another article, commodity, or product.

(g) "Processing" means separating, standardizing, pasteurizing, sterilizing, evaporating, condensing, canning, bottling, packaging, or otherwise preparing milkfat in milk, cream, or skim milk for market, or of using the same to manufacture or produce any dairy products; provided, however, that separating by a producer, on the dairy where such milk is produced shall not be deemed processing, nor shall milk so separated be deemed to have been processed; provided further that placing bulk milk, cream, or skim milk in cans for transportation to a handler from the dairy shall not be deemed canning as that term is used in this subsection.

(h) "Milkfat" means the fat of milk.

(i) "Producer" means any person who produces milkfat and sells it or delivers possession or control of it to a handler, in the form of unprocessed milk or cream, or in any other unprocessed form.

(j) "Handler" means any person who, as owner, agent, or broker, purchases, or otherwise acquires possession or control of milkfat from a producer, in the form of unprocessed milk or cream, or in any other unprocessed form, for the purpose of processing the same.

(k) "Producer-handler" means any person who produces milkfat and uses such production, or any part thereof, for processing. For the purposes of this chapter, except as hereinafter otherwise provided, a producer-handler shall be deemed a producer in any transaction involving the delivery of unprocessed milkfat produced by him to another handler, and shall be deemed to be a handler with respect to milkfat produced by him or received from another producer, and processed by such producer-handler.

(*l*) "Or" and "and," as used herein, may be construed as interchangeable, or as "and/or," as the context may require.

(m) "Fiscal year" means the period from July 1 in any one year to and including June 30th of the following year.

SEC. 3. Section 743 of said code is amended to read:

Dairy Council of California

743. There is in the state government the Dairy Council of California which consists of twenty-five (25) members, who shall be citizens and residents of this State. Eleven (11) members of said council shall be actually engaged in the production of milk, or shall represent producers actually engaged in the

production of milk. These 11 members are the producer members of the council. Eleven (11) members of said council shall be handlers of dairy products. These 11 members are the handler members of the council. Insofar as it is practicable, the proportion of the producer members who produce market milk and the proportion of such members who produce manufacturing milk, and the proportion of the handler members who handle market milk and the proportion of such members who handle manufacturing milk shall be the same as the proportions in which market milk and manufacturing milk are produced in this State as shown by the then most recently available records of the department; but this requirement shall not operate to remove from office any member of the council. The remaining three (3) members of the council shall be producer-handlers who produce a major portion of the milk used in the dairy products handled by them. Officials or members, otherwise qualified, of corporations, associations, and other business units, which are actually engaged in business as producers, producer representatives, handlers, or producer-handlers of dairy products, shall be eligible to be members of the council.

Producer representatives may be nominated in the same manner as provided in Section 744.1, except that to be eligible for appointment, the producer representative shall furnish to the director a resolution in writing transmitting the official action of the board of directors of the organization he represents so nominating him.

SEC. 4. Section 750.1 of said code is amended to read:

750.1. This chapter shall be known and may be cited as the Dairy Council of California Act. Short title

SEC. 5. Section 750.2 of said code is repealed. Repeal

SEC. 6. Section 750.5 is added to said code, to read:

750.5. No person shall use the same name, or a name so similar as to mislead the public into believing it is the same name, as the Dairy Council of California. Misleading names forbidden

SEC. 7. The amendments provided for in Sections 1, 2, 3, and 4 of this act are for the sole purpose of changing the name of the California Dairy Industry Advisory Board to the Dairy Council of California and shall not affect in any other manner the status, membership, powers, duties or functions of the board. Effect of amendments

SEC. 8. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

A principal item of expense in the operation of the Dairy Industry Advisory Board is printing which must be ordered in the spring of each year in large quantities if the greatest savings are to be realized; and, therefore, in order to place such orders with the new name Dairy Council of California, this act must become effective immediately.

CHAPTER 172

An act to amend the heading of Article 5 (commencing with Section 342) of Chapter 2 of Division 3 of, and to amend Sections, 337.6, 342.1, 342.2, 342.3, 342.4 and 342.5, and to repeal Section 342 of, the Agricultural Code, relating to cattle brand registration.

In effect September 15, 1961

[Approved by Governor April 22, 1961. Filed with Secretary of State April 22, 1961.]

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

SECTION 1. Section 337.6 of the Agricultural Code is amended to read:

Right to use brand

337.6. The issuance to a person of a cattle brand registration certificate confers upon the person to whom it is issued the right to use the brand until the right to use it is forfeited or the record of the brand is canceled in accordance with this chapter. Such right is a property right and may be sold or otherwise transferred.

SEC. 2. The heading of Article 5 (commencing with Section 342) of Chapter 2 of Division 3 of said code is amended to read:

Article 5. Similar Brands

Repeal

SEC. 3. Section 342 of said code is repealed.

SEC. 4. Section 342.1 of said code is amended to read:

Similar brands, notice, hearing

342.1. Whenever the brand records on file in the bureau disclose that two or more brands which appear to be so similar as to be misleading or conflicting have been recorded, the chief may, and upon request of the owner of one of such brands he shall, cause an investigation to be made and a hearing held upon the matter. Notice of such hearing shall be given for at least 10 days to each interested person. At the hearing the chief shall first determine if the brands are so similar as to be misleading or conflicting. The chief shall dismiss the proceedings as to any brands which he finds are not so similar as to be misleading or conflicting.

SEC. 5. Section 342.2 of said code is amended to read:

Determination

342.2. If, at such hearing, the chief finds that two or more brands are so similar as to be misleading or conflicting have been recorded, he shall determine which of the conflicting brands has been of record for the longest consecutive period of time. The owner of such brand has the right to continue to use his brand.

SEC. 6. Section 342.3 of said code is amended to read:

Cancellation of conflicting brand

342.3. When the right to continue to use a brand is finally determined in accordance with this article the person in whose favor the determination is made may continue to use his brand in accordance with this chapter and the conflicting brand shall be canceled.

SEC. 7. Section 342.4 of said code is amended to read:

342.4. The owner of a recorded brand may request the chief to make an investigation whenever there are cattle other than his own which bear a brand so similar to said owner's brand as to be misleading or conflicting. Investigation request

SEC. 8. Section 342.5 of said code is amended to read:

342.5. If, after such investigation, the chief finds sufficient cause therefor, he may require that the cattle, other than those of the owner of the brand recorded, be branded with some other brand approved by the chief and recorded pursuant to this chapter. Sufficient cause

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CHAPTER 173

An act to amend Sections 4211, 4251, 4252, 4253, 4274, 4275, 4294 and 4363 of the Agricultural Code, relating to milk boards.

[Approved by Governor April 22, 1961. Filed with Secretary of State April 22, 1961.] In effect September 15, 1961

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

SECTION 1. Section 4211 of the Agricultural Code is amended to read:

4211. "Board" means any local advisory board created as authorized in this chapter. "Board"

SEC. 2. Section 4251 of said code is amended to read:

4251. The director may appoint a local advisory board for any marketing area, in the event that he deems such board necessary or advisable. Local advisory board

The director may appoint a regional advisory board, in the event he deems such board necessary or advisable to represent several marketing areas which are adjacent to each other and wherein production conditions and costs are reasonably uniform. The director shall appoint a local advisory board when a majority of the producers individually or through any nonprofit agricultural co-operative marketing association which is authorized by its members to so petition, request the establishment of such board. The director shall appoint a regional advisory board when in each marketing area involved a majority of producers supplying such marketing areas individually or through any nonprofit agricultural co-operative marketing association which is authorized by its members to so petition, requests that such board be established. In the event the director receives a qualified petition for a local advisory board, he may investigate the possibility of establishing a regional advisory board covering the marketing area from which the petition was received and the adjacent marketing areas, by holding one or more public hearings for the purpose of establishing whether or not a majority of producers supplying the marketing areas proposed to be included in such region desire such regional advisory board. A regional Regional advisory board

advisory board may consist of any number of members who shall be producers who supply fluid milk to any of the marketing areas in the region, but shall consist of not less than one member from each such marketing area in the region; provided, however, that no such advisory board shall be established if the director finds that the assessments collected under Sections 4383 and 4384 from the marketing area or areas are insufficient to cover the costs of such local or regional advisory board

No regional advisory board shall be set up to include any marketing area now operating under a local advisory board, unless by petition as provided for in this section or through public hearing, producers of such marketing area request that they be represented by a regional advisory board.

SEC. 3. Section 4252 of said code is amended to read:

Removal of member

4252. The director may remove any member from a local advisory board in the event that he finds such member, after hearing, is guilty of nonfeasance or malfeasance in office.

SEC. 4. Section 4253 of said code is amended to read:

Filling vacancies

4253. The director may appoint a member to fill a vacancy on a local advisory board.

SEC. 5. Section 4274 of said code is amended to read:

Local advisory boards

4274. The director may appoint local advisory boards for the marketing areas established as prescribed in this chapter to assist and advise him in matters pertaining to the production and marketing of fluid milk or to the operation of a stabilization and marketing plan. The board shall consist of seven members who shall be producers who supply fluid milk to the particular marketing area. The term of office of each member of a regional advisory board or a local advisory board shall be two years. Each regional advisory board and each local advisory board may meet in regular session each month, and each member shall be allowed twelve dollars ($12) per diem and mileage at the rate of nine cents ($0.09) per mile for attending such regular meetings, and any other meeting or conference called or authorized by the director within or outside of the boundaries of the State of California. Any such board with the previous approval of the director may employ such personnel as may be necessary in the performance of its duties and shall adopt rules and regulations for its conduct. Each such board shall submit a budget of its expenses to the director for his approval. The funds to be used for the maintenance of each such board shall be paid from the proceeds of assessments and licenses paid to the director under the plan or plans of the area or areas represented upon verified claims presented by the board to the director. A regional or local advisory board shall not incur any expenses other than those for per diem and mileage, unless approved by the director.

Membership

Term of office

Expenses

Employment of personnel

Budget

SEC. 6. Section 4275 of said code is amended to read:

Duties

4275. It shall be among the duties of advisory boards to review with the director the methods used in determining

producer costs, and to aid the director in the selection of the level of production necessary to meet the requirements of Sections 4246 and 4281 with respect to producer price minimums.

For purposes of developing uniformity of administration as between marketing areas in which producer advisory boards have been appointed, the director shall call together representatives of said boards from time to time to advise him as to the relationships in producer costs among such marketing areas, and may designate such representatives as the statewide committee of producer advisory boards.

SEC. 7. Section 4294 of said code is amended to read:

Uniform prices

4294. Each such plan may contain provisions whereby the director designates or prescribes methods to provide uniform prices to be paid to all producers supplying fluid milk to distributors for pasteurization purposes in the marketing area involved by pooling the returns of all such fluid milk; provided, that no equalization pool shall be established unless the director, after hearing, determines that producers who supply distributors with not less than sixty-five (65) percent of the total volume of fluid milk used for pasteurization purposes and who represent not less than sixty-five (65) percent of the total number of such producers desire the establishment of such pool, but no hearing shall be necessary if said sixty-five (65) percent, by volume and production, of such producers petition the director in writing to establish such equalization pool as a part of the plan. If the director finds that an equalization pool is necessary to carry out the provisions of this chapter he shall make provision therefor. The director may designate the local advisory board for the marketing area as his agency to operate the equalization pool and may permit such local board to employ a pool manager and such other necessary personnel and to incur such expenses incidental to the operation of the pool as the director finds are necessary. The director is hereby empowered to require distributors to make reports to the pool manager at such intervals and in such detail as he finds is necessary for the operation of the pool which reports shall be kept confidential as to any individual distributor but shall be available to the director or his agents and the pool manager, and such employees of the pool as are necessary to the operation of the equalization pool.

Equalization pool

Distributor reports

SEC. 8. Section 4363 of said code is amended to read:

Local advisory board

4363. The director may appoint local advisory boards for the marketing areas established pursuant to this chapter to assist and advise him in matters pertaining to the marketing, distribution and sale of fluid milk or fluid cream or both. The board shall consist of nine members, who shall be residents of or engaged in business within the marketing area for which they are appointed by the director, four of whom shall be persons whose major interest is the distribution, marketing or sale of fluid milk or fluid cream or both, one

Membership

producer-distributor, two retail storekeepers, one person active in the restaurant business or a person representing restaurants and one person, representative of the consuming public, who has no connection with the milk or cream business. In marketing areas where organized labor is the collective bargaining agent of milk plant employees the director may, upon recommendation of a majority of the board members, add a representative of organized labor to the local distributor board. The terms of office of each member shall be two years, unless the plan is terminated before said term expires. Said local board may meet in regular session each month, and each member shall be allowed ten dollars ($10) per diem and mileage at the rate of five cents ($0.05) per mile for attending such regular meetings. The board, or any member thereof, may be allowed actual and necessary expenses incurred in attending any meeting or conference called or authorized by the director within or outside of the boundaries of the State of California. Said board with the previous approval of the director may employ such personnel as may be necessary in the performance of its duties and shall adopt rules and regulations for its conduct. The board shall submit a budget of its expenses to the director for his approval. The funds to be used for the maintenance of the board shall be paid from the proceeds of fees and licenses paid to the director under the plan upon verified claims presented by the board to the director. The board shall not incur any expenses other than those for per diem and mileage, unless approved by the director.

Term of office

Expenses

Employment of personnel

Budget

CHAPTER 174

An act to amend Section 136.5 of the Streets and Highways Code, relating to certain bidding procedures for state highway purposes.

In effect September 15, 1961

[Approved by Governor April 22, 1961. Filed with Secretary of State April 22, 1961.]

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

SECTION 1. Section 136.5 of the Streets and Highways Code is amended to read:

136.5. The contracts referred to in Sections 135 and 136 are not subject to the provisions of the State Contract Act. Whenever the total consideration of such a contract exceeds one thousand dollars ($1,000), it shall be awarded to the lowest responsible bidder, after competitive bidding on such reasonable notice as the department may prescribe, except in cases of emergency rental of tools or equipment as hereinafter provided. Posting of notice for five days in a public place in the district office of the Division of Highways within which the work is to be done, or the equipment used, is sufficient. Such contracts involving a consideration in excess of one thou-

sand dollars ($1,000) shall be accompanied by labor and material bonds. The department may require faithful performance bonds when considered necessary. The advertisement for each contract shall state whether or not a bond shall be required. Where a faithful performance bond is required, labor and material bonds shall be required.

In cases of emergency work necessitated by the imminence or occurrence of a landslide, flood, storm damage, accident or other casualty, tools or equipment may be rented for a period of not to exceed 10 days without competitive bidding.

CHAPTER 175

An act to add Section 10583 to the Health and Safety Code, and Section 27210 to the Government Code, relating to certification of records.

[Approved by Governor April 22, 1961. Filed with Secretary of State April 22, 1961.] In effect September 15, 1961

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

SECTION 1. Section 10583 is added to the Health and Safety Code, to read:

10583. The State Registrar, local registrar or county recorder may use a printed, stamped or photographically reproduced facsimile signature in certifying to a record in his office provided such certification has the seal of his office affixed thereto. Use of facsimile signature

SEC. 2. Section 27210 is added to the Government Code, to read:

27210. The county recorder may use a printed, stamped or photographically reproduced facsimile signature in certifying to a record in his office provided such certification has the seal of his office affixed thereto. Same

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CHAPTER 176

An act to amend Section 6651 of the Welfare and Institutions Code, relating to state hospitals and institutions.

[Approved by Governor April 22, 1961. Filed with Secretary of State April 22, 1961.] In effect September 15, 1961

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

SECTION 1. Section 6651 of the Welfare and Institutions Code is amended to read:

6651. The rate for the care, support, and maintenance of all mentally ill persons and inebriates at the state hospitals for the mentally ill where there is liability to pay for such care,

support, and maintenance, shall be reviewed each fiscal year and fixed at the statewide average per capita cost of maintaining patients in all state hospitals, as determined by the Director of Mental Hygiene. The rate thus fixed shall continue in effect until a new rate is fixed. The Director of Mental Hygiene may reduce, cancel or remit the amount to be paid by the estate or the relatives, as the case may be, liable for the care, support, and maintenance of any mentally ill person or inebriate who is a patient of a state hospital for the mentally ill, on satisfactory proof that the estate or relatives, as the case may be, are unable to pay the cost of such care, support, and maintenance or that the amount is uncollectible. In any case where there has been a payment under this section, and such payment or any part thereof should be refunded because of the death, leave of absence, or discharge of any patient of such hospital, such amount shall be paid by the hospital or the Department of Mental Hygiene to the person who made the payment upon demand, and in the statement to the Controller the amounts refunded shall be itemized and the aggregate deducted from the amount to be paid into the State Treasury, as provided by law If any mentally ill person or inebriate dies at any time while his estate is liable for his care, support, and maintenance and other expenses at a state hospital, the claim for the amount due may be presented to the executor or administrator of his estate, and paid as a preferred claim, with the same rank in order of preference, as claims for expenses of last illness.

CHAPTER 177

An act to amend Section 9053 of the Welfare and Institutions Code, relating to community mental health services.

In effect September 15, 1961

[Approved by Governor April 22, 1961. Filed with Secretary of State April 22, 1961.]

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

SECTION 1. Section 9053 of the Welfare and Institutions Code is amended to read:

9053. There is hereby established the California Conference of Local Mental Health Directors, with which the Director of Mental Hygiene shall consult in establishing standards, rules, and regulations pursuant to this division.

The California Conference of Local Mental Health Directors shall consist of all regularly appointed directors of community mental health services and program chiefs as defined by regulation. Such program chiefs shall not be entitled to hold office or vote. It shall organize and shall annually elect a president, a vice president, and a secretary, who shall serve as the executive committee of the conference. The president of the conference, after consultation with the Director of Mental Hygiene, may appoint, for the purpose of advising the direc-

tor, such other committees of the conference as may from time to time be necessary.

Meetings of the conference for the purposes of this division shall be called by the Director of Mental Hygiene, who shall give the members at least 10 days' notice of such meetings. At official sessions of meetings of the conference the Director of Mental Hygiene shall preside; provided, however, that the conference may hold additional sessions as may be determined upon by the executive committee of the conference at which the president or other members of the conference shall preside. Those members present at official sessions shall be considered as making up a quorum. Each community mental health service shall have one vote.

Actual and necessary expenses incurred by a member as incident to his attendance at not more than three meetings per year of the conference shall be a legal charge against the local government unit which he represents. Actual and necessary expenses incurred by members of the conference incident to attendance at special meetings of the committees of the conference called by the Director of Mental Hygiene shall be a legal charge against any funds available for administration of this division.

CHAPTER 178

An act to add Section 30102.5 to the Revenue and Taxation Code, relating to the cigarette tax.

[Approved by Governor April 22, 1961. Filed with Secretary of State April 22, 1961.] In effect September 15, 1961

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

SECTION 1. Section 30102.5 is added to the Revenue and Taxation Code, to read:

30102.5. The taxes imposed by this part shall not apply to the sale of federally tax-free cigarettes to veterans' homes of the State of California or to the use or consumption of such cigarettes by the homes or by the veteran domiciliaries thereof.

CHAPTER 179

An act to amend Section 16304.6 of the Government Code, relating to state funds.

[Approved by Governor April 22, 1961. Filed with Secretary of State April 22, 1961.] In effect September 15, 1961

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

SECTION 1. Section 16304.6 of the Government Code is amended to read:

16304.6. Within the time during which the appropriation is available for expenditure, the State Board of Control at the request of the director of the department concerned and with the approval of the Director of Finance, may authorize that unneeded funds in any appropriation for the support of an institution, school or college or for family care or private home care or for parole supervision activities within any of the following departments shall be available and be deemed appropriated for the support of any institution, school or college or for family care or private home care or for parole supervision activities within the same department:

1. Department of Corrections;
2. Department of the Youth Authority;
3. Department of Education;
4. Department of Mental Hygiene.

CHAPTER 180

An act to amend Section 42271 of the Vehicle Code, relating to the Motor Vehicle Fund.

In effect September 15, 1961

[Approved by Governor April 22, 1961. Filed with Secretary of State April 22, 1961.]

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

SECTION 1. Section 42271 of the Vehicle Code is amended to read:

42271. (a) Such moneys in the Motor Vehicle Fund as are appropriated in the Budget Act or any other appropriation act for the support of or expenditure by the Department of Motor Vehicles shall be expended by the department in carrying out the provisions of this code and in enforcing any other laws relating to vehicles or the use of highways.

(b) Such moneys in the Motor Vehicle Fund as are appropriated in the Budget Act or any other appropriation act for the support of or expenditure by the Department of the California Highway Patrol shall be expended by the department in carrying out the provisions of this code and in enforcing any other laws relating to vehicles or the use of highways. The Department of California Highway Patrol may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate one hundred thousand dollars ($100,000), the sums so drawn to be used as a Revolving Fund where cash advances are necessary. At the close of each fiscal year the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the State Controller.

CHAPTER 181

An act to authorize the East Bay Regional Park District to exchange certain real property which it owns for other real property, relating to regional park districts.

[Approved by Governor April 22, 1961. Filed with Secretary of State April 24, 1961.]

In effect September 15, 1961

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

Exchange of real property

SECTION 1. Notwithstanding the provisions of Section 5540 of the Public Resources Code, the East Bay Regional Park District may, without obtaining the consent of a majority of the voters of the district voting at a special election on the proposition and without any further authorization from the Legislature, by agreement with Mr. and Mrs. William D. Gilliland, exchange the real property described in Section 2 of this act which is owned by the district for real property owned by the Gillilands in Lot 1, Section 12, Township 2-South, Range 3-West (Mt. Diablo), described as follows: Beginning at the most northerly corner of Lot 1, Section 12, Township 2, South Range 3W, M.D.B. & M., said point being also on the boundary line of the city of Oakland, and running thence along said boundary of the City of Oakland southeasterly 606.26 feet; thence at right angles northeasterly to the east boundary of Lot 1, Section 12; thence along said east boundary to the most easterly corner of Lot 1, Section 12; and thence along the north boundary of Lot 1, Section 12 to the point of beginning, and a right-of-way through Lot No. 25, Skyline Estates, in the City of Oakland, which is owned by the Gillilands, if the board of directors of the district determines, by a resolution which specifically describes the properties to be exchanged, that the exchange will be of benefit to the district.

Description

SEC. 2. The real property which the East Bay Regional Park District is authorized by this act to exchange for real property owned by Mr. and Mrs. William D. Gilliland is the real property in the township of Eden, County of Alameda, State of California, described as follows: Beginning at most southerly corner of Lot 1, Section 12, Township 2, South Range 3W, M.D.B. & M. Said point being also on the boundary line of the City of Oakland, and running thence along said boundary of the City of Oakland, southeasterly 240′; thence at right angles northeasterly 200′; thence at right angles northwesterly 400′; thence at right angles southwesterly 75′ to the eastern line of said Lot 1, and thence along the last-named line southerly 210′ more or less to the point of beginning.

CHAPTER 182

An act to add Section 13702.1 to the Education Code, relating to the conduct of elections for the inclusion of the merit system in a school district, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 22, 1961. Filed with Secretary of State April 24, 1961.]

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

SECTION 1. Section 13702.1 is added to the Education Code, to read:

13702.1. The elections provided in this article shall be called, held, conducted, and consolidated with the next school election. The statement of the purpose of the election shall be: Shall the merit system for school employees not requiring certification qualifications, as provided for in Article 5 (commencing with Section 13701), Chapter 3, Division 10 of the Education Code of the State of California be adopted by the _____ School District of _____ County (or, Counties, where appropriate)?

Urgency

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

Elections are now pending in some school districts to determine whether or not the merit system for noncertificated employees shall be adopted. It is necessary that this act go into immediate effect in order for its provisions establishing a procedure for the conduct of such elections to be applicable to those elections scheduled within the next few months.

CHAPTER 183

An act to add Section 1620.5 to the Education Code, and to add Section 2157 to Article 1 of Chapter 4 of Division 5 of Education Code as enacted by Assembly Bill No. 463 of the 1961 Regular Session, relating to school district boundary change.

In effect September 15, 1961

[Approved by Governor April 22, 1961 Filed with Secretary of State April 24, 1961.]

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

SECTION 1. Section 1620.5 is added to the Education Code, to read:

Boundary change involving withdrawal of facilities

1620.5. Whenever any school district boundary change, whether proposed under this code or under any other provision of law, involves the withdrawal from a school district main-

taining three or more junior colleges of territory containing junior college land, buildings, or facilities owned by that district, such proposal shall not be effected without the prior express approval of the governing board of that district.

SEC. 2. Section 2157 is added to Article 1 of Chapter 4 of Division 5 of the Education Code as enacted by Assembly Bill No. 463, to read:

2157. Whenever any school district boundary change, whether proposed under this code or under any other provision of law, involves the withdrawal from a school district maintaining three or more junior colleges of territory containing junior college land, buildings, or facilities owned by that district, such proposal shall not be effected without the prior express approval of the governing board of that district. Same

SEC. 3. Section 2157 as added by Section 2 of this act shall become operative only if Assembly Bill No. 463 of the 1961 Regular Session is enacted into law; in which case it shall become operative at the same time as Assembly Bill No. 463, and Section 1620.5 as added by Section 1 of this act shall be repealed and of no force or effect. Effect: Assembly Bill No. 463

CHAPTER 184

An act to amend Section 10751 of the Vehicle Code, relating to the alteration of vehicle numbers.

[Approved by Governor April 22, 1961. Filed with Secretary of State April 24, 1961.] In effect September 15, 1961

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

SECTION 1. Section 10751 of the Vehicle Code is amended to read:

10751. No person shall knowingly buy, receive, dispose of, sell, offer for sale, or have in his possession any vehicle, or motor removed from a motor vehicle, from which the manufacturer's serial or motor number or manufacturer's gross vehicle weight rating or other distinguishing number or identification mark or number placed thereon under assignment from the department has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity or manufacturer's gross vehicle weight rating of the vehicle or motor.

CHAPTER 185

An act to amend Section 4395 of the Agricultural Code, relating to milk testing.

In effect September 15, 1961

[Approved by Governor April 22, 1961. Filed with Secretary of State April 24, 1961.]

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

SECTION 1. Section 4395 of the Agricultural Code is amended to read:

4395. The director is hereby charged with the duty of supervision of the milk-fat testing and the weighing and sampling of fluid milk delivered to distributors, and from the funds provided by the provisions of Article 11, commencing at Section 4375, he is authorized to allocate such sum for any fiscal year, not exceeding fifty thousand dollars ($50,000), which shall be used exclusively for the supervision and checking the correctness of the milk-fat and bacteriological tests and the weighing and sampling of all fluid milk delivered to distributors in accordance with the stabilization and marketing plans established pursuant to the provisions of this division.

CHAPTER 186

An act to amend Sections 29351, 30050 and 30900 of the Vehicle Code, relating to vehicle loads.

In effect September 15, 1961

[Approved by Governor April 22, 1961. Filed with Secretary of State April 24, 1961.]

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

SECTION 1. Section 29351 of the Vehicle Code is amended to read:

Minimum binder requirements

29351. Minimum binder requirements shall be as follows:

(a) Three-eighths-inch plow-steel wire rope.

(b) Three-eighths-inch high-test steel chain.

SEC. 2. Section 30050 of said code is amended to read:

30050. Minimum binder requirements shall be as follows:

(a) Three-eighths-inch plow-steel wire rope.

(b) Five-sixteenths-inch high-test steel chain.

(c) One-and-one-fourth-inch-diameter manila rope, knot free.

SEC. 3. Section 30900 of said code is amended to read:

30900. Minimum binder requirements shall be as follows:

(a) Three-eighths-inch plow-steel wire rope.

(b) Five-sixteenths-inch high-test steel chain. Lapped cold shuts are not permitted in chains.

(c) Three-fourths-inch-diameter manila rope, knot free.

CHAPTER 187

An act to amend Section 7149 of the Fish and Game Code, relating to the issuance of sport fishing licenses.

[Approved by Governor April 22, 1961. Filed with Secretary of State April 24, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 7149 of the Fish and Game Code is amended to read:

7149. A sport fishing license granting the privilege to take fish from the ocean waters of this State and amphibia anywhere in this State for purposes other than profit shall be issued:

(a) To any resident of this State, over the age of 16 years, upon the payment of three dollars ($3) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof.

(b) To any nonresident, over the age of 16 years, upon the payment of ten dollars ($10) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof.

(c) To any person, over the age of 16 years, not a resident of this State, upon the payment of three dollars ($3), for a period of 10 days from the date of issue.

On payment of one dollar ($1) a sport fishing licensee may obtain a license stamp which if permanently affixed to his license authorizes him to take all fish, other than trout, but including steelhead trout, anywhere in this State for purposes other than profit.

On payment of two dollars ($2) a sport fishing licensee may obtain two license stamps which if permanently affixed to his license authorize him to take all fish anywhere in this State for purposes other than profit.

Any person receiving aid to the aged under the provisions of the State Old Age Security Law on application to the Department of Fish and Game, Headquarters Office, Sacramento, shall be issued a renewable sport fishing license authorizing the licensee to take any fish and amphibia anywhere in this State for purposes other than profit, free of charge.

Any woman over 62 years of age and any man over 65 years of age who has been a resident of this State for the five years immediately preceding and whose total monthly income from all sources, including any old age assistance payments, does not exceed one hundred forty dollars ($140) on application to the department shall be issued a sport fishing license, which may be renewable, authorizing the licensee to take fish from the ocean waters of this State and amphibia anywhere in this State for purposes other than profit, free of charge.

Sport fishing license stamps shall be sold by license agents in the same manner as sport fishing licenses except that the compensation provided in Section 1055 shall not be paid to the license agent for sale of such stamps.

Reference in this code or any other law to a sport fishing license to be issued to disabled veterans, blind persons, or resident Indians without payment of a license fee means a renewable sport fishing license authorizing the licensee to take any fish and amphibia anywhere in this State for purposes other than profit. All other references to a sport fishing license mean such a license with or without license stamps as may be appropriate for the type of fishing involved.

CHAPTER 188

An act to amend Sections 10201, 10321.5, and 10581.5 of the Business and Professions Code, relating to real estate, business opportunity and mineral, oil and gas licenses.

In effect September 15, 1961

[Approved by Governor April 22, 1961 Filed with Secretary of State April 24, 1961]

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

SECTION 1. Section 10201 of the Business and Professions Code is amended to read:

Late renewals

10201. Notwithstanding any other provision of this part, the holder of a renewal license who fails to renew it prior to the expiration of the period for which it was issued and who has otherwise qualified for such license, may renew it within two years from such expiration upon proper application and the payment of a late renewal fee in an amount equal to 1½ times the regular renewal fee.

Late renewal fee

SEC. 2. Section 10321.5 of said code is amended to read:

Late renewals

10321.5. Notwithstanding any other provision of this part, the holder of a renewal license who fails to renew it prior to the expiration of the period for which it was issued and who has otherwise qualified for such license, may renew it within two years from such expiration upon proper application and the payment of a late renewal fee in an amount equal to 1½ times the regular renewal fee.

Late renewal fee

SEC. 3. Section 10581.5 of said code is amended to read:

Late renewals

10581.5. Notwithstanding any other provision of this part, the holder of a renewal license who fails to renew it prior to the expiration of the period for which it was issued and who has otherwise qualified for such license, may renew it within two years from such expiration upon proper application and the payment of a late renewal fee in an amount equal to 1½ times the regular renewal fee.

Late renewal fee

CHAPTER 189

An act to amend Section 6738 of the Business and Professions Code, relating to the practice of engineering.

[Approved by Governor April 22, 1961. Filed with Secretary of State April 24, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 6738 of the Business and Professions Code is amended to read:

6738. (a) This chapter does not prohibit one or more civil engineers from practicing or offering to practice civil engineering through the medium of a partnership, firm, or corporation; provided:

(1) A civil engineer is the partner, member, or directing officer in charge of the engineering practice of the partnership, firm, or corporation.

(2) All civil engineering plans, specifications, and reports are prepared by or under the direct supervision of a registered civil engineer, who shall sign or stamp with his seal such plans, specifications, and reports.

(3) The partnership, firm or corporate name shall not contain the name of any person who is either not registered by the board in a branch of professional engineering, or as an architect; provided, that any holding out by such partnership, firm, or corporation of any individual or individuals to the public as a member, or members, of such partnership, firm, or corporation, other than by the use of the name or names of such individual or individuals in the partnership, firm, or corporate name, shall clearly and specifically designate the license status of such individual or individuals.

(b) Nothing herein shall authorize the offering to practice or the practice of civil engineering by any persons, either as a member, officer or employee of any partnership, firm, or corporation, who is not a registered civil engineer.

(c) This chapter does not prevent or prohibit an individual, firm, company, association or corporation engaged in any line of business other than the practice of civil engineering from employing a registered civil engineer to perform civil engineering services incidental to the conduct of their business.

(d) The provisions of this section shall not apply to, or prevent the use of the name of, any partnership, firm, or corporation engaged in rendering civil engineering services which was lawfully in existence on September 30, 1947; provided, all civil engineering plans, specifications, and reports are prepared by or under the direct supervision of a registered civil engineer, who may be a member of the firm, or a permanent employee of the partnership, firm, or corporation; provided further, that all civil engineering plans, specifications and reports shall be signed by or stamped with the seal of the registered civil engineer in charge of the preparation of the same.

(e) The provisions of this section shall not prevent the use of the name of a partnership, firm, or corporation engaged in rendering civil engineering services which was lawfully in existence on September 30, 1947 by any lawful successor in interest or survivor if the board, upon written application informing it of the proposed method of carrying on the business and of the changes, if any, in personnel in charge of the engineering activities of the successor or survivor, determines, after hearing, that the actual operating organization of the partnership, firm, or corporation is substantially carried into and becomes an operating part of the successor or survivor and that the public safety, health, and welfare will not be impaired; provided that in the practice of civil engineering such successor in interest or survivor shall otherwise be subject to the provisions of paragraphs (1) and (2) of subdivision (a) of this section.

CHAPTER 190

An act making an appropriation for study of the pear decline disease, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 22, 1961. Filed with Secretary of State April 24, 1961.]

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

SECTION 1. The sum of forty-one thousand five hundred dollars ($41,500) is hereby appropriated from the General Fund to the University of California to be used to study the pear decline disease.

Urgency

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

The pear decline disease is greatly damaging the pear industry of this State and it is necessary to start the study of this disease as soon as possible in order to learn the methods which may be used to combat this disease and therefore this act must take effect immediately.

CHAPTER 191

An act to amend Sections 16304 and 16304.1 of the Government Code, relating to appropriations.

In effect September 15, 1961

[Approved by Governor April 22, 1961. Filed with Secretary of State April 24, 1961.]

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

SECTION 1. Section 16304 of the Government Code is amended to read:

16304. An appropriation shall be available for encumbrance during the period specified therein, or, if not otherwise limited by law, for three years after the date upon which it first became available for encumbrance. An appropriation containing the term "without regard to fiscal years" shall be available for encumbrance from year to year until expended. Period for which available for encumbrance

An appropriation shall be deemed to be encumbered at the time and to the extent that a valid obligation against the appropriation is created.

As used in this code and in every other statute heretofore or hereafter enacted, the term "unexpended balance" shall be construed to mean "unencumbered balance." "Unexpended balance"

Appropriations for the following purposes are exempt from limitations as to period of availability in any appropriation, and shall remain available from year to year until expended: Exemptions

(a) Payment of interest and redemption charges on any portion of the bonded debt of the State.

(b) Transfers of money from any fund for the benefit of elementary schools, high schools, junior colleges, the University of California, or any interest and sinking fund in the State Treasury.

(c) Appropriations made for co-operative work under specific agreement or under contract.

(d) Money transferred to revolving funds specifically created by law, including, but not limited to, the Division of Architecture Revolving Fund and the Water Resources Revolving Fund.

(e) Appropriations available for the acquisition of real property to the extent that such appropriations have been encumbered, with the approval of the Director of Finance, by the filing of condemnation proceedings on behalf of the State of California prior to the expiration of the period of availability of the appropriation.

(f) Money transferred to and expendable from funds other than the fund in which originally deposited, pursuant to the provisions of law earmarking or appropriating for expenditure certain classes of revenue or other receipts.

(g) Continuing provisions of law appropriating for specific purposes certain classes of revenue or other receipts, upon their deposit in a particular fund in the State Treasury or upon their collection by an agency of this State.

SEC. 2. Section 16304.1 of said code is amended to read:

16304.1. Disbursements in liquidation of encumbrances may be made before or during the two years following the last day an appropriation is available for encumbrance. Upon the expiration of two years following the last day of the period of its availability, the undisbursed balance in any appropriation shall revert to and become a part of the fund from which the appropriation was made. Subsequent to reversion any unpaid encumbrance against the appropriation may be paid, with approval of the Board of Control, from any current appropriations available for the same purposes. Disbursements in liquidation of encumbrances

To the extent that appropriations are exempt from limitations as to periods of availability under Section 16304, they shall not be subject to the provisions of this section.

Accounting and reporting

SEC. 3. The Director of Finance shall prescribe accounting and reporting procedures to reflect the amendments to Section 16304 hereinabove provided. The amendments to Government Code Sections 16304 and 16304.1 made by Sections 1 and 2 of this act shall become operative on the effective date of such regulations.

CHAPTER 192

An act to amend Sections 2018, 2019, and 2021 of, and to repeal Sections 2024, 2025, 2026, 2027, 2028, and 2029 of, and to add Sections 2024 and 2025 to, the Code of Civil Procedure, relating to depositions.

In effect September 15, 1961

[Approved by Governor April 24, 1961. Filed with Secretary of State April 24, 1961.]

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

SECTION 1. Section 2018 of the Code of Civil Procedure is amended to read:

Depositions taken within United States, territory or possession

2018. (a) Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before any notary public or a judge or officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, or before a person appointed by the court in which the action is pending. A person so appointed has power to administer oaths and take testimony.

Depositions taken in a foreign state or country

(b) In a foreign state or country depositions shall be taken on notice before anyone agreed to by the parties, a secretary of embassy or legation, consul general, consul, vice-consul or consular agent of the United States, or before such person or officer as may be appointed by commission or under letters rogatory. A commission or letters rogatory shall be issued by the court in which the action is pending when necessary or convenient on motion and notice and upon such terms and with such directions as are just and appropriate. The person before whom the deposition is to be taken may be designated in notices or commissions either by name or descriptive title and letters rogatory may be addressed "to the appropriate judicial authority in [here name the country]."

Exclusions

(c) No deposition shall be taken before a person who is a relative or employee or attorney or counsel of any of the parties, or is a relative or employee of such attorney or counsel, or is financially interested in the action.

SEC. 2. Section 2019 of said code is amended to read:

Written notice

2019. (a) (1) A party desiring to take the deposition of any person upon oral examination shall give notice in writing

to every other party to the action. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. Such notice must be at least 10 days, adding also one day for every 300 miles of the distance of the place of examination from the residence of the person to whom the notice is given, except that on motion of any party, with or without notice, and for good cause shown, the court may enlarge or shorten the time. Service of such notice or motion may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010), of this code.

Stipulations

(2) If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions.

Default of adverse party

(3) If an adverse party is in default for not appearing within the time allowed by the law or the court, or if, in a special proceeding, some or all of the parties interested have not appeared, a deposition may be taken without the giving of any notice to the party so in default or not appearing; and in any case on motion of any party, with or without notice, and for good cause shown, the court may authorize the taking of a deposition without the giving of notice to parties who have not been served with summons.

When service upon deponent not required

(4) In the case of depositions of a party to the record of any civil action or proceeding or of any one who at the time of taking the deposition is an officer, director or managing agent of any such party, the service of a subpoena upon any such deponent is not required if proper notice of the taking of such deposition is given to the attorney for such party or to the party, if he has no attorney. In the case of depositions of a person for whose immediate benefit an action or proceeding is prosecuted or defended or of any one who at the time of taking the deposition is an officer, director or managing agent of any such person, the service of a subpoena upon any such deponent is not required if proper notice of the taking of such deposition is given to the attorney of the party prosecuting or defending the action or proceeding for the immediate benefit of the deponent or to such party, if he has no attorney. A notice to take the deposition of a person described in this subdivision (4) cannot require the attendance of such person at a place more than 150 miles from the residence of such person, unless the party desiring to take such deposition first obtains an order pursuant to the provisions of Section 2019(b)(2) of this code.

Area limitation

(b) (1) After notice is served for taking a deposition by oral examination, upon motion seasonably made by any party or by the person to be examined and upon notice and for good cause shown, the court in which the action is pending may make an order that the deposition shall not be taken, or that it may be taken only at some designated time or place other

Court orders

than stated in the notice, or that it shall not be taken except by allowing written interrogatories by one or more parties, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed the deposition shall be opened only by order of the court, or that secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court; or the court may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. In granting or refusing such order the court may impose upon either party or upon the witness the requirement to pay such costs and expenses, including attorney's fees, as the court may deem reasonable.

Order to attend a deposition at a place more than 150 miles from deponent's residence

(2) Notwithstanding Section 1989, the court may, upon motion on 10 days' written notice and for good cause shown, make an order requiring a deponent who is a party to the record of any civil action or proceeding or is a person for whose immediate benefit said action is prosecuted or defended or is at the time of the taking of the deposition an officer, director or managing agent of any such party or person to attend a deposition at a place more than 150 miles from the residence of such deponent. In granting or refusing such order, the court shall consider whether the moving party selected the forum, whether the deponent will be present at the trial, the convenience of the deponent, the suitability of discovery through a deposition by written interrogatories or other discovery methods, the number of depositions sought under this section, the expense to the parties of requiring the deposition to be taken within 150 miles of the residence of the deponent, the whereabouts of the deponent at the time the deposition is scheduled to be taken, and all other factors tending to show whether or not the interests of justice and the convenience of the parties and witnesses will be served by requiring the deponent to appear for his deposition at a place more than 150 miles from his residence. Such order may provide that the party desiring to take such deposition shall pay the reasonable expenses incurred by the deponent in attending such deposition and that he furnish an undertaking approved by the court to secure such payment and may contain such other terms and conditions as are equitable and just.

Oath and recording of deposition

(c) The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the

conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

Order to cease taking deposition

(d) At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the court in which the action is pending or the superior court in the county where the deposition is being taken may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in subdivision (b) of this section. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the court in which the action is pending. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. In granting or refusing such order the court may impose upon either party or upon the witness the requirement to pay such costs or expenses, including attorney's fees, as the court may deem reasonable.

Reading and signing by witness

(e) When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress under subdivision (d) of Section 2021 of this code the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

Certification by officer

(f) (1) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in a envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly file it with the court in which the action is pending or send it by registered mail to the clerk thereof for filing.

Furnishing of copies

(2) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

Notice of filing

(3) The party taking the deposition shall give prompt notice of its filing to all other parties.

Payment of expenses

(g) (1) If the party giving the notice of the taking of a deposition fails to attend and proceed therewith and another party attends in person or by attorney pursuant to the notice, the court may order the party giving the notice to pay such other party the amount of the reasonable expenses incurred by him and his attorney in so attending, including reasonable attorney's fees.

Payment of expenses and attorney's fees

(2) If the party giving the notice of the taking of a deposition of a witness fails to serve a subpoena upon him and the witness because of such failure does not attend, and if another party attends in person or by attorney because he expects the deposition of that witness to be taken, the court may order the party giving the notice to pay to such other party the amount of the reasonable expenses incurred by him and his attorney in so attending, including reasonable attorney's fees.

SEC. 3. Section 2021 of said code is amended to read:

Errors and irregularities in notice

2021. (a) All errors and irregularities in the notice for taking a deposition are waived unless written objection is promptly served upon the party giving the notice.

Disqualification of officer

(b) Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

Objections to competency of witnesses

(c) (1) Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

Errors and irregularities at oral examination

(2) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection thereto is made at the taking of the deposition.

Objections to form of written interrogatories

(3) Objections to the form of written interrogatories submitted under Section 2020 of this code are waived unless such objections, together with a notice of hearing thereon, are served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other interrogatories and within three days after service of the last interrogatories authorized.

Errors and irregularities in transcribing

(d) Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, indorsed, transmitted, filed, or otherwise dealt with by the officer under Sections 2019 and 2020 of this code are waived unless a motion to suppress the deposition or some

part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

SEC. 4. Section 2024 of said code is repealed. Repeal

SEC. 5. Section 2024 is added to said code, to read:

2024. When a party desires to take a deposition out of this State to be used in an action pending in this State, such party shall proceed in the manner provided by Section 2019 of this code if such deposition is to be taken upon oral examination, or in the manner provided by Section 2020 of this code if such deposition is to be taken upon written interrogatories and where necessary or convenient, the court shall issue a commission or letters rogatory as provided in Section 2018(b). Out of state deposition

SEC. 6. Section 2025 of said code is repealed. Repeal

SEC. 7. Section 2025 is added to said code, to read:

2025. A trial or other proceeding shall not be postponed because the deposition of a witness taken out of this State has not been returned, except upon evidence, satisfactory to the court, that the testimony of the witness is necessary and that proper diligence has been used to obtain it. Postponement of trial

SEC. 8. Section 2026 of said code is repealed. Repeal

SEC. 9. Section 2027 of said code is repealed. Repeal

SEC. 10. Section 2028 of said code is repealed. Repeal

SEC. 11. Section 2029 of said code is repealed. Repeal

CHAPTER 193

An act to amend Sections 557 and 566 of the Military and Veterans Code, relating to the National Guard Reserve.

[Approved by Governor April 24, 1961. Filed with Secretary of State April 24, 1961.] In effect September 15, 1961

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

SECTION 1. Section 557 of the Military and Veterans Code is amended to read:

557. No person shall by reason of his or her enlistment or commission in any such forces be exempted from military service under any law of the United States. No exemption

The provisions of Sections 230 and 232 to 237, inclusive, of this code shall apply to commissioned officers; Section 225 of this code shall apply to warrant officers; and Sections 252, 253, 254 and 260, except subdivision (b) of Section 260 of this code shall apply to enlisted men of the forces authorized herein; provided, that no provision of this code shall prevent the transfer by order of the Governor at any time of any member of said forces to a reserve list created in the office of the Adjutant General.

SEC. 2. Section 566 of said code is amended to read:

566. Sections 9, 16, 141, 176, 188, 230, 361, 366, 389, 395.1, 395 01, 395.2, 395.02, 395.3, 395.03, 395.4, 395.5, 395.05, 395.06, 395.8, 411, 421, 423, 439, 612, 640, 641, 642, 643, 643.1, 644,

645, 646, 647, 648, and 649 of this code shall apply to and include the forces authorized herein.

CHAPTER 194

An act to add Section 11512 to, and to amend Sections 11528, 11531, 11552, and 11553 of, the Business and Professions Code, relating to subdivision maps.

In effect September 15, 1961

[Approved by Governor April 24, 1961 Filed with Secretary of State April 24, 1961]

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

SECTION 1. Section 11512 is added to the Business and Professions Code, to read:

"Appeal board"

11512. "Appeal board" refers to a board or other official body designated by a local ordinance to hear and make determinations upon appeals from actions of the advisory agency with respect to tentative subdivision maps, or the kinds, nature and extent of the improvements recommended by the advisory agency to be required

SEC. 2. Section 11528 of said code is amended to read:

Inspection and recommendation

11528. The legislative body of any city or county which desires to inspect and make recommendations concerning the map or maps of proposed subdivisions adjacent to but outside of its jurisdictional boundary line, may file with the clerk of the governing body or the advisory agency of any adjoining city or county having jurisdiction, a map or an amended map of territory within such second mentioned city or county in which territory it is interested in proposed subdivisions. The territory may not extend a distance of more than three miles from the common boundary line of the cities or counties.

Receipt

The clerk of the governing body or the advisory agency of the city or county having jurisdiction shall issue a receipt for the territorial map and thereafter shall transmit to the official designated by the requesting city or county, within three days after the receipt thereof, one copy of each tentative map of any subdivision located wholly or partly within the territory outlined on the territorial map.

Recommendations

Any requesting city or county, which received a copy of a tentative map, shall make its recommendations, if any, to the clerk of the governing body or advisory agency from which the tentative map was received within 15 days after receipt thereof. The recommendations shall be taken into consideration by the governing body, appeal board or advisory agency of the city or county having jurisdiction before action is taken upon the tentative map.

SEC. 2.5. Section 11531 of said code is amended to read:

Tentative map

11531. Any person, firm, corporation, partnership, or association who proposes to subdivide any property located outside the boundaries of any city, may file a tentative map of the

proposed subdivision with the advisory agency of such city (or with the clerk of the governing body of such city if there is no advisory agency). The tentative map may, in the discretion of the advisory agency or governing body of the city, be acted upon in the manner provided in Article 4 of this chapter, except that if it is approved such approval shall be conditioned upon annexation of the property to such city within such period of time as shall be specified by the advisory agency, appeal board or governing body of the city.

Approval of final map

No final map, based on such a tentative map, shall be approved as provided in this chapter until annexation of such property to the city has been completed. If annexation is not completed within the time specified or any extension thereof then the approval of such tentative map shall be null and void. No subdivision of unincorporated territory may be effected by approval of a tentative map by the advisory agency, appeal board or governing body of a city unless annexation thereof to the city is completed prior to the approval or filing for record of the final map thereof.

SEC. 3. Section 11552 of said code is amended to read:

Submission to governing body

11552. If there is no advisory agency, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting, which shall act thereon within 40 days thereafter.

Submission to advisory agency

If there is an advisory agency, it shall report on the map or maps of any subdivision submitted to it within 40 days after the tentative map has been filed and the report shall approve, conditionally approve or disapprove the map or maps of the subdivision.

The governing body may authorize the advisory agency to report its action direct to the subdivider. If the governing body does not so authorize the advisory agency, the advisory agency shall make its report to the governing body, which body shall act upon the report within 10 days or at its next succeeding regular meeting after receipt of the report.

Appeal

If the subdivider is dissatisfied with any action of the advisory agency with respect to the tentative map, or the kinds, nature and extent of the improvements recommended by the advisory agency to be required, he may, within 15 days after such action, appeal to the governing body, unless an appeal board has been designated in which event such appeal must be to the appeal board, for a public hearing thereon. The governing body or appeal board as the case may be shall hear the appeal, upon notice to the subdivider and the advisory agency, unless the subdivider consents to a continuance, within 15 days or at its next succeeding regular meeting. At the time fixed for the hearing the governing body or appeal board shall proceed to hear the testimony of the subdivider or any witnesses in his behalf and the testimony of the representatives of the advisory agency or any witnesses in its behalf. It may also hear the testimony of other competent persons respecting the character of the neighborhood in which the subdivision is

Hearing

to be located, the kinds, nature and extent of improvements, the quality or kinds of development to which the area is best adapted and any other phase of the matter with respect to which it may desire to inquire into.

Declaration of findings

Upon conclusion of the hearing the governing body or appeal board shall within seven days declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the advisory agency and may make such findings as are not inconsistent with the provisions of this chapter or local ordinance adopted pursuant to this chapter.

Appeal to governing body

If the subdivider or advisory agency is dissatisfied with any action of the appeal board with respect to the tentative map, or the kinds, nature and extent of the improvements required by the appeal board, either may, within 15 days after such action, appeal to the governing body. The governing body shall hear the appeal within 15 days or at its next succeeding regular meeting, unless the subdivider consents to a continuance, and shall give notice of such hearing to the subdivider, the appeal board and the advisory agency. The governing

Hearing

body shall hear the argument of the subdivider, the appeal board and the advisory agency or of their representatives based upon the testimony and the documents before the appeal board, and may receive documents from or hear the testimony of any competent person respecting the character of the neighborhood in which the subdivision is to be located, the kinds, nature and extent of improvements, the quality or kinds of development to which the area is best adapted and any other phase of the matter with respect to which it may desire to inquire into. Upon conclusion of the hearing the governing body shall,

Declaration of findings

within seven days, declare its findings based upon the testimony and documents produced before it or before the appeal board. It may sustain, modify, reject or overrule any recommendations or rulings of the appeal board and may make such findings as are not inconsistent with the provisions of this chapter or local ordinance adopted pursuant to this chapter.

SEC. 4. Section 11553 of said code is amended to read:

Extension of time limits

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

Tentative map deemed approved

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

agency, or in the action of the appeal board shall be deemed approved and it shall be the duty of the clerk of the governing body to certify the approval.

CHAPTER 195

An act to amend Section 18005 of the Government Code, relating to overtime payment when separated for cause from the state service.

[Approved by Governor April 24, 1961. Filed with Secretary of State April 24, 1961.] In effect September 15, 1961

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

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

18005. (a) Upon separation from service without fault on his part, a person is entitled to a lump sum payment as of the time of separation for any unused or accumulated vacation or for any time off to which he is entitled by reason of previous overtime work where compensating time off for overtime work is provided for by the appointing power or by rules of the State Personnel Board. Such sum shall be computed by projecting the accumulated time on a calendar basis so that the lump sum will equal the amount which the employee would have been paid had he taken the time off but not separated from the service.

(b) Persons separated from service through fault of their own are entitled to a lump sum payment for such compensating time off for overtime work, and in addition, such portion, if any, of unused vacation as the State Personnel Board may determine. The computation of such sum shall be based on actual accumulated time without projection as provided in (a).

(c) Lump sum payment for vacation shall not be made to a person who separates from a position for the purpose of accepting another position in the state service or to a person who returns to a position in the same class and agency within 15 working days of the date of his resignation.

CHAPTER 196

An act to amend Section 37385 of the Government Code, relating to city property.

[Approved by Governor April 24, 1961. Filed with Secretary of State April 24, 1961.] In effect September 15, 1961

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

SECTION 1. Section 37385 of the Government Code is amended to read:

37385. A city may lease tide and submerged lands, the wharves, docks, piers, and other structures or improvements on these lands, and as much of the uplands abutting upon them as the legislative body deems necessary for the proper development and use of its waterfront and harbor facilities, for not to exceed 66 years.

CHAPTER 197

An act to amend and renumber Section 22202 of, and to add Sections 22202 and 22203 to, the Business and Professions Code, relating to polyethylene plastic bags.

In effect September 15, 1961

[Approved by Governor April 24, 1961. Filed with Secretary of State April 24, 1961.]

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

SECTION 1. Section 22202 of the Business and Professions Code is amended and renumbered to read:

Misdemeanor

22205. Any violation of this chapter is a misdemeanor.

SEC. 2. Section 22202 is added to said code, to read:

"Clear legible type"

22202. As used in this chapter, "clear legible type" means type which meets all the following qualifications:

(a) Is clear and legible.

(b) Is of a bright color which will be clearly visible against either a light or a dark background.

(c) Is printed by some method other than rubber stamp, such as by offset or letterpress, so as to prevent the ink from smearing and to insure that the printed matter will be clear and distinct.

(d) Is not less than the following size:

Total of length and width of bag combined	Size of type
Less than 30 inches	10 point
30 inches or more, but less than 40 inches	14 point
40 inches or more, but less than 60 inches	18 point
60 inches or more	24 point

SEC. 3. Section 22203 is added to said code, to read:

Polyethylene bags

22203. No bag made of polyethylene plastic material thinner than 0.001 inch which is large enough to fit over a child's head shall be used, after the effective date of this section, by any retail store as a container for products, other than for food products weighing not more than five pounds, delivered to purchasers, or by any other retail business establishment to package articles delivered to customers, if any cartoon, picture, or caricature is on such bag which cartoon, picture, or caricature will, or will have a tendency to, facilitate or encourage the use of such bag as a toy by children under 12 years of age.

This section does not prohibit legitimate advertising which does not facilitate or encourage the use of such bag as a toy.

CHAPTER 198

An act to amend Section 7032 of the Business and Professions Code, relating to the practice of contracting.

[Approved by Governor April 24, 1961. Filed with Secretary of State April 24, 1961.] In effect September 15, 1961

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

SECTION 1. Section 7032 of the Business and Professions Code is amended to read:

7032. Nothing in this chapter shall limit the power of a city or county to regulate the quality and character of installations made by contractors through a system of permits and inspections which are designed to secure compliance with and aid in the enforcement of applicable state and local building laws, or to enforce other local laws necessary for the protection of the public health and safety. Nothing in this chapter shall limit the power of a city or county to adopt any system of permits requiring submission to and approval by the city or county of plans and specifications for an installation prior to the commencement of construction of the installation.

Cities or counties may direct complaints to the registrar against licensees based upon determinations by city or county enforcement officers of violations by such licensees of codes the enforcement of which is the responsibility of the complaining city or county. Such complaints shall to the extent determined to be necessary by the registrar be given priority in processing over other complaints.

Nothing contained in this section shall be construed as authorizing a city or county to enact regulations relating to the qualifications necessary to engage in the business of contracting.

CHAPTER 199

An act to add Sections 651.3 and 3029 to the Business and Professions Code, relating to the healing arts professions.

[Approved by Governor April 25, 1961. Filed with Secretary of State April 25, 1961.] In effect September 15, 1961

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

SECTION 1. Section 651.3 is added to the Business and Professions Code, to read:

651.3. No person licensed as a physician and surgeon, optometrist, or registered dispensing optician shall advertise or cause or permit to be advertised, any representations in any form which in any manner whether directly or indirectly refers to the cost, price, charge or fee to be paid to such licensed person for any commodity or commodities sold by

Advertising of price, charge or fee

such licensed person or any service or services performed by such licensed person when those commodities or services are furnished in connection with the professional practice or business for which he is licensed; provided, however, that the provisions of this section do not apply to the furnishing of information regarding benefits available, and charges therefor, under the coverage of any hospital or medical service or insurance plan.

This section shall not be construed to modify or establish prices or fees or to modify or affect in any manner any other provision of this division.

This section shall not be construed to prohibit advertising concerning the allowance of credit, time payments, budget terms, or the allowance of any other method of payment for a commodity or a service where the advertising contains no indication of cost, price, charge or fee.

SEC. 2. Section 3029 is added to said code, to read:

Advertising of commodities

3029. Except as provided in Sections 3129 and 3130, nothing contained in Section 651.3 shall be construed as authorizing the board to adopt, amend, or repeal rules and regulations relating to price fixing or advertising of commodities.

CHAPTER 200

An act to amend Section 14903 of the Financial Code, relating to unsecured loan limit.

In effect September 15, 1961

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.]

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

SECTION 1. Section 14903 of the Financial Code is amended to read:

14903. No credit union shall make any loan in excess of seven hundred fifty dollars ($750) without security.

CHAPTER 201

An act to amend Sections 5004, 6407, 6408, 6408.5, 6410, 6413, 6460, 7154, 7177, 7603.5, 8751, 9253, 9309, 9516, and 11201 of, and to add Section 11206.5 to, the Financial Code, relating to savings and loan associations and savings banks.

In effect September 15, 1961

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.]

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

SECTION 1. Section 5004 of the Financial Code is amended to read:

5004. No person shall transact business in this State under any name or title which contains the term "building and loan," "building-loan," or "savings and loan," nor use any sign or circulate or use any letterhead, billhead, circular, or paper, or cause to be published any advertisement which indicates that his business is the character or kind of business carried on or transacted by an association, or which is calculated to lead the public to believe that his business is that of an association, unless he holds a valid, unrevoked license issued by the commissioner to transact business in this State, and is actually engaged in carrying on a savings and loan business in this State. Use of "building and loan," "building-loan" or "savings and loan" title

Nothing in this section prohibits a federal savings and loan association or a foreign association which is an "insured institution" as defined in Title IV of the National Housing Act or a foreign association whose savings accounts are insured or guaranteed by an agency or fund administered by the government of a state of the United States of America from publishing in this State advertisements for savings, but such advertisements shall be subject to the same restrictions as are provided in this part with respect to advertisements by associations generally and shall be subject to such rules and regulations, if any, as the commissioner may determine to be necessary for the protection of California investors. Insured institution

SEC. 2. Section 6407 of said code is amended to read:

6407. Shares issued by any association issuing no investment certificates and which is an insured institution as defined by Title IV of the National Housing Act, are legal investments for the funds of executors, administrators, guardians, conservators of a natural person, receivers, and trustees of every kind and nature, and for the excess funds investments of all insurance companies, cemetery associations and of all public corporations, generally referred to as housing authorities, created pursuant to the Housing Authorities Law of this State. Certain shares declared legal investments

When, by law, it is provided that the money of any pension fund, retirement plan, trust fund, or the money of any fund whose investment is governed by law may or shall be invested in securities which are legal investment for savings banks, then such law shall be deemed to authorize the investment of such money in such shares.

SEC. 3. Section 6408 of said code is amended to read:

6408. Investment certificates issued by any association are legal investments for the funds of executors, administrators, guardians, conservators of a natural person, receivers and trustees of every kind and nature, and for the excess funds investments of all insurance companies, cemetery associations and of all public corporations, generally referred to as housing authorities, created pursuant to the Housing Authorities Law of this State. Investment certificates as legal investments

When, by law, it is provided that the money of any pension fund, retirement plan, trust fund, or the money of any fund whose investment is governed by law may or shall be invested

in securities which are legal investment for savings banks, then such law shall be deemed to authorize the investment of such money in such investment certificates.

SEC. 4. Section 6408.5 of said code is amended to read:

Court order to invest

6408.5. Any court having jurisdiction of any estate in process of administration or of any other proceeding on application of any person interested therein and after a hearing on such notice as the court may direct or without notice if all parties in interest consent thereto, may order any executor, administrator, guardian, conservator of a natural person, assignee, receiver, depositary, or trustee, whether such officer or trustee has qualified as such or not, to invest in an account in an insured savings and loan association any money then in his hands or under his control or which may thereafter come into his hands until the further order of the court. Upon such investment being made and while such moneys remain invested with such association, the officer or trustee making such investment shall be relieved of all responsibility therefor, and the court by order shall reduce the bond to be given or theretofore given by such officer or trustee so as to cover only the estate remaining in his hands. The money so invested shall be held by the association under the direction of the court and shall be repaid only on order of the court. If the amount sought to be invested in any one association does not exceed the amount which will be covered by insurance of the Federal Savings and Loan Insurance Corporation an order for investment hereunder may be made ex parte without notice or hearing. The term "account in an insured savings and loan association" used in this section has the same meaning as in Section 1431 of the Probate Code.

"Account in an insured savings and loan association"

SEC. 5. Section 6410 of said code is amended to read:

Supplemental provisions

6410. The provisions of Sections 6407 and 6408 are supplemental to any and all other acts regulating, relating to, or declaring what shall be legal investments for the funds of executors, administrators, guardians, conservators of a natural person, receivers, trustees, insurance companies in respect to excess funds investments only cemetery associations and of all public corporations, generally referred to as housing authorities, created pursuant to the Housing Authorities Law of this State, or for any of the other funds referred to therein.

SEC. 6. Section 6413 of said code is amended to read:

Sums received within first 10 days of month

6413. Sums received by or mailed to an association on account of shares or investment certificates within the first 10 days of any calendar month (including, if the 10th day of any calendar month is Saturday, Sunday or a holiday, the first day thereafter which is not Saturday, Sunday or a holiday) may, at the option of the association, be deemed to have been received by such association on the first day of such month.

SEC. 7. Section 6460 of said code is amended to read:

Application of surpluses

6460. An association may, by action of its board of directors, with the prior approval of the commissioner, apply any part or all of any paid-in or contributed surplus, or any sur-

plus created by reduction of stock to the reduction or writing off of any deficit arising from losses or diminution in value of its assets or may transfer to or designate as a part of its federal insurance reserve account or any other reserve account irrevocably established for the sole purpose of absorbing losses any part or all of any paid-in or contributed surplus or any surplus created by reduction of stock.

SEC. 8. Section 7154 of said code is amended to read:

Amortized loans

7154. An association may make amortized loans upon the security of improved real property in an amount not in excess of 80 percent of the appraised value of such real property if the appraised value does not exceed forty thousand dollars ($40,000), or not in excess of 80 percent of the first forty thousand dollars ($40,000) of such appraised value if it exceeds forty thousand dollars ($40,000) plus 70 percent of the remainder of such appraised value if the following conditions are met:

(a) The principal improvement on such real property consists of a dwelling or dwellings for not more than four families.

(b) The note or other obligation evidencing such loan provides for reduction of principal by monthly installments commencing in the case of construction loans not later than 12 months after the date of such loan, and in case of any other loan not later than three months after the date of such loan.

SEC. 9. Section 7177 of said code is amended to read:

Loans to majority stockholder, officer, etc.

7177. No association knowingly shall directly or indirectly make any loans to its majority stockholder, or to any officer, director, or employee of such association, nor to any member of the immediate family of the persons above enumerated, either for himself or as agent or as partner of another, other than loans wholly secured by the pledge of its shares or investment certificates. No association may acquire any loans from any of the persons above enumerated.

SEC. 10. Section 7603.5 of said code is amended to read:

Assignment of dividends or interest by joint tenant

7603.5. Shares or investment certificates owned in joint tenancy and any dividends or interest thereon may be assigned or pledged to the association by any one of the joint tenants during their lifetime or by the survivor or any one of the survivors of them after the death of one or more of the joint tenants, and such assignment or pledge may secure a loan from the association to any one or more of the joint tenants or to any one or more of the survivors of them after the death of one or more of them. By written instructions of all joint tenants given to the association, they may require the signatures of more than one of such persons during their lifetime or of more than one of the survivors after the death of any one of them for any assignment or pledge, but no such instructions shall limit the right of the sole survivor or of all of the survivors to assign or pledge to the association the shares or investment certificates and any dividends and interest thereon. No assignment or pledge to the association by less than all of the joint tenants or by less than all of the survivors

of the joint tenants shall operate to sever or terminate, either in whole or in part, the continuance of the joint tenancy, subject to the effect of such pledge or assignment.

SEC. 11. Section 8751 of said code is amended to read:

Report of public accountant

8751. Each association shall furnish the commissioner annually, within 120 days after the end of the period covered by the audit, two signed copies of the report of the public accountant showing the result of the audit and including a balance sheet of the association at the date of the audit and a statement of the income and expenses of the association during the year ending with the date of the audit. The balance sheet and statement of income and expenses shall be certified by the public accountant making the audit.

SEC. 12. Section 9253 of said code is amended to read:

Authority to act without court approval

9253. Any executor, administrator, guardian, conservator of a natural person or receiver, and any fiduciary or trustee of any kind or nature, and any public corporation, political subdivision, public instrumentality, charitable institution, educational and eleemosynary institution, bank, savings bank, trust company or financial institution, and any insurance company or cemetery association may, without the necessity of obtaining court approval:

(a) Vote in person or by proxy in favor of or against converting an association into a federal savings and loan association, or may approve or disapprove the determination to so convert.

(b) Exchange any shares, stock, investment certificates, or other rights or claims, for shares issued by such federal savings and loan association, and hold such shares as legal investments.

SEC. 13. Section 9309 of said code is amended to read:

Authority to act without court approval

9309. Every executor, administrator, trustee, guardian, conservator of a natural person, receiver, fiduciary, public corporation, political subdivision, public instrumentality, charitable institution, educational and eleemosynary institution, bank, savings bank, trust company, financial institution, insurance company, or cemetery association, without the necessity of obtaining court approval may:

(a) Vote in person or by proxy in favor of or against converting a federal savings and loan association into a savings and loan association, or may approve or disapprove the determination to so convert.

(b) Exchange any shares, share accounts or other rights or claims, for securities issued by such savings and loan association, and hold such securities as legal investments.

SEC. 14. Section 9516 of said code is amended to read:

Authority to act without specific court approval

9516. Any executor, administrator, guardian, conservator of a natural person, receiver, trustee of any kind or nature, insurance company, cemetery association, or other public or private corporation, without the necessity of obtaining any specific court approval, may:

(a) Dissent from any plan proposed pursuant to Article 3 of this chapter.

(b) Consent to any plan which has been approved by the court pursuant to Article 4 of this chapter.

(c) File or join in a petition or supplemental petition under Article 5 of this chapter.

(d) Exchange any shares, stock, investment certificates, or other rights or claims for securities issued pursuant to any plan or petition which has been approved pursuant to this chapter and hold such securities as legal investments.

SEC. 15. Section 11201 of said code is amended to read:

Purchase of shares of a federal savings and loan association

11201. Shares or share accounts of a federal savings and loan association may be purchased and held by any person as administrator, executor, guardian, conservator of a natural person, trustee, or other fiduciary, in trust for a named beneficiary or beneficiaries.

SEC. 16. Section 11206.5 is added to said code, to read:

Savings accounts owned in joint tenancy

11206.5. Savings accounts and share accounts of a federal savings and loan association owned in joint tenancy and any dividends thereon may be assigned or pledged to the association by any one of the joint tenants during their lifetime or by the survivor or any one of the survivors of them after the death of one or more of the joint tenants, and such assignment or pledge may secure a loan from the association to any one or more of the joint tenants or to any one or more of the survivors of them after the death of one or more of them. By written instructions of all joint tenants given to the association, they may require the signatures of more than one of such persons during their lifetime or of more than one of the survivors after the death of any one of them for any assignment or pledge, but no such instructions shall limit the right of the sole survivor or of all of the survivors to assign or pledge to the association the savings accounts or share accounts and any dividends thereon. No assignment or pledge to the association by less than all of the joint tenants or by less than all of the survivors of the joint tenants shall operate to sever or terminate, either in whole or in part, the continuance of the joint tenancy, subject to the effect of such pledge or assignment.

CHAPTER 202

An act to amend Sections 625 and 40800 of the Vehicle Code, relating to traffic officers.

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 625 of the Vehicle Code is amended to read:

"Traffic officer"

625. A "traffic officer" is any member of the California Highway Patrol, or any peace officer who is on duty for the exclusive or main purpose of enforcing the provisions of Division 10 or 11 of this code.

SEC. 2. Section 40800 of said code is amended to read:

Wearing of uniform

40800. Every traffic officer on duty for the exclusive or main purpose of enforcing the provisions of Division 10 or 11 of this code shall wear a full distinctive uniform, and if the officer while so on duty uses a motor vehicle, it must be painted a distinctive color specified by the commissioner.

Distinctive color of motor vehicle

This section does not apply to an officer assigned exclusively to the duty of investigating and securing evidence in reference to any theft of a vehicle or failure of a person to stop in the event of an accident or violation of Section 23109 or in reference to any felony charge, or to any officer engaged in serving any warrant when the officer is not engaged in patrolling the highways for the purpose of enforcing the traffic laws.

CHAPTER 203

An act to provide for the dissolution of the Hollister Irrigation District and the merger of said district into the San Benito County Water Conservation and Flood Control District.

In effect September 15, 1961

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.]

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

Short title

SECTION 1. This act shall be known and may be cited as the San Benito County Water Conservation and Flood Control District Merger Act.

Reorganization

SEC. 2. The State and the people thereof have a primary and supreme interest in securing to the inhabitants, property owners and water users within the Hollister Irrigation District and the San Benito County Water Conservation and Flood Control District, the greatest efficient use and conservation of waters, both local and imported, that may be accomplished economically. Investigation has shown that the water supply, conservation and control problems of San Benito County are peculiar to that area and it is hereby declared necessary for the proper reorganization of water supply, storage, conservation and use that this part be adopted to provide the means of eliminating expensive and wasteful duplication of water systems and securing a greater economy and efficiency of administration.

SEC. 3. The Hollister Irrigation District was formed in 1923, primarily for the purpose of supplying water to its land and inhabitants; the San Benito County Water Conservation and Flood Control District was formed on July 6, 1953, primarily for the purposes of supplying water to its land and

inhabitants and protecting life and property from damage by waters; that these two districts include substantially the same lands within their boundaries.

Authority

SEC. 4. This act is enacted partially under the authority expressly granted in Section 13 of Article XI of the Constitution of this State.

Liberal construction

SEC. 5. This act shall be given a liberal construction for the purpose of sustaining any and all proceedings taken hereunder.

Bondholder's rights

SEC. 6. Nothing in this act shall impair or adversely affect any right of any bondholder or creditor of any of the districts involved in this merger.

Merger

SEC. 7. The Hollister Irrigation District is hereby merged into the San Benito County Water Conservation and Flood Control District which shall be the surviving district bearing the same name, and which shall include all areas of the Hollister Irrigation District. The boundaries of the San Benito County Water Conservation and Flood Control District shall not be changed by such merger.

Operation, management, etc.

SEC. 8. The San Benito County Water Conservation and Flood Control District shall in all respects be operated, managed and governed as provided by law for said district as set forth in the San Benito Water Conservation and Flood Control District Act (Chapter 1598, Statutes of 1953), and shall have the same purposes, powers, duties and obligations as stated therein.

Dissolution of Hollister Irrigation District

SEC. 9. The Hollister Irrigation District is hereby dissolved and for all purposes shall cease to exist as herein provided. The San Benito County Water Conservation and Flood Control District shall and does hereby succeed to all the properties and rights of said district.

Date

SEC. 10. The dissolution of Hollister Irrigation District and its merger into San Benito County Water Conservation and Flood Control District shall occur and be considered completed for all purposes on the first day of the second month following the 61st day after the effective date of this act, unless there has been filed with either of the districts a petition signed by at least 5 percent of the registered voters of the area comprising all of the districts requesting that an election be held for the purpose of approving or disapproving the within dissolution and merger by popular vote. If such petition is filed and found to be valid, the election shall be held as quickly as possible and pursuant to the provisions of Section 5 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598, Statutes of 1953). The certification of the results of the election, if held, shall determine whether the dissolution and merger has been accomplished.

Resolution to prevent dissolution and merger

SEC. 11. The boards of directors of the Hollister Irrigation District and the San Benito County Water Conservation and Flood Control District may adopt, any time prior to the first day of the second month following the 61st day after

this act becomes effective, resolutions disapproving the dissolution of the Hollister Irrigation District and merger into the San Benito County Water Conservation and Flood Control District pursuant to the provisions of this act. The adoption of such resolution by either of these districts and the recording of a certified copy thereof as hereinafter required shall prevent the dissolution and merger.

Merger

SEC. 12. On the first day of the second month following the 61st day after the effective date of this act, and if the districts have not adopted the resolutions disapproving this act as herein provided, and if no petition bearing at least 5 percent of the signatures of the registered voters of the area in the districts has been filed requesting an election, the dissolution of the Hollister Irrigation District and its merger into San Benito County Water Conservation and Flood Control District shall occur without further action by either of the districts. All of the facilities, properties, assets, and liabilities of the Hollister Irrigation District are hereby transferred on such date to the San Benito County Water Conservation and Flood Control District.

Recordation

SEC. 13. The boards of directors of the Hollister Irrigation District and San Benito County Water Conservation and Flood Control District shall, within five days of the adoption thereof, cause to be recorded with the Recorder of San Benito County a certified copy of their resolutions, if any, disapproving the dissolution and merger as provided in this act.

Assessments

SEC. 14. Any assessments levied by or on behalf of the Hollister Irrigation District or any bills or statements rendered by or on behalf of the Hollister Irrigation District shall continue to be a debt or obligation of the person or property against whom levied, assessed or rendered.

Pending actions and proceedings

SEC. 15. Any and all actions and proceedings pending by or against the Hollister Irrigation District at the time of its dissolution and merger into the San Benito County Water Conservation and Flood Control District may be prosecuted to final judgment for or against said Hollister Irrigation District, or the San Benito County Water Conservation and Flood Control District may be substituted as a party.

SEC. 16. After the effective date of the dissolution and merger no action or proceedings shall be brought for or against the dissolved and merged Hollister Irrigation District directors or officers or employees but shall be prosecuted by or against the San Benito County Water and Conservation Flood Control District.

Outstanding indebtedness

SEC. 17. All outstanding bonded and other indebtednesses of the dissolved and merged Hollister Irrigation District are hereby assumed by the San Benito County Water Conservation and Flood Control District, and all bondholders and creditors of such Hollister Irrigation District may enforce any rights they may have against the San Benito Water Conservation and Flood Control District in like manner as if the Hollister Irrigation District had not been dissolved and merged into the San

Benito County Water and Conservation Flood Control District. All property subject to taxation or assessments for the payment of the principal of or interest on any such outstanding bonded and other indebtedness shall, until such principal and interest is paid or provision is made for the payment thereof, continue to be subject to such taxation or assessment as fully as though said Hollister Irrigation District had not been merged or dissolved, and all provisions of law which could have been used against the legislative bodies and officers of the merged or dissolved district to compel the levy and collection of such taxes or assessments had the merger or dissolution not occurred can be used against the board of directors and officers of the San Benito County Water Conservation and Flood Control District.

SEC. 18. The districts shall execute any and all documents necessary to complete the transfer of assets as herein provided. Transfer of assets

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CHAPTER 204

An act to add Section 22506 to the Water Code, relating to leases of irrigation district property.

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.] In effect September 15, 1961

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

SECTION 1. Section 22506 is added to the Water Code, to read:

22506. When a board determines by resolution entered upon the minutes that any property of the district may be leased for a use or purpose that will not interfere with or be inconsistent with district uses or purposes, the district may, for a valuable consideration, lease the property for such use or purpose upon terms that appear to the board to be for the best interests of the district.

CHAPTER 205

An act to amend Sections 7200, 7201, 7202, 7204, 7207, and 7209 of the Elections Code, and Section 17400 of the Elections Code as proposed by Assembly Bill No. 8, relating to the destruction of election records.

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.] In effect September 15, 1961

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

SECTION 1. Section 7200 of the Elections Code is amended to read:

Disposal

7200. The records and supplies of any statewide election or any county, city, district, or other local election when received by the clerk shall be disposed of as set forth in this article.

"Clerk"

As used in this article the term "clerk" means the county clerk, city clerk, or other officer charged with the duty of conducting any election.

SEC. 2. Section 7201 of said code is amended to read:

Package of voted ballots

7201. The package containing the voted ballots shall be kept by the clerk unopened and unaltered for six months subsequent to the date of the declaration of the result of the election by the body canvassing the returns thereof.

If a contest is not commenced within the six months' period, or if a criminal prosecution involving fraudulent use, marking or falsification of ballots or forgery of absent voters' signatures is not commenced within the six months' period, either of which may involve the vote of the precinct from which the package has been received, he shall destroy it, or have it destroyed, without being opened or its contents examined. This section also shall apply to absentee ballots and identification envelopes.

SEC. 3 Section 7202 of said code is amended to read:

Court orders

7202. If a contest or any such criminal prosecution has been commenced prior to the date fixed for its destruction the package and its contents shall be subject to the order of the court in which the contest or criminal prosecution is pending and shall not be destroyed until after final determination of the contest or criminal prosecution.

In no event shall the package or its contents be taken from the custody of the clerk.

SEC. 4. Section 7204 of said code is amended to read:

Package of spoiled, canceled and unused ballots

7204. The package containing the spoiled, canceled and unused ballots shall remain unopened in the custody of the clerk and shall be held and disposed of as are the voted ballots.

SEC. 5. Section 7207 of said code is amended to read:

Custody

7207. The clerk shall retain in his custody the package or packages described in Section 7104.

Tally sheets

The tally sheets shall be made available to the body charged with the canvass of the returns of the election. All voters may inspect the contents of the package or packages at all times following commencement of the official canvass of the votes. The package or packages shall be disposed of in the same manner as voted ballots.

SEC. 6. Section 7209 of said code is amended to read:

Exclusive custody and control of clerk

7209. Whenever any packages have been inspected and examined by any court in an election contest, and a record made of the evidence therein contained, they shall be restored to the exclusive control and custody of the clerk who shall reseal the packages with the ballots contained therein, and keep them until he destroys them pursuant to this article.

Note: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

SEC. 8 Section 7 of this act shall become operative only if the Elections Code as proposed by Assembly Bill No. 8 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 8 takes effect; at which time the provisions of the Elections Code as amended by Sections 1 through 6 of this act are repealed. Effect Stats 1961, Ch 23

CHAPTER 206

An act to amend Sections 31681.4 and 31739.2 of the Government Code, relating to county retirement systems.

[Approved by Governor April 26, 1961 Filed with Secretary of State April 26, 1961]

In effect September 15, 1961

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

SECTION 1. Section 31681.4 of the Government Code is amended to read:

31681.4. Every retirement allowance for time commencing on the effective date of this section to or on account of any member of this system or of a superseded system not established pursuant to either Chapter 4 or Chapter 5, who was retired or died on or after January 1, 1948 but prior to February 1, 1955, or such other date prior to February 1, 1955, as the board of supervisors in any county shall specify by resolution, is hereby increased by twenty-five dollars ($25) per month if the retired member is entitled to be credited with 20 years or more of service, or, if the retired member is entitled to be credited with less than 20 years of service, by an amount which bears the same ratio to twenty-five dollars ($25) as the member's completed years of service with which the member is entitled to be credited bears to 20 years. Increased retirement allowance

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county. Operative date

SEC. 2. Section 31739.2 of said code is amended to read:

31739.2. Every retirement allowance for time commencing on the effective date of this section to or on account of any member of this system or of a superseded system not established pursuant to either Chapter 4 or Chapter 5, who was retired for disability on or after January 1, 1948, but prior to February 1, 1955, or such other date prior to February 1, 1955, as the board of supervisors in any county shall specify by resolution, is hereby increased by twenty-five dollars ($25) per month if the retired member is entitled to be credited with 20 years or more of service, or, if the retired member is entitled to be credited with less than 20 years of service, by an amount Increased retirement allowance

which bears the same ratio to twenty-five dollars ($25) as the member's completed years of service with which the member is entitled to be credited bears to 20 years.

Operative date

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

CHAPTER 207

An act to add Section 2611.5 to the Revenue and Taxation Code, relating to property tax bills.

In effect September 15, 1961

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.]

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

SECTION 1. Section 2611.5 is added to the Revenue and Taxation Code, to read:

2611.5. (a) Each county tax bill shall itemize either the tax rates or the dollar amounts of taxes levied on the property covered by the bill for county, city and school district purposes. The tax rates or the dollar amounts of taxes levied on the property for other purposes shall be either specifically shown or combined into one or more items.

(b) In lieu of itemizing on the county tax bill the information required by subdivision (a) of this section, a separate statement itemizing the tax rates or the dollar amounts of taxes levied by each taxing agency on the property covered by the tax bill shall accompany the tax bill.

CHAPTER 208

An act to amend Section 7.2 of the Amador County Water Agency Act (Chapter 2137, Statutes of 1959), relating to the Amador County Water Agency.

In effect September 15, 1961

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.]

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

SECTION 1. Section 7.2 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 7.2. Within 30 days after the election prescribed in Section 7 and thereafter within 30 days after those who are elected at the succeeding elections take office, the directors shall meet and organize as a board. The board shall:

Elect one of its members president; provide for the time and place of holding its regular meetings; and provide for the manner of calling special meetings. The board shall act only by ordinance, resolution or motion and the enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Amador County Water Agency as follows:". All ordinances shall be signed by the president and attested by the secretary, shall be adopted, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances of the county. A majority of the board shall constitute a quorum for the transaction of business, and the board may transact any business of the agency at its organization meeting.

The board shall establish rules for its proceedings and all legislative sessions of the board shall be public.

Each director shall receive the sum of twenty dollars ($20) for each meeting of the board, or committee thereof, attended by him, not exceeding three meetings per month, plus his actual, necessary, and reasonable traveling expenses.

CHAPTER 209

An act to amend Section 210 of the Labor Code, relating to employee paydays.

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.] In effect September 15, 1961

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

SECTION 1. Section 210 of the Labor Code is amended to read:

210. In addition to and entirely independent and apart from any other penalty provided in this article, every person who fails to pay the wages of each employee as provided in Sections 204, 204b, and 205, shall forfeit to the State the sum of ten dollars ($10) for each failure to pay each employee. The penalty shall be recovered by the Division of Labor Law Enforcement in a civil action. Such action shall be brought in the name of the people of the State of California and the division and the attorneys thereof may proceed and act for and on behalf of the people in bringing such actions. All money recovered therein shall be paid into the State Treasury to the credit of the General Fund.

CHAPTER 210

An act to amend Section 27900 of the Vehicle Code, relating to signs displayed on vehicles.

In effect September 15, 1961

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.]

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

SECTION 1. Section 27900 of the Vehicle Code is amended to read:

27900. Every motor vehicle or combination of vehicles used to carry the property of others for hire or used to carry passengers for hire, and any truck or truck tractor having three or more axles or any truck tractor with a semitrailer, shall have displayed on both sides of each vehicle or one of the vehicles in each combination of vehicles the name or trademark of the person under whose authority the vehicle or combination of vehicles is being operated or the name of the lessor or lessee thereof.

CHAPTER 211

An act to add Sections 12716, 12717 and 12718 to the Water Code, relating to flood control.

In effect September 15, 1961

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.]

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

SECTION 1. Section 12716 is added to the Water Code, to read:

Walnut Creek

12716. The project for flood protection on Walnut Creek in Contra Costa County is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 76, 86th Congress, First Session, as authorized by Act of Congress approved July 14, 1960 (Public Law 86-645, 74 Stat. 480, Title II, the "Flood Control Act of 1960") at an estimated cost to the State of such sum as may be appropriated for state co-operation by the Legislature upon the recommendation and advice of the department, when funds for carrying out the project are appropriated by Congress; provided, that the requirement that local interests make a cash contribution to the United States equal to 7.4 percent of the project cost is for payment of local benefits not related to flood control and shall not be payable or reimbursable by the State.

SEC. 2. Section 12717 is added to said code, to read:

Assurances of local co-operation

12717. The Contra Costa County Flood Control and Water Conservation District shall give assurances satisfactory to the Secretary of the Army that the local co-operation required by the Act of Congress approved July 14, 1960 (Public Law 86-

645, 74 Stat. 480, Title II, the "Flood Control Act of 1960"), will be furnished by the district in connection with the project for flood control adopted and authorized in Section 12716.

SEC. 3. Section 12718 is added to said code, to read:

12718. The Contra Costa County Flood Control and Water Conservation District, in conjunction with the Department of the Army, shall execute the plans and projects referred to in Section 12716 and exercise all powers granted to it in the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617, Statutes of 1951), and the district may make such modifications or amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing with Section 12570) and 2 (commencing with Section 12639) of this part. Plans and projects

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CHAPTER 212

An act to amend Sections 12005, 12006 and 12010 of the Fish and Game Code, relating to fines and penalties.

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.] In effect September 15, 1961

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

SECTION 1. Section 12005 of the Fish and Game Code is amended to read:

12005. The minimum punishment for a violation of any of the following provisions of this code is a fine of ten dollars ($10) or imprisonment in the county jail for five days: Minimum punishment

(a) Those in Sections 1052 to 1060, inclusive, 2012, 3030, 3032, 7121, 7145, 7155, 7180, and 7181.

(b) Those in Sections 2250, 2251, and 4001 to 4009, inclusive.

SEC. 2. Section 12006 of said code is amended to read:

12006. The minimum punishment for a violation of any of the following provisions of this code is a fine of twenty-five dollars ($25) or imprisonment in the county jail for 10 days: Minimum punishment

(a) Those relating to refuges.

(b) 308, 331 to 333, inclusive,

1124, 1051,

2000 to 2010, inclusive, 2225, 2270 to 2273, inclusive, 2301 to 2304, inclusive, 2346, 2348 to 2350, inclusive, 2352 to 2354, inclusive, 2356 to 2360, inclusive, 2366, 2368 to 2370, inclusive, 2430, 2431,

3000 to 3006, inclusive, 3080, 3081, 3083 to 3086, inclusive, 3219, 3240 to 3244, inclusive, 3501 to 3510, inclusive, 3651 to 3653, inclusive, 3659, 3660, 3680, 3681, 3804,

4181, 4183, 4185, 4300 to 4303, inclusive, 4330, 4331, 4336, 4341, 4500,

5502 to 5511, inclusive, 5651, 5670, 5672, 5800, 5948,

6305, 6400, 6422, 6425, 6426, 6452, 6454, 6455, 6480, 6482 to

6509, inclusive, 6851, 6852, 6854,

7120, 7148, 7230, 7231, 7254, 7255, 7290, 7332, 7850, 7920 to 7923, inclusive,

8100 to 8106, inclusive, 8150, 8180 to 8189, inclusive, 8210 to 8219, inclusive, 8252, 8253, 8276, 8278, 8279, 8301 to 8316, inclusive, 8341 to 8343, inclusive, 8345, 8346, 8370, 8372, 8373, 8376, 8377, 8380, 8382 to 8388, inclusive, 8392, 8393, 8395, 8396, 8430, 8432, 8435, 8463,

10710, 10711, 10925.

SEC. 3. Section 12010 of said code is amended to read:

Minimum punishment

12010. The minimum punishment for a violation of any of the following provisions of this code is a fine of one hundred dollars ($100) or imprisonment in the county jail for 25 days:

Sections 5500, 5650, 7700 to 7710, inclusive, 7880 to 7889, inclusive, 8010 to 8018, inclusive, 8151 to 8155, inclusive, 8040 to 8056, inclusive, and Chapter 3 (commencing with Section 8601) and Chapter 4 (commencing with Section 9000) of Part 3 of Division 6.

CHAPTER 213

An act to amend Sections 1903 and 1905 of the Public Utilities Code, relating to fees charged by the Public Utilities Commission.

In effect September 15, 1961

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.]

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

SECTION 1. Section 1903 of the Public Utilities Code is amended to read:

Fees

1903. The commission shall charge and collect the following fees:

(a) For copies of papers and records not required to be certified or otherwise authenticated by the commission (except transcripts of testimony, other evidence or proceedings prepared by or under the direction or supervision of the official reporters of the commission), twenty cents ($0.20) for each folio.

(b) For certified copies of official documents and orders filed in its office, twenty-five cents ($0.25) for each folio and one dollar ($1) for every certificate under seal affixed thereto.

(c) For certifying a copy of any report made by a public utility, two dollars ($2).

(d) For each certified copy of the annual report of the commission, one dollar and fifty cents ($1.50).

(e) For certified copies of evidence and proceedings before the commission (except transcripts of testimony, other evidence or proceedings prepared by or under the direction or supervision of the official reporters of the commission), twenty-five cents ($0.25) for each folio.

The commission may establish and fix the charge to be made and collected by it for transcripts of testimony, other evidence and proceedings taken before the commission, where such transcripts are prepared by or under the direction or supervision of the official reporters of the commission.

SEC. 2. Section 1905 of said code is amended to read:

1905. No fees shall be charged or collected for copies of papers, records, or official documents, furnished to public officers for use in their official capacity, or for the annual reports of the commission in the ordinary course of distribution, but the commission may fix reasonable charges for publications issued under its authority. Exclusions

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CHAPTER 214

An act to amend Section 6306 of the Fish and Game Code, relating to inspection of imported fish.

[Approved by Governor April 26, 1961 Filed with Secretary of State April 26, 1961] In effect September 15, 1961

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

SECTION 1. Section 6306 of the Fish and Game Code is amended to read:

6306. The expense of any examination made necessary by the provisions of this code, shall be borne by the owner of the fish, amphibia, or aquatic plants, or the person or persons importing them into this State; provided, that the department may assume such expense in the case of fish imported to provide fishing under the authority of a sport fishing license in the public waters of this State.

CHAPTER 215

An act to amend Sections 580, 581, 582, 2125, 2126, 2127, 2129, 2130, 2135, 2139, 2143, 2245, 2246, 2292, 2326, 2393, 2398, 2410, 2436, 4033, 4051, 4142, 4145, 4170, 4173, 4213, 4216, 4224, 4226, 4227, and 4231 of, and to amend the heading of Article 2.5 (commencing with Section 2125) of Chapter 5 of Division 2 of, the Business and Professions Code, to amend Sections 2126 and 2127 of the Business and Professions Code, as amended by Senate Bill No. 115 of the 1961 Regular Session, to amend Section 2393 of the Business and Professions Code, as amended by Senate Bill No. 462 of the 1961 Regular Session, to amend Sections 200 and 690.4 of the Code of Civil Procedure, to amend Sections 11751, 11753 and 13145 of the Education Code, to amend Sections 11161 11500, and 11501 of the Health and Safety Code, to amend

Section 3209.3 of the Labor Code, to amend Section 638 of the Penal Code, and to amend Section 2708 of the Unemployment Insurance Code, relating to the practice of chiropody.

In effect September 15, 1961

[Approved by Governor April 26, 1961 Filed with Secretary of State April 26, 1961.]

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

SECTION 1. Section 580 of the Business and Professions Code is amended to read:

Selling of degrees

580. No person, company or association shall sell or barter or offer to sell or barter any medical degree, or osteopathic degree, or chiropractic degree, or drugless practitioner degree or naturopathic degree, or any degree, certificate or transcript made or purporting to be made pursuant to any laws regulating the licensing and registration or issuing of a certificate to physicians and surgeons, drugless practitioners, podiatrists, midwives, osteopathic physicians or drugless practitioners, naturopaths, chiropractors or persons lawfully engaged in any other system or mode of treating the sick or afflicted.

SEC. 1.5. Section 581 of said code is amended to read:

Purchase with intent

581. No person, company or association shall purchase or procure by barter or by any unlawful means or method, any diploma, certificate or transcript, with intent that it shall be used as evidence of the holder's qualifications to practice as a physician and surgeon, osteopathic physician, a naturopath, a drugless practitioner, a podiatrist, or a midwife or any other system or mode of treating the sick or afflicted as provided in the State Medical Practice Act in Chapter 5 of Division II of this code, relating to the practice of medicine, or in any fraud of the law regulating this practice or, shall with fraudulent intent, alter in a material regard, any such diploma, certificate, or transcript.

SEC. 2. Section 582 of said code is amended to read:

Use of purchased degree

582. No person, company or association shall use or attempt to use any diploma, certificate, or transcript which has been purchased, fraudulently issued, illegally obtained, counterfeited or materially altered, either as a certificate or as to character or color of certificate, to practice as a physician and surgeon, naturopath, drugless practitioner, podiatrist or midwife, osteopathic physician or a drugless practitioner, chiropractor or to practice any other system or mode of treating the sick or afflicted, provided in the State Medical Practice Act or in Chapter 5 of Division II of this code, relating to the practice of medicine.

SEC. 3. The heading of Article 2.5 (commencing with Section 2125) of Chapter 5 of Division 2 of said code is amended to read:

Article 2.5. Podiatry Examining Committee

SEC. 4. Section 2125 of said code is amended to read:

2125. There is hereby created within the jurisdiction of the Board of Medical Examiners of the State of California, a Podiatry Examining Committee, hereafter referred to as the examining committee. Podiatry Examining Committee

SEC. 5. Section 2126 of said code is amended to read:

2126. The examining committee shall consist of five members appointed by the Governor. The Governor shall give consideration to recommendations of the Board of Medical Examiners of the State of California. Membership

Within 40 days after this article becomes effective, the Governor shall appoint the members of the first examining committee from podiatrists qualified under the provisions of this article.

Each subsequent appointment to the examining committee shall be made by the Governor after giving consideration to recommendations of the said Board of Medical Examiners, from podiatrists likewise qualified under the provisions of this article.

SEC. 6. Section 2127 of said code is amended to read:

2127. Members of the examining committee shall be appointed from persons having all of the following qualifications: Qualifications of members

(a) Be a citizen of this State for at least five years next preceding his appointment.

(b) Be a graduate of a recognized school of podiatry.

(c) Have a valid certificate to practice podiatry in this State.

(d) Have engaged in the practice of podiatry in this State for at least five years next preceding his appointment.

(e) Shall not be an officer or faculty member of any college, school or institution engaged in podiatry instruction.

SEC. 7. Section 2129 of said code is amended to read:

2129. The examining committee shall examine every applicant for a podiatry certificate at the time and place designated by the board in its discretion, but at least once in each year. Time and place of examination

SEC. 8. Section 2130 of said code is amended to read:

2130. The examining committee shall have full authority to investigate each and every applicant applying for a certificate to practice podiatry and to recommend to the board the admission of the applicant to the examination, or for the issuance of a license, in conformance with the provisions and qualifications required by this chapter. Authority

SEC. 9. Section 2135 of said code is amended to read:

2135. The board shall issue two forms of certificates under its seal and signed by two members of the board. These certificates shall be designated as: Certificates

(a) Physician's and surgeon's certificate.

(b) Certificate to practice podiatry.

The physician's and surgeon's certificate may also be issued as a reciprocity certificate.

SEC. 10. Section 2139 of said code is amended to read:

2139. The certificate to practice podiatry authorizes the holder to practice podiatry. As used in this chapter:

"Podiatry" Podiatry means the diagnosis, medical, surgical, mechanical, manipulative, and electrical treatment of the human foot, including the nonsurgical treatment of the muscles and tendons of the leg governing the functions of the foot. No podiatrist shall do any amputation or use an anesthetic other than local.

SEC. 11. Section 2143 of said code is amended to read:

Misdemeanor 2143. Any person, who uses in any sign or any advertisement or otherwise the word "podiatrist," "foot specialist," or any other term or terms or letters indicating or implying that he is a podiatrist, or that he practices or holds himself out as practicing podiatry or foot correction as defined in Section 2139, without having at the time of so doing a valid unrevoked certificate as provided for in this chapter, is guilty of a misdemeanor.

SEC. 12. Section 2245 of said code is amended to read:

Compliance 2245. Every applicant for a certificate to practice podiatry shall comply with all the provisions of this article in addition to the provisions of Article 4.

SEC. 13. Section 2246 of said code is amended to read:

Evidence of instruction 2246. Each applicant shall show by transcripts or other evidence satisfactory to the board that he has attended four resident courses of professional instruction in a school approved by the board covering at least 4,000 hours.

Each hour does not include the time consumed by examinations or tests and shall not be less than 50 consecutive minutes. Not more than eight hours' work is to be credited to any student in any one day of 24 hours. Each course shall not be of less than 32 weeks' duration. At least 11 months shall intervene between the beginning of any course and the beginning of the preceding course, but these courses need not necessarily have been pursued continuously or consecutively.

Curriculum The curriculum shall provide for adequate instruction in the following:

Anatomy
  Embryology
  Histology
Physiology
Biochemistry
Bacteriology
Pathology
Immunology
Pharmacology
  Materia medica
  Toxicology
Preventive medicine
Hygiene
Shoe therapy
Physical therapy
Foot orthopedics
Didactic podiatry
Podiatric medicine
Physical and laboratory diagnosis
Neurology
Psychology
Dermatology
Syphilology
Podiatric surgery
Orthopedic surgery
Roentgenology

SEC. 14. Section 2292 of said code is amended to read:

2292. Applicants for a certificate to practice podiatry under Article 8 shall pass an examination in the following subjects: Examination subjects

(a) Anatomy and histology.

(b) Physiology, chemistry and hygiene.

(c) Pathology and bacteriology.

(d) Dermatology and syphilis.

(e) Orthopedics and surgery.

(f) Podiatry and therapeutics.

SEC. 15. Section 2326 of said code is amended to read:

2326. No reciprocity certificate to practice podiatry in this State shall be granted to an applicant from another state. No reciprocity

The board shall issue a certificate to practice podiatry to all applicants who meet the following requirements:

(a) The applicant is 21 years of age or over.

(b) The applicant is a graduate of a college or school of podiatry, which, in the opinion of the board, maintains and gives a course which is equivalent to the minimum requirements of the board for an accredited school in this State.

(c) The applicant is of good moral character.

(d) The applicant has passed a written examination as provided in Section 2292 of this code.

SEC. 16. Section 2393 of said code is amended to read:

2393. The use of any fictitious, false or assumed name, or any name other than his own, by the holder of any certificate, either alone or in conjunction with a partnership group, in any sign or advertisement in connection with his practice, or in any advertisement or announcement of his practice, or in any public announcement of his practice, except as hereinafter expressly permitted, constitutes unprofessional conduct within the meaning of this chapter. Holders of physicians' and surgeons' certificates and holders of certificates to practice podiatry issued under this chapter may practice, within the scope of their respective certificates, in partnerships or groups of physicians and surgeons or of podiatrists, respectively. Use of fictitious names

Any physician and surgeon or partnership or group of physicians and surgeons, or any podiatrist or partnership or group of podiatrists, engaging in practice under any name that would otherwise be a violation of this section may practice under such name if, and only if, such individual, partnership or group holds an outstanding and unrevoked permit issued by the board under the provisions of this section.

The board shall issue written permits authorizing the holder to use a name specified in the permit in connection with his or their practice if, and only if, the board finds to its satisfaction that: Permits

(a) The applicant or applicants are either duly licensed physicians and surgeons or podiatrists, as the case may be;

(b) The place or establishment, or the portion thereof, in which the applicant or applicants practice, is owned or leased by the applicant or applicants, and the practice conducted at

such place or establishment, or portion thereof, is wholly owned and entirely controlled by the applicant or applicants;

(c) The name under which the applicant or applicants propose to operate contains at least one of the following designations: "Medical Group," "Medical Clinic," "Podiatrists' Group" or "Podiatrists' Clinic";

(d) All licensed persons practicing at the location designated in the application hold valid and outstanding licenses and that no charges of unprofessional conduct are pending against any person practicing at such location.

Expiration date

Permits issued under this section shall expire on December 31st of each year, and may be renewed by the board on payment of the fee equal to the annual tax and registration fee payable by licentiates under this chapter.

Revocation

Any permit issued under this section may be revoked or suspended at any time that the board finds that any one of the requirements for original issuance of a permit is no longer being fulfilled by the individual or group to whom the permit was issued. Proceedings for revocation or suspension shall be governed by the Administrative Procedure Act.

In the event charges of unprofessional conduct are filed against the holder of a permit issued under this section, or a partnership or a member of a group to whom a permit has been issued under this section, proceedings shall not be commenced for revocation or suspension of the permit until final determination of such charges of unprofessional conduct and unless such charges have resulted in revocation of license.

The amendments to this section enacted at the 1955 Regular Session of the Legislature shall not be applicable to establishments licensed under Chapter 1 of Division 2 of the Health and Safety Code.

SEC. 17. Section 2398 of said code is amended to read:

"D.S.P."

2398. Unless the holder of any certificate issued under the provisions of this chapter or any preceding medical practice act of this State has been granted the degree of doctor of surgical podiatry after the completion of a full course of study as prescribed by an approved school of podiatry in accordance with the provisions of this chapter or any preceding medical practice act, the use of the term or suffix "D S.P." constitutes unprofessional conduct within the meaning of this chapter.

SEC. 18. Section 2410 of said code is amended to read:

Advertising of a stipulated price

2410. It constitutes unprofessional conduct within the meaning of this chapter for any person holding a certificate to practice podiatry, to advertise the rendition of podiatry services at a stipulated price, or at any variation of such a price, or as being free.

SEC. 19. Section 2436 of said code is amended to read:

Injunction

2436. Whenever any person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the superior court of any county, on application of the board or of 10 or more persons holding physician's and surgeon's or podiatrist's certificates

issued under this chapter, may issue an injunction or other appropriate order restraining such conduct. Proceedings under this section shall be governed by Chapter 3 of Title 7, Part 2, of the Code of Civil Procedure, except that no undertaking shall be required in any action commenced by the board.

SEC. 20. Section 4033 of said code is amended to read:

Authorized practitioners

4033. "Physicians," "dentists," "pharmacists," "podiatrists," "veterinarians," "veterinary surgeons," are persons authorized by a currently valid and unrevoked license to practice their respective professions in this State. "Physician" means and includes any person holding a valid and unrevoked physician's and surgeon's certificate or certificate to practice medicine and surgery, issued by the Board of Medical Examiners or the Board of Osteopathic Examiners of this State, and includes an unlicensed person lawfully practicing medicine pursuant to Section 2147.5 of this code, when acting within the scope of said section.

SEC. 21. Section 4051 of said code is amended to read:

Excluded persons

4051. This chapter does not apply to or interfere with anyone who holds a physician's and surgeon's certificate or certificate to practice podiatry and who is duly registered as such by the Board of Medical Examiners or the Board of Osteopathic Examiners of this State, with supplying his own patients with such remedies as are necessary in the treatment of the condition for which he attends such patient if he acts as their physician and is employed by them as such and if he does not keep a pharmacy, open shop or drug store, advertised or otherwise, for the retailing of drugs or poisons, and provided such person keeps accurate records of drugs dispensed and that such drugs may not be dispensed by a nurse or attendant.

SEC. 22. Section 4142 of said code is amended to read:

Certain drug jobbers, wholesalers and manufacturers excluded

4142. The provisions of this article with reference to hypodermic syringes and needles do not apply to the sale at wholesale by drug jobbers, drug wholesalers and drug manufacturers or manufacturers and dealers in surgical instruments to any of the following:

(a) Pharmacies as defined in the Business and Professions Code.

(b) Physicians.

(c) Dentists.

(d) Podiatrists.

(e) Veterinarians.

(f) Other jobbers, wholesalers or manufacturers.

(g) Persons to whom a permit has been issued.

(h) Funeral directors and embalmers.

Nor do such provisions apply to the sale at retail by persons to whom a permit has been issued to any of the following:

(a) Pharmacists.

(b) Physicians.

(c) Dentists.

(d) Podiatrists.

(e) Veterinarians.
(f) Licensed medical technicians or technologists.
(g) Nurses.
(h) Hospital research teaching or clinical laboratories.
(i) Other permittees.
(j) Funeral directors and embalmers.

SEC. 23. Section 4145 of said code is amended to read:

Sale of hypodermic needles and syringes

4145. No hypodermic needle or hypodermic syringe shall be sold for human use except upon the prescription of a physician and surgeon, dentist or podiatrist. The foregoing provisions shall not apply to sales of hypodermic needles or hypodermic syringes for human use for the purpose of administering adrenalin or insulin to persons suffering from diabetes or asthma.

SEC. 24. Section 4170 of said code is amended to read:

Exempted dealers and pharmacists

4170. Wholesale dealers and pharmacists are exempted from the registration of the sale of any poison enumerated in Schedule "A" when it is sold to a registered pharmacist, physician, dentist, podiatrist, or veterinary surgeon, or to a research, teaching or testing laboratory or other established legitimate user in the chemical and technical arts.

SEC. 25. Section 4173 of said code is amended to read:

Sale upon prescriptions

4173. The provisions of this article do not apply to any sale made upon the prescriptions of a practicing physician, dentist, podiatrist or veterinary surgeon.

SEC. 26. Section 4213 of said code is amended to read:

"Administer"

4213. "Administer," as used in this article, means the furnishing by a physician and surgeon, dentist, podiatrist, or veterinarian to his patient of such amount of drugs or medicines referred to in this article as are necessary for the immediate needs of the patient.

SEC. 27. Section 4216 of said code is amended to read:

Definitions

4216. "Physician," "dentist," "podiatrist," "veterinarian" and "pharmacist" mean persons authorized by a currently valid and unrevoked license to practice their respective professions in this State. "Physician" means and includes any person holding a valid and unrevoked physician's and surgeon's certificate or certificate to practice medicine and surgery, issued by the Board of Medical Examiners or the Board of Osteopathic Examiners of this State, and includes an unlicensed person lawfully practicing medicine pursuant to Section 2147.5 of this code, when acting within the scope of said section.

SEC. 28. Section 4224 of said code is amended to read:

Hypnotic drugs purchase order forms

4224. Physicians, dentists, podiatrists, veterinarians, and licensees shall execute hypnotic drugs purchase order forms in triplicate, showing date, name of supplier, name and quantity of hypnotics ordered and signature, license number and address of licensee. The original and duplicate orders shall be forwarded to the supplier, who shall forward the duplicate order to the licensing board under which the purchaser is licensed within 30 days after receipt thereof, and the tripli-

cate of the order kept on the file of the purchaser for at least three years. Within a reasonable time after any purchaser except a wholesaler in this State gives any order to, or makes any contract or agreement for purchases from or sales by, any out-of-state person of any hypnotic drug for delivery in this State, the purchaser shall forward the original order to the out-of-state person, forward a duplicate of such order, contract or agreement for such purchase to the licensing board under which the purchaser is licensed, and retain a triplicate for not less than three years. The provisions of this section do not apply when hypnotic drugs are combined or compounded with medicinal drugs which render such combination or compound unfit for hypnotic use. Each licensing board shall have exclusive jurisdiction to administer and enforce this section as to its licensees.

SEC. 29. Section 4226 of said code is amended to read:

Administration of hypnotic drugs

4226. This article does not require a license from and shall not apply to or interfere with a physician, dentist, podiatrist or veterinarian in administering hypnotic drugs to his own patients. Such hypnotic drugs shall be administered only by the physician, dentist, podiatrist or veterinarian.

SEC. 30. Section 4227 of said code is amended to read:

Furnishing of drugs upon prescription

4227. No person shall furnish any dangerous drug, other than any hypnotic drug, except upon the prescription of a physician, dentist, podiatrist or veterinarian.

The provisions of this section do not apply to the furnishing of any dangerous drug, other than any hypnotic drug, by a manufacturer or wholesaler or pharmacy to each other or to a physician, dentist, podiatrist or veterinarian or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity.

No person shall dispense any hypnotic drug except upon the prescription of a physician, dentist, podiatrist or veterinarian, or upon the receipt of a properly executed official hypnotic drug purchase order form.

Record of drug administration

A record of the hypnotic drug administered by any person exempt under Section 4225 shall be kept stating the date, name and address of the patient, name and amount of the drug administered. The provisions of this section with respect to the keeping of records do not apply when hypnotic drugs are combined or compounded with medicinal drugs which render such combination or compound unfit for hypnotic use.

SEC. 31. Section 4231 of said code is amended to read:

Inspection of dangerous stock

4231. All stock of any dangerous drug of a manufacturer or wholesaler or pharmacy or physician or dentist or podiatrist or veterinarian or laboratory shall be at all times during business hours open to inspection by authorized officers of the law.

SEC. 32. Section 11751 of the Education Code is amended to read:

Supervisor of health

11751. The governing board of any school district may appoint a supervisor of health, or supervisors of health, consisting of a physician, psychologist, psychiatrist, teacher, nurse, oculist, dentist, optometrist, otologist, podiatrist, school audiometrist, or any one or more of such persons. In case of the appointment of more than one supervisor of health the supervisors may, in the discretion of the board, all be chosen from any one of the classes designated. The board may also appoint such number of nurses and dental hygienists as it may deem necessary to work under the direction of the supervisor of health and may provide for the compensation of such employees. No money set aside for the payment of teachers' salaries or for library purposes shall be used for this purpose.

SEC. 33. Section 11753 of said code is amended to read:

Required certificate

11753. No physician, psychiatrist, oculist, dentist, dental hygienist, optometrist, otologist, podiatrist, school audiometrist, or nurse not employed in such capacity by the State Department of Public Health, shall be, nor shall any other person be, employed or permitted to supervise the health and physical development of pupils unless he holds a health and development certificate. Any psychologist employed pursuant to Sections 11751 to 11754, inclusive, shall hold a school psychologist credential issued by the State Board of Education.

SEC. 34 Section 13145 of said code is amended to read:

Minimum standard for health and development credential

13145. The minimum standard for the health and development credential authorizing service as a supervisor of health in the capacity of a school physician, school nurse, school oculist, school optometrist, school otologist, school audiometrist, school dentist, school podiatrist or school dental hygienist shall be the possession of a valid license issued by the California state board or agency in charge of the applicant's profession in California, and such additional requirements as may be prescribed by the State Board of Education.

This credential shall authorize service as a supervisor of health in the capacity shown therein.

SEC. 35. Section 200 of the Code of Civil Procedure is amended to read:

Persons exempt from liability to act as a juror

200. A person is exempt from liability to act as a juror if he be:

1. A judicial, civil, naval or military officer of the United States, or of this State, or a member of the armed forces of the United States, while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist, practicing podiatrist, or practicing registered optometrist, or

druggist actually engaged in the business of dispensing medicines;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this State;

10. An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company, doing a general telegraph or telephone business in this State, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this State, or any exempt member of a duly authorized fire company;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad;

13. A person drawn as a juror in any court of record in this State, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or a person who is incompetent under subdivision 3 of the preceding section; provided, however, that in counties having less than 5,000 population the exemption provided by this subdivision shall not apply;

14. A practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination; or,

15. A member of a religious order which is part of any well-recognized church or denomination who devotes his life to a cloistered contemplative existence.

SEC. 36. Section 690.4 of said code is amended to read:

690.4. The tools or implements of a mechanic or artisan, necessary to carry on his trade; the wardrobe of an entertainer; the uniforms of a waitress or waiter; the tools or implements of a cook necessary to carry on his trade; the notarial seal, records and office furniture of a notary public; the tools and instruments of an optometrist, podiatrist or chiropractor; the instruments and chest of a surgeon, physician, surveyor or dentist, necessary to the exercise of their profession, with their professional libraries and necessary office furniture; the professional libraries of attorneys, judges, ministers of the gospel, editors, schoolteachers and music teachers, and their necessary office furniture; including one safe and one typewriter; also musical instruments of a musician that are used by him in earning a livelihood and the musical instruments of music teachers actually used by them in giving instructions, and all the indexes, abstracts, books, papers, maps and office furniture of a searcher of records necessary to be used in his profession; also the typewriter of a stenog-

Property exempt from attachment

rapher, the typewriter of a newspaper reporter and the typewriters or other mechanical contrivances employed for writing in type, actually used by the owner thereof for making his living; also one bicycle when the same is used by the owner for the purpose of carrying on his regular business, or when the same is used for the purpose of transporting the owner to and from his place of business.

SEC. 37. Section 11161 of the Health and Safety Code is amended to read:

Persons authorized to write prescriptions

11161. No person other than a physician, dentist, podiatrist or veterinarian shall write a prescription.

SEC. 38. Section 11500 of said code is amended to read:

Penalty

11500. Except as otherwise provided in this division, every person who possesses any narcotic other than marijuana except upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this State, shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years.

Prior conviction

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years.

SEC. 39. Section 11501 of said code is amended to read:

Transport or import of narcotics

11501. Except as otherwise provided in this division, every person who transports, imports into this State, sells, furnishes, administers or gives away, or offers to transport, import into this State, sell, furnish, administer, or give away, or attempts to import into this State or transport any narcotic other than marijuana except upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this

Penalty

State shall be punished by imprisonment in the county jail for not more than one year, or in the state prison from five years to life.

Prior conviction

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in a state prison from 10 years to life.

SEC. 40. Section 3209.3 of the Labor Code is amended to read:

Physician

3209.3. Physician includes physicians and surgeons, optometrists, dentists, podiatrists, and osteopathic and chiropractic practitioners licensed by California state law and within the scope of their practice as defined by California state law.

SEC. 41. Section 638 of the Penal Code is amended to read:

X-ray fluoroscope employed in the fitting of shoes

638. No person shall operate or maintain any X-ray fluoroscope, or other equipment or apparatus employing roentgen rays, in the fitting of shoes or other footwear or in the viewing of bones in the feet. This section shall not apply to any licensed physician, surgeon, podiatrist, chiropractor, or any person practicing a licensed healing art, or any technician working under the direct and immediate supervision of such persons. Any person violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 42. Section 2708 of the Unemployment Insurance Code is amended to read:

Certificate of physician

2708. The director shall require for each uninterrupted period of disability that the first claim for disability benefits be supported by the certificate of a physician as defined in Section 3209.3 of the Labor Code, or the certificate of a dentist or podiatrist duly licensed under California state law, acting within the scope of his practice. The certificate shall contain a statement of the medical facts within his knowledge, his conclusion with respect to the disability of the claimant and his opinion with respect to probable duration of the disability. The claim of any eligible individual who obtains care and treatment outside this State or in any foreign country may, pursuant to authorized regulations, be supported by a like certificate of a similar licensee of the state or foreign country in which the claimant is receiving care and treatment. With respect to any eligible claimant who is hospitalized in a county hospital in this State or is hospitalized by said county hospital in another hospital, a certificate as to such individual's disability as shown by his hospital chart signed by the registrar of the hospital shall satisfy the requirements of this section. Where any eligible claimant is hospitalized in or under the care of any medical facility of the United States government, a certificate as to such individual's disability signed by any duly authorized medical officer of such facility shall satisfy the requirements of this section.

SEC. 43. Section 2126 of the Business and Professions Code, as amended by Senate Bill No. 115, of the 1961 Regular Session, is amended to read:

Composition of examining committee

2126. The examining committee shall consist of six members appointed by the Governor, one of whom shall be a public member. The Governor shall give consideration to recommendations of the Board of Medical Examiners of the State of California, except with regard to the public member.

Within 40 days after this article becomes effective, the Governor shall appoint the members of the first examining committee from podiatrists qualified under the provisions of this article.

Each subsequent appointment to the examining committee shall be made by the Governor after giving consideration to recommendations of the said Board of Medical Examiners, from podiatrists likewise qualified under the provisions of this article.

SEC. 44. Section 2127 of the Business and Professions Code, as amended by Senate Bill No. 115, of the 1961 Regular Session, is amended to read:

Qualifications of examining committee

2127. Members of the examining committee, except the public member, shall be appointed from persons having all of the following qualifications:

(a) Be a citizen of this State for at least five years next preceding his appointment

(b) Be a graduate of a recognized school of podiatry.

(c) Have a valid certificate to practice podiatry in this State.

(d) Have engaged in the practice of podiatry in this State for at least five years next preceding his appointment.

(e) Shall not be an officer or faculty member of any college, school or institution engaged in podiatry instruction.

The public member shall be appointed from persons having all of the following qualifications:

(a) Be a citizen of this State for at least five years next preceding his appointment.

(b) Shall not be an officer or faculty member of any college, school or institution engaged in podiatry instruction.

(c) Shall not be a licentiate of the committee or of any board under this division or of any board referred to in Sections 1000 and 3600

SEC. 45. Section 2393 of the Business and Professions Code, as amended by Senate Bill No. 462, of the 1961 Regular Session, is amended to read:

Use of fictitious name

2393. The use of any fictitious, false or assumed name, or any name other than his own, by the holder of any certificate, either alone or in conjunction with a partnership group, in any sign or advertisement in connection with his practice, or in any advertisement or announcement of his practice, or in any public announcement of his practice, except as hereinafter expressly permitted, constitutes unprofessional conduct within the meaning of this chapter. Holders of physicians' and surgeon's certificates and holders of certificates to practice podiatry issued under this chapter may practice, within the scope of their respective certificates, in partnerships or groups of physicians and surgeons or of podiatrists, respectively.

Any physician and surgeon or partnership or group of physicians and surgeons, or any podiatrist or partnership or group of podiatrists, engaging in practice under any name that would otherwise be a violation of this section may practice

under such name if, and only if, such individual, partnership or group holds an outstanding unexpired, unsuspended, and unrevoked permit issued by the board under the provisions of this section.

Permits issued upon certain conditions

The board shall issue written permits authorizing the holder to use a name specified in the permit in connection with his or their practice if, and only if, the board finds to its satisfaction that:

(a) The applicant or applicants are either duly licensed physicians and surgeons or podiatrists, as the case may be;

(b) The place or establishment, or the portion thereof, in which the applicant or applicants practice, is owned or leased by the applicant or applicants, and the practice conducted at such place or establishment, or portion thereof, is wholly owned and entirely controlled by the applicant or applicants;

(c) The name under which the applicant or applicants propose to operate contains at least one of the following designations: "Medical Group," "Medical Clinic," "Podiatrists' Group" or "Podiatrists' Clinic";

(d) All licensed persons practicing at the location designated in the application hold valid and outstanding licenses and that no charges of unprofessional conduct are pending against any person practicing at such location.

Expiration date, renewal of permits

Permits issued under this section by the Board of Medical Examiners shall expire and become invalid unless renewed at the times and in the manner provided in Article 15 for the renewal of certificates issued under this chapter. Permits issued under this section by the Board of Osteopathic Examiners shall expire on December 31st of each year, and may be renewed by the board on payment of the fee equal to the annual tax and registration fee payable by licentiates of the Board of Osteopathic Examiners.

Revocation and suspension of permits

Any permit issued under this section may be revoked or suspended at any time that the board finds that any one of the requirements for original issuance of a permit is no longer being fulfilled by the individual or group to whom the permit was issued. Proceedings for revocation or suspension shall be governed by the Administrative Procedure Act.

Unprofessional conduct

In the event charges of unprofessional conduct are filed against the holder of a permit issued under this section, or a partnership or a member of a group to whom a permit has been issued under this section, proceedings shall not be commenced for revocation or suspension of the permit until final determination of such charges of unprofessional conduct and unless such charges have resulted in revocation of license.

The amendments to this section enacted at the 1955 Regular Session of the Legislature shall not be applicable to establishments licensed under Chapter 1 of Division 2 of the Health and Safety Code.

Effect, Stats. 1961, Ch 1821

SEC. 46. Sections 43 and 44 of this act become operative only if Senate Bill No. 115 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as

Senate Bill No. 115 takes effect, at which time Sections 5 and 6 of this act are repealed.

Effect, Stats. 1961, Ch 400

SEC. 47. Section 45 of this act becomes operative only if Senate Bill No. 462 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Senate Bill No. 462 takes effect, at which time Section 16 of this act is repealed.

CHAPTER 216

An act to amend Sections 1810 and 1811 of the Vehicle Code, relating to sales of records by the Department of Motor Vehicles.

In effect September 15, 1961

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.]

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

SECTION 1. Section 1810 of the Vehicle Code is amended to read:

Selling of information

1810. The department may sell information from its records concerning the registration of any vehicle or information from the files of drivers' licenses at a charge sufficient to pay the actual cost to the department for providing the information, the charge for the information to be determined by the director, with a minimum charge of twenty-five cents ($0.25) for each item. The department may sell stamps or coupons in appropriate denominations for the convenient enforcement of this section. The stamps or coupons may be used to accompany requests for information in lieu of cash, but otherwise shall be nonredeemable and shall be canceled by the department upon granting the request for information. This section does not apply to statistical information of the type heretofore compiled and distributed by the department nor to information, distributed for a purpose which relates to traffic accidents, traffic offenses, or traffic enforcement.

SEC. 2. Section 1811 of said code is amended to read:

Selling of record copies

1811. The department may sell copies of all or any part of its records at a charge sufficient to pay at least the entire actual cost to the department of the copies, the charge for the records and the conditions under which they may be sold to be determined by the director.

CHAPTER 217

An act to amend Section 18539 of, and to add Sections 18539.5 and 18850.5 to, the Government Code, relating to the salaries or wages paid by the State to a minister of the gospel.

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.] In effect September 15, 1961

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

SECTION 1. Section 18539 of the Government Code is amended to read:

18539. Except as otherwise provided in Section 18539.5, "salary" or "wage" means the amount of money or credit received as compensation for service rendered, exclusive of mileage, traveling allowances, and other sums received for actual and necessary expenses incurred in the performance of the State's business, but including the reasonable value of board, rent, housing, lodging, or similar advantages received from the State. "Salary" or "wage"

SEC. 2. Section 18539.5 is added to said code, to read:

18539.5. In the case of a minister of the gospel "salary" or "wage" means the amount of money or credit received as compensation for service rendered, exclusive of mileage, traveling allowances, and other sums received for actual and necessary expenses incurred in the performance of the State's business, but including all of the following: Minister—"salary" or "wage"

(a) The rental value of a home furnished to him.

(b) The rental allowance paid to him to rent or provide a home.

SEC. 3. Section 18850.5 is added to said code, to read:

18850.5. For purposes of Section 18539.5, there is allocated from the salary or wage paid to a minister of the gospel an amount not exceeding one thousand eight hundred dollars ($1,800) as either of the following: Rental value

(a) The rental value of a home furnished to him.

(b) The rental allowance paid to him to rent or provide a home.

CHAPTER 218

An act to repeal Section 1416 of, and to add Section 1416 to, the Health and Safety Code, relating to records of the State Department of Public Health.

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.] In effect September 15, 1961

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

SECTION 1. Section 1416 of the Health and Safety Code is repealed.

SEC. 2. Section 1416 is added to said code, to read:

1416. Application forms filed pursuant to Section 1402 of this code and the annual reports filed with the department pursuant to Section 275, Article 4, Chapter 1, Title 17 of the Administrative Code are public records and are open to inspection of any citizen of the State at all times during office hours Reports filed after June 30, 1961 pursuant to Section 1407 of this code are also public records and open to inspection but working papers of the department's representatives from which such reports are prepared shall not be disclosed except in a proceeding for the revocation or suspension of, or denial of an application for, a license. Other information and records concerning any licensee or applicant received by the state department under the provisions of this chapter shall be governed by Section 1227 of the Government Code and by Sections 1881, 1892, 1893 and 1894 of the Code of Civil Procedure.

CHAPTER 219

An act to amend Section 5785.05 of the Public Resources Code, relating to annexation of territory to recreation and park districts.

In effect September 15, 1961

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.]

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

SECTION 1. Section 5785.05 of the Public Resources Code is amended to read:

5785.05. This section provides an alternative procedure for the commencement of proceedings looking toward the annexation of territory to, or the withdrawal of territory from a district.

If at any time after establishment of any district its governing body determines that certain territory contiguous to the existing district should be annexed to the existing district, or that certain territory should be withdrawn from the district, the governing body shall fix a time and place for hearing the matter of the annexation or withdrawal of territory. No territory outside the county in which the district was formed may be annexed to the district.

It shall publish a notice once a week for two successive weeks in a newspaper circulated in the territory which it is proposed to annex to or withdraw from the district. The newspaper shall be one which the governing body deems most likely to give notice to the inhabitants of the territory.

The notice shall be headed "Notice of the proposed annexation of territory to the _____ Recreation and Park District in _____ County," or "Notice of the proposed withdrawal of certain territory from the _____ Recreation and Park District in _____ County," stating the name of the dis-

trict to or from which it is proposed to annex or withdraw territory. The notice shall contain a statement of the time fixed by the governing body for a hearing on the matter. The notice shall also designate the territory proposed to be annexed or withdrawn, and shall state that unless more than 1 percent of the total number of voters living within the territory to be annexed have at or prior to the hearing filed written objections to the annexation, or unless more than 1 percent of the total number of voters residing in the territory proposed to be withdrawn have at or prior to the hearing filed written objections to the withdrawal, the question of annexation or withdrawal shall not be submitted to the voters at an election, and the annexation or withdrawal shall be effective upon the date of the adoption of the resolution.

At the time and place fixed for the hearing of the matter of annexation or withdrawal, or at any time to which the hearing may be continued, the governing body shall hear any person objecting to the annexation or withdrawal of territory or objecting to the annexation or withdrawal of any portion of the territory. At the conclusion of the hearing the governing body shall proceed in accordance with the following provisions of this article.

CHAPTER 220

An act to amend Section 868 of the Penal Code, relating to preliminary examinations.

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 868 of the Penal Code is amended to read:

868. The magistrate must also, upon the request of the defendant, exclude from the examination every person except his clerk, court reporter and bailiff, the prosecutor and his counsel, the Attorney General, the district attorney of the county, the investigating officer, the defendant and his counsel, and the officer having the defendant in custody; provided, however, that when the prosecuting witness is a female she shall be entitled at all times to the attendance of a person of her own sex. Nothing in this section shall affect the right to exclude witnesses as provided in Section 867 of the Penal Code.

CHAPTER 221

An act to amend Section 9031 of the Welfare and Institutions Code, relating to community mental health services.

In effect September 15, 1961

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.]

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

SECTION 1. Section 9031 of the Welfare and Institutions Code is amended to read:

9031. The community mental health services provided herein shall consist of:

(a) Outpatient psychiatric clinics for those who are unable to obtain private care, including referrals by physicians and surgeons.

(b) Inpatient psychiatric services in general hospitals and in psychiatric hospitals which are affiliated as the psychiatric division of or with a general hospital for those who are unable to obtain private care, including referrals by physicians and surgeons.

(c) Rehabilitation services for patients with psychiatric illnesses for those who are unable to obtain private care, including referrals by physicians and surgeons.

(d) Informational services to the general public and educational services furnished by qualified mental health personnel to schools, courts, health and welfare agencies, probation departments, and other appropriate, public or private agencies or groups authorized in the approved plan for community mental health services.

(e) Psychiatric consultant services to public or private agencies for the promotion and co-ordination of services that preserve mental health and for the early recognition and management of conditions that might develop into psychiatric illnesses.

To be eligible for reimbursement, a city, county, local health district, or in the case of a joint community mental health service two or more counties, shall first have established two or more of the facilities or services provided for herein.

Such inservice training as may be necessary in providing the foregoing services shall be proper items of expenditure in connection therewith.

CHAPTER 222

An act to amend Sections 7501 and 7504, and to repeal Section 7502, of the Education Code, relating to the State Curriculum Commission.

In effect September 15, 1961

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.]

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

SECTION 1. Section 7501 of the Education Code is amended to read:

7501. There is in the State Government the State Curriculum Commission consisting of the Superintendent of Public Instruction, and 10 additional members appointed by the State Board of Education who shall be persons actively engaged in work in the field of education. State Curriculum Commission

SEC. 2. Section 7502 of said code is repealed. Repeal

SEC. 3. Section 7504 of said code is amended to read:

7504. In case of a vacancy on the Curriculum Commission, the State Board of Education shall appoint a member to serve for the remainder of the unexpired term. Vacancy

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CHAPTER 223

An act to add Section 21156.1 to the Government Code, relating to re-employment after retirement from the State Employees' Retirement System.

[Approved by Governor April 26, 1961. Filed with Secretary of State April 26, 1961.] In effect September 15, 1961

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

SECTION 1. Section 21156.1 is added to said code, to read:

21156.1. Notwithstanding Section 21150 any person heretofore or hereafter retired under this part may without reinstatement from retirement or any loss or interruption of benefits under this part serve as an elective officer, provided, however, that such elective officer shall not accumulate additional retirement benefits or credits toward retirement during the period that he shall hold said elective office.

The amendments to this section enacted by the Legislature at its 1961 Regular Session, do not give any retired member any claim against the State for any payments of benefits for time prior to the effective date of the amendment.

CHAPTER 224

An act to amend Section 370 of the Elections Code, and Section 450 of the Elections Code as proposed by Assembly Bill No. 8, relating to the printing of index of registration.

[Approved by Governor April 26, 1961. Filed with Secretary of State April 27, 1961.] In effect September 15, 1961

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

SECTION 1. Section 370 of the Elections Code is amended to read:

370. At least once, and oftener if he deems it necessary, within each two-year period commencing on the first day of January in each odd-numbered year, the county clerk or registrar of voters shall have printed a complete index, by pre- Printing of index

cinct, to the affidavits of registration current at the date of printing. The index shall contain the name, address, and political affiliation of each voter, and also a ruled space, to the left of each name, within which to write, in figures, the line number designating the position of the name of the voter on the roster of voters. The name shall include the given name, and the middle name or initials, if any. If the name is that of a woman, the given name shall be preceded by designation of "Miss" or "Mrs." The index shall be printed in a size no smaller than eight-point roman type on eight-point body and shall be arranged in alphabetical order in accordance with the surnames of the voters. A space of not less than one-quarter inch or one line of printing shall be left between the names of voters beginning with one letter of the alphabet and those starting with the next letter of the alphabet. Supplements of the same content and style may be printed as need for them appears.

Note: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

Effect, Stats 1961 Ch. 23

SEC. 3. Section 2 of this act shall become operative only if the Elections Code as proposed by Assembly Bill No. 8 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 8 takes effect; at which time Section 370 of the Elections Code as amended by Section 1 of this act is repealed.

CHAPTER 225

An act to amend Section 330.5 of the Elections Code, and Section 421 of the Elections Code as proposed by Assembly Bill No. 8, relating to the destruction of affidavits of registration.

In effect September 15, 1961

[Approved by Governor April 26, 1961. Filed with Secretary of State April 27, 1961.]

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

SECTION 1. Section 330.5 of the Elections Code is amended to read:

Preservation of all canceled original affidavits

330.5. The county clerk shall preserve all canceled original affidavits of registration for a period of 10 years. Thereafter, they may be destroyed by such officer. Duplicates to the canceled original affidavits of registration, the stubs of the original affidavits, and spoiled original affidavits may be destroyed at the discretion of the county clerk at any time after the expiration of 90 days following the first statewide election succeeding the date of registration of the voter.

In lieu of preservation

In lieu of preserving the canceled original affidavit of registration, the clerk may, by filming or other suitable method,

record the canceled affidavit and destroy the affidavit following the second general election after the date of cancellation.

Note: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

SEC. 3. Section 2 of this act shall become operative only if the Elections Code as proposed by Assembly Bill No. 8 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 8 takes effect; at which time Section 330.5 of the Elections Code as amended by Section 1 of this act is repealed.

Effect, Stats 1961 Ch 23

CHAPTER 226

An act to amend Section 24005 of the Vehicle Code, relating to equipment of vehicles.

[Approved by Governor April 26, 1961. Filed with Secretary of State April 27, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 24005 of the Vehicle Code is amended to read:

24005. It is unlawful for any person to sell, offer for sale, lease, install, or replace, either for himself or as the agent or employee of another, or through such agent or employee, any glass, lighting equipment, signal devices, brakes, vacuum or pressure hose, muffler, exhaust, or any kind of equipment whatsoever for use in any vehicle, that is not in conformity with this code or regulations made thereunder.

CHAPTER 227

An act to amend Section 2400 of the Vehicle Code, relating to enforcement of the Vehicle Code.

[Approved by Governor April 26, 1961. Filed with Secretary of State April 27, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 2400 of the Vehicle Code is amended to read:

2400. The commissioner shall administer and enforce Chapter 4 (commencing with Section 10850) of Division 4, except Section 10854, Article 3 (commencing with Section 17300) of Chapter 1 of Division 9, Division 10 (commencing with Section 20000), Division 11 (commencing with Section 21000), except Sections 22950 and 22951, Division 12 (commencing with Section 24000), Division 13 (commencing with Section

29000), Division 14 (commencing with Section 31600), and Division 15 (commencing with Section 35000), and shall enforce all other laws regulating the operation of vehicles and the use of the highways.

CHAPTER 228

An act to amend Section 31607 of the Vehicle Code, relating to inspection of vehicles.

In effect September 15, 1961

[Approved by Governor April 26, 1961. Filed with Secretary of State April 27, 1961.]

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

SECTION 1. Section 31607 of the Vehicle Code is amended to read:

31607. (a) Any person operating or permitting the operation of a vehicle or combination of vehicles used in the transportation of explosives and subject to this division shall make or cause to be made an inspection of every said vehicle or combination of vehicles as hereinafter set forth.

(b) Such inspection as called for in Section 31608 shall be made immediately preceding the actual transportation of explosives by the vehicle and whenever there is an interchange of any vehicle operating in combination with any other vehicle in the transportation of explosives.

(c) Inspection of tires and brakes shall also be made en route at suitable intervals, off the roadway, at inspection stops established by the Department of the California Highway Patrol, at regular stops, terminal points, or driver-change points.

CHAPTER 229

An act to amend Section 1300.12 of the Agricultural Code, relating to marketing of agricultural products.

In effect September 15, 1961

[Approved by Governor April 26, 1961. Filed with Secretary of State April 27, 1961.]

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

SECTION 1. Section 1300.12 of the Agricultural Code is amended to read:

"Cartwright Act"

1300.12. (a) "Cartwright Act" means the act passed by the Legislature of this State entitled "An act to define trust and to provide for criminal penalties and civil damages and punishment of corporations, persons, firms and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907, as amended.

(b) "Unfair Practices Act" means an act passed by the Legislature of this State entitled "An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, as amended. "Unfair Practices Act"

(c) "Agricultural commodity" means any and all agricultural, horticultural (including floricultural), viticultural (including wine) and vegetable products produced in this State, or any class, variety or utilization thereof, either in their natural state or as processed by a producer for the purpose of marketing such product or by a processor as herein defined, and including bees and honey, manufacturing milk as such milk is defined in Section 452, and any market milk used in the manufacturing of dairy products or imitation dairy products in which the use of manufacturing milk is permitted by or pursuant to Division 4 (commencing at Section 440) of this code, but not including timber or timber products. "Agricultural commodity"

(d) "Producer" means any person engaged within this State in the business of producing, or causing to be produced for market, any agricultural commodity as herein defined. "Producer"

(e) "Handler" means any person engaged within this State as a distributor in the business of distributing an agricultural commodity in intrastate commerce, or any person engaged as a processor in the business of processing an agricultural commodity. "Handler"

(f) "Processor" means any person engaged within this State in the operation of receiving, grading, packing, canning, fermenting, distilling, extracting, preserving, grinding, crushing or changing the form of an agricultural commodity for the purpose of preparing such agricultural commodity for market or of marketing such commodity, or any other activities performed for the purpose of preparing such commodity for market or of marketing such commodity, but shall not include a person engaged in manufacturing from an agricultural commodity, so changed in form, another and different product. "Processor"

(g) "Distributor" means any person who engages in the operation of selling, marketing or distributing, in intrastate commerce, an agricultural commodity which he has produced or purchased or acquired from a producer or which he is marketing on behalf of a producer, whether as owner, agent, employee, broker or otherwise, but shall not include a retailer as herein defined except such retailer who purchases or acquires from, or handles on behalf of any producer, an agricultural commodity not theretofore subjected to regulation by the marketing order covering such commodity. "Distributor"

"Retailer" (h) "Retailer" means any person who purchases or acquires any agricultural commodity for resale at retail to the general public for consumption off the premises but such person shall also be included within the definition of distributor, as herein set forth, to the extent that he engages in the business of a distributor as herein defined.

"Person" (i) "Person" means an individual, firm, corporation, association or any other business unit, and shall, for the purposes of this chapter, include any state agency which engages in any of the commercial activities regulated pursuant to the provisions of this chapter.

"Director" (j) "Director" means the Director of Agriculture.

"Marketing Order" (k) "Marketing order" means an order issued by the Director of Agriculture, pursuant to this chapter, prescribing rules and regulations governing the processing, distributing or handling in any manner of any agricultural commodity within this State during any specified period or periods.

"To handle" (l) "To handle" means to engage in the business of a handler as herein defined.

"To process" (m) "To process" means to engage in the business of a processor as herein defined.

(n) "To distribute" means to engage in the business of a distributor as herein defined.

"Producer marketing" (o) "Producer marketing" or "marketed by producers" means any or all operations performed by any producer in preparing for market, and shall include selling, delivering or disposing of for commercial purposes, to any handler as herein defined any agricultural commodity which he has produced.

"Advertising and sales promotion" (p) "Advertising and sales promotion" means, in addition to the ordinarily accepted meaning thereof, trade promotion and activities for the prevention, modification or removal of trade barriers which restrict the free flow of agricultural commodities to market and may include the presentation of facts to and negotiations with state, federal or foreign governmental agencies on matters which affect the marketing of any commodity or commodities included in any marketing order or marketing agreement made effective pursuant to the provisions of this chapter.

"Directly affecting" (q) As used in this chapter, the terms "directly affecting" or "directly affected" are synonymous with the terms "directly regulating" and "directly regulated," and mean the direct application of regulations upon any person, including the requirement to pay assessments levied pursuant to any marketing order or marketing agreement issued by the director pursuant to this chapter; provided, however, that a requirement upon handlers to deduct and remit to the director assessments owed by producers under a marketing order or marketing agreement applicable upon producers only, shall not be construed as directly regulating such handlers.

"General rules and regulations" (r) "General rules and regulations" mean rules and regulations, applicable to all marketing orders and marketing agreements, issued and made effective by the director without

prior notice and public hearing, to provide uniform methods and procedures to facilitate the administration and enforcement of all such marketing orders and marketing agreements. Such uniform methods and procedures may include but shall not be limited to methods and procedures pertaining to the receiving, depositing and expenditure of moneys received from assessments collected hereunder; the preparation, handling and payment of claim schedules for the payment of bills, salaries and other obligations; establishing the maximum rates to be allowed for travel expenses of board members and board employees; the preparation, verification and filing of evidence relating to violations of marketing orders, agreements and marketing regulations authorized hereunder and other fiscal and administrative activities which the director finds are necessary to obtain reasonable uniformity, efficiency and economy in the administration and enforcement of such marketing orders and agreements of this act.

"Administrative rules and regulations"

(s) "Administrative rules and regulations" mean rules and regulations applicable to a particular marketing order or agreement, issued and made effective by the director upon recommendation of the advisory board concerned, without prior notice and public hearing, to provide methods and procedures to facilitate the administration and enforcement of such marketing order or agreement. Such rules and regulations may include but shall not be limited to methods and procedures for the purpose of explaining or clarifying the provisions of such marketing order or agreement; prescribing reporting forms and procedures to be followed by producers and handlers directly affected by the provisions of such marketing order or agreement; providing information to producers and handlers subject to the provisions of such marketing order or agreement and other similar procedural and explanatory provisions to enable such producers and handlers better to understand the program and their respective obligations thereunder and thereby assist in obtaining co-operation and compliance.

"Seasonal marketing regulations"

(t) "Seasonal marketing regulations" mean marketing regulations, applicable to a particular marketing order or agreement, made effective by the director upon recommendation of the advisory board concerned without prior notice and public hearing, for the purpose of carrying into effect by administrative order, the marketing regulatory authorizations and provisions of such marketing order or agreement as such authorizations or provisions may be applicable to or required by changing economic or marketing conditions and requirements from time to time during each marketing season in which such marketing order or agreement may operate. Such seasonal marketing regulations shall not extend beyond the marketing regulatory authorizations specified in the marketing order or agreement concerned, or modify or change the language of such marketing order or marketing agreement by adding to or subtracting from such marketing order or agreement any of the marketing regulatory authorizations classed

in Section 1300.16 of this act as major amendments or modify the language of any marketing order or agreement for the purpose of clarification as provided in said section of this act for minor amendments.

"Major amendments"

(u) "Major amendments" are amendments to any marketing order or agreement made effective by the director after notice, public hearing and industry assent as required in this act, which change or modify the language and the provisions of such marketing order or agreement for the purpose of adding to or subtracting from such marketing order or agreement in a manner classed in Section 1300.16 of this act as a major amendment; provided, that the exercise by the director of regulatory authority authorized in a marketing order or marketing agreement shall not be considered to be a major amendment as such amendments are classed in said Section 1300.16 but shall be considered to be seasonal marketing regulations as defined in this section

"Minor amendments"

(v) "Minor amendments" are amendments to any marketing order or agreement made effective by the director upon recommendation of the advisory board concerned, as specified in subdivision (d) of Section 1300.16, with or without prior notice and public hearing, which change or modify the language or the provisions of any such marketing order or agreement for the purpose of clarification or the removal of conflicts of meaning without involving changes or modifications of language or provisions which, pursuant to the provisions of this section, are classed as major amendments.

CHAPTER 230

An act to amend Section 1300.24 of the Agricultural Code, relating to marketing of agricultural products.

In effect September 15, 1961

[Approved by Governor April 26, 1961. Filed with Secretary of State April 27, 1961.]

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

SECTION 1. Section 1300.24 of the Agricultural Code is amended to read:

1300.24. (a) In the event the director finds that it tends to effectuate the declared purposes of this act within the standards prescribed in this act, the director may issue a marketing order, applicable to the marketing, within the State of California, of any agricultural commodity, containing like terms, provisions, methods and procedures as any license or order regulating the marketing of such commodity in interstate or foreign commerce, issued by the Secretary of Agriculture of the United States pursuant to the provisions of any law or laws of the United States. In selecting the members of any board or other advisory agency under such marketing order, the director shall, insofar as practicable, utilize the same

persons as those serving in a similar capacity under such federal license or order, so as to avoid duplicating or conflicting personnel.

Provided, that, any board, agency or committee so appointed by the director shall be responsible to the director for the performance of such of their duties as relate to the administration of any such marketing order issued by the director hereunder.

(b) The director is hereby authorized to confer with and co-operate with the legally constituted authorities of other states and of the United States, for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses or orders, and said director is authorized to conduct joint hearings, issue joint or concurrent marketing orders, for the purposes and within the standards set forth in this act, and may exercise any administrative authority prescribed by this act to effect such uniformity of administration and regulation.

(c) Nothing in this act contained shall apply to any order, rule or regulation issued or issuable by the Public Utilities Commission or the Interstate Commerce Commission with respect to the operation of common carriers

(d) In any civil or criminal action or proceeding for violation of the Cartwright Act, the Unfair Practices Act, the Fair Trade Act, Section 16600 of the Business and Professions Code, or any rule of statutory or common law against monopolies or combinations in restraint of trade, proof that the act complained of was done in compliance with the provisions of this act or a marketing order issued under this act, and in furtherance of the purposes and provisions of this act, shall be a complete defense to such action or proceeding.

CHAPTER 231

An act to amend Section 195 of the Streets and Highways Code, relating to the expenditures of highway funds on city streets.

[Approved by Governor April 26, 1961. Filed with Secretary of State April 27, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 195 of the Streets and Highways Code is amended to read:

195. Except as provided in Section 200, three-fifths of the moneys allocated under the provisions of Section 194 shall be expended for the construction of streets included in the system of major city streets within such city or city and county as established pursuant to the provisions of Sections 2050 to 2054 of this code.

Two-fifths of the moneys allocated under the provisions of Section 194 shall be expended for the maintenance of the sys-

tem of major city streets and of the secondary city streets within such city or city and county; provided, that, with the approval of the department, a portion of such moneys so allocated for maintenance may be expended for construction of streets included within the system of major city streets within such city or city and county.

Such expenditures shall be limited to that portion of the street available for use by vehicular traffic except that such funds may be expended for pedestrian underpasses or pedestrian overhead crossings and the installation and maintenance of traffic control devices, but such funds shall not be expended for street lighting, except where the illumination is required for the safety of persons using the said streets, or for the construction or maintenance of sidewalks, or, except as hereinbefore expressly authorized, for the construction or maintenance of any structure or facility in, over, or under the street which is not of direct and primary service in providing a way for vehicular traffic. Sidewalks may be constructed with such funds on bridges, and sidewalks may be constructed and trees may be planted to replace those removed or damaged by construction or improvement of the street.

CHAPTER 232

An act to amend Sections 8191 and 32440 of the Revenue and Taxation Code, relating to cancellation of gasoline and alcoholic beverage tax determinations.

In effect September 15, 1961

[Approved by Governor April 26, 1961. Filed with Secretary of State April 27, 1961.]

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

SECTION 1. Section 8191 of the Revenue and Taxation Code is amended to read:

Certification of excess of amount legally due

8191. If any amount in excess of one hundred dollars ($100) has been illegally determined either by the person filing the return or by the board, the board shall certify to the State Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board and the Controller. If an amount not exceeding one hundred dollars ($100) has been illegally determined either by the person filing a return or by the board the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the Controller and the board.

SEC. 2. Section 32440 of said code is amended to read:

Certification of excess of amount legally due

32440. If any amount in excess of one hundred dollars ($100) has been illegally determined, either by the person filing the return or by the board, the board shall certify to the State

Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board. If an amount not exceeding one hundred dollars ($100) has been illegally determined, either by the person filing a return or by the board, the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the board.

CHAPTER 233

An act to amend Sections 8126 and 32401 of the Revenue and Taxation Code, relating to overpayments of gasoline and alcoholic beverage taxes.

[Approved by Governor April 26, 1961. Filed with Secretary of State April 27, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 8126 of the Revenue and Taxation Code is amended to read:

Credit or refund

8126. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth in its records and certify to the State Board of Control the amount collected in excess of the amount legally due and the person from whom it was collected and, if the State Board of Control approves, shall certify the amount to the Controller for credit or refund.

In the case, however, of a determination by the board that an amount not exceeding one hundred dollars ($100) was not required to be paid under this part, the board, without obtaining the approval of the State Board of Control, may certify the amount to the Controller for credit or refund.

SEC. 2. Section 32401 of said code is amended to read:

Credit or refund

32401. If the board determines that any amount of tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify to the State Board of Control the amount collected in excess of what was legally due and the person from whom it was collected or by whom paid. If approved by the State Board of Control the excess amount collected or paid shall be credited on any amounts then due from the person under this part, and the balance shall be refunded to the person, or his successors, administrators, or executors.

In the case, however, of a determination by the board that an amount not exceeding one hundred dollars ($100) was not required to be paid under this part, the board without obtaining the approval of the State Board of Control may credit the amount on any amounts then due and payable under this part

from the person by whom the amount was paid and may refund the balance to the person or his successors, administrators, or executors.

CHAPTER 234

An act to amend Section 19594 of the Education Code, relating to state school building aid.

In effect September 15, 1961

[Approved by Governor April 26, 1961 Filed with Secretary of State April 27, 1961]

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

SECTION 1. Section 19594 of the Education Code is amended to read:

19594. Whenever a conditional apportionment has, prior to the 91st day after the adjournment sine die of the 1961 Regular Session of the Legislature, been made to an applicant school district pursuant to this chapter and thereafter the county superintendent of schools of the county having jurisdiction over such district has certified to the board and the State Controller that at an election called, held and conducted in the district for that purpose, two-thirds of the qualified electors of the district voting thereat authorized the governing board of the applicant school district to accept, expend and repay an apportionment under the provisions of this chapter, and whenever thereafter said county superintendent of schools has certified to the board and the State Controller that the amount of bonds, if any, required by the board, as a condition to the apportionment becoming final, have been issued and sold and the proceeds thereof made available for the purposes of the application and the board has certified to the State Controller that the apportionment to the applicant school district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the State School Building Aid Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated

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CHAPTER 235

An act to amend Sections 572 and 581 of the Agricultural Code, relating to imitation milk products.

In effect September 15, 1961

[Approved by Governor April 26, 1961 Filed with Secretary of State April 27, 1961]

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

SECTION 1. Section 572 of the Agricultural Code is amended to read:

572. All containers of ice milk shall be conspicuously so labeled, and places where ice milk is sold at retail shall display a conspicuous, legible sign containing the words "Ice milk sold here," in plain, block letters, not less than six inches high. The sign display requirements of this section shall not apply to retail stores where ice milk is sold in properly labeled consumer packages or containers for off-premises consumption. Ice milk containers

SEC. 2. Section 581 of said code is amended to read:

581. All containers of imitation ice cream and imitation ice milk shall be conspicuously so labeled and places where imitation ice cream or imitation ice milk are sold, shall display a conspicuous, legible sign containing the words "imitation ice cream sold here" or "imitation ice milk sold here," as the case may be, in plain, block letters not less than six inches high. The sign display requirements of this section shall not apply to retail stores where imitation ice cream or imitation ice milk is sold in properly labeled consumer packages or containers for off-premise consumption. Imitation ice cream and milk containers

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CHAPTER 236

An act to amend Sections 6701 and 6705 of the Vehicle Code, relating to exemption from registration fees.

[Approved by Governor April 26, 1961. Filed with Secretary of State April 27, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 6701 of the Vehicle Code is amended to read:

6701. Any nonresident owner of a foreign vehicle who is a member of the armed forces of the United States on active duty within this State shall be entitled to the exemption granted under Section 6700 under the conditions therein set forth. Any member of the armed forces, whether a resident or nonresident, shall also be entitled to exemption from registration in respect to a vehicle owned by him upon which there is displayed a valid license plate or plates issued for such vehicle in a foreign jurisdiction where such owner was regularly assigned and stationed for duty by competent military orders at the time such license plate or plates were issued. Such competent military orders shall not include military orders for leave, for temporary duty, nor for any other assignment of any nature requiring his presence outside the foreign jurisdiction where such owner was regularly assigned and stationed for duty. Armed forces members exempt

SEC. 2. Section 6705 of said code is amended to read:

6705. Any person who enters California for the purpose of establishing or re-establishing residence or accepting gainful employment following his discharge from the armed forces of this country may operate any noncommercial vehicle owned Establishing of residence following discharge from armed forces

by him at the time of his discharge and registered to him in a foreign jurisdiction where his military orders required his presence without registering the vehicle in this State until the expiration of the registration period current at the time of his discharge and entrance into California.

CHAPTER 237

An act to amend Section 1633 of the Labor Code, relating to acceptance of fees by private employment agencies.

In effect September 15, 1961

[Approved by Governor April 27, 1961 Filed with Secretary of State April 27, 1961]

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

SECTION 1. Section 1633 of the Labor Code is amended to read:

1633. No employment agency shall accept a fee from any applicant for employment, or send any applicant for employment without having obtained orally or in writing, a bona fide order for employment, and in no case shall such employment agency accept, directly or indirectly, a registration fee of any kind.

CHAPTER 238

An act to amend Section 1811, and to amend and renumber Sections 1814, 1815, 1816 and 1817, and to repeal Sections 1812 and 1813 of, the Labor Code, relating to working hours

In effect September 15, 1961

[Approved by Governor April 27, 1961 Filed with Secretary of State April 27, 1961]

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

SECTION 1. Section 1811 of the Labor Code is amended to read:

Time of service in public work

1811. The time of service of any workman employed upon public work is limited and restricted to eight hours during any one calendar day, except as hereinafter provided for under Section 1815.

Repeal

SEC. 2. Section 1812 of said code is repealed.

Repeal

SEC. 3. Section 1813 of said code is repealed.

SEC. 4. Section 1814 of said code is amended and renumbered to read:

Record of actual work hours

1812. Every contractor and subcontractor shall keep an accurate record showing the name of and actual hours worked by each workman employed by him in connection with the public work. The record shall be kept open at all reasonable

hours to the inspection of the awarding body and to the Division of Labor Law Enforcement.

SEC. 5. Section 1815 of said code is amended and renumbered to read:

1813. The contractor shall, as a penalty to the State or political subdivision on whose behalf the contract is made or awarded, forfeit ten dollars ($10) for each workman employed in the execution of the contract by the contractor or by any subcontractor for each calendar day during which such workman is required or permitted to work more than eight hours in violation of the provisions of this article. In awarding any contract for public work, the awarding body shall cause to be inserted therein a stipulation to this effect. The awarding body shall take cognizance of all violations of this article committed in the course of the execution of the contract, and shall report them to the officer of the State or political subdivision who is authorized to pay the contractor money due him under the contract. Penalty

SEC. 6. Section 1816 of said code is amended and renumbered to read:

1814. Any officer, agent, or representative of the State or any political subdivision who violates any provision of this article and any contractor or subcontractor or agent or representative thereof doing public work who neglects to comply with any provision of Section 1812 is guilty of a misdemeanor. Misdemeanor

SEC. 7. Section 1817 of said code is amended and renumbered to read:

1815. Notwithstanding the provisions of Sections 1810 to 1814, inclusive, of this code, and notwithstanding any stipulation inserted in any contract pursuant to the requirements of said sections, work performed by employees of contractors in excess of eight hours per day shall be permitted upon public work upon compensation for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay. One and one-half time overtime

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CHAPTER 239

An act to amend Section 1156 of the Government Code, relating to payroll deductions for public employees.

[Approved by Governor April 27, 1961. Filed with Secretary of State April 27, 1961.] In effect September 15, 1961

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

SECTION 1. Section 1156 of the Government Code is amended to read:

1156. State officers and employees may authorize deductions to be made from their salaries or wages, in accordance with the rules and regulations of the State Controller, for the payment of:

(a) Premiums on any policy or certificate of group life, accident, health or disability insurance issued to the officer or employee insured under any plan of group insurance approved by the Director of Finance.

(b) Dues or charges of a nonprofit membership corporation for the purpose of defraying the cost of medical service (including service rendered by doctors of medicine, doctors of osteopathy, or doctors of chiropractic) or hospital care, or both, under any plan approved by the Director of Finance.

(c) Premiums on National Service Life Insurance or United States Government Converted Insurance.

(d) Dues in any bona fide association if the association, or the unit thereof, is comprised principally of employees and former employees of agencies of the State of California. The Controller shall determine the additional cost involved in making such deductions, and the association, or the unit thereof, shall pay the amount of such additional cost to the State Controller for deposit in the General Fund.

(e) Shares or obligations to any regularly chartered credit union. The Controller shall determine the additional cost involved in making such deductions, and the credit unions shall pay the amount of such additional cost to the State Controller for deposit in the General Fund.

CHAPTER 240

An act to add Article 1.5 (commencing with Section 15831) to Chapter 1 of Division 12 of the Education Code, relating to school district property management.

In effect September 15, 1961

[Approved by Governor April 27, 1961. Filed with Secretary of State April 27, 1961.]

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

SECTION 1. Article 1.5 (commencing with Section 15831) is added to Chapter 1 of Division 12 of the Education Code, to read:

Article 1.5. Security Patrols

School district security patrol

15831. The governing board of any school district with an average daily attendance of 50,000 or more may establish a security patrol and employ, in accordance with the provisions of Chapter 3 of Division 10 (commencing with Section 13580) such personnel as may be necessary to ensure the security of the real and personal property of the school district and to co-operate with local law enforcement agencies in all matters involving the security of the property of the school district. It is the intention of this provision that a school district security patrol shall be supplementary to city and county law enforcement agencies and shall under no circumstances be vested with general police powers.

Designated peace officers

15832. Persons employed and compensated as members of a security patrol of a school district, when appointed and duly sworn, are peace officers, as defined by Section 817 of the Penal Code, but only for the purpose of carrying out the duties of their employment.

Badge, identification card, etc

15833. Persons employed and compensated as members of a security patrol of a school district shall be supplied with and authorized to wear a badge bearing the name of the school district. The employee shall carry a suitable identification card bearing his photograph and signature and the signature of the superintendent of the school district, and such other identification data as may be required by local law enforcement agencies. The governing board may direct the wearing of a distinctive uniform and shall prescribe same. The costs of required uniforms, equipment, identification badges and cards shall be borne by the district.

Uniforms

Motor vehicles

15834. The governing board of a school district which establishes a security patrol may provide and maintain motor vehicles for the use of the patrol. Any vehicle, when operated in the performance of his duties by any member of the security patrol, is an authorized emergency vehicle and may be equipped and operated as such as provided by the Vehicle Code.

CHAPTER 241

An act to amend Section 20 of the American River Flood Control District Act (Chapter 808, Statutes of 1927), relating to contracts for work and materials.

[Approved by Governor April 27, 1961. Filed with Secretary of State April 27, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 20 of the American River Flood Control District Act (Chapter 808, Statutes of 1927) is amended to read:

Sec. 20. In all work of improvement or repair of any of the works or property of the district and in the furnishing of materials or supplies therefor, when the expenditures required for the same exceed the sum of one thousand five hundred dollars ($1,500), the same shall be done by contract, and shall be let to the lowest, responsible bidder, after notice by publication in a newspaper of general circulation published in the district for at least two insertions in a weekly or at least 10 insertions in a daily newspaper; such notices shall distinctly state the work contemplated and/or the materials or supplies required; provided, the board of trustees may reject any and all bids presented and readvertise in their discretion; and provided, further, that said board may declare and determine that in its opinion the work in question may be performed

more economically by day labor or the materials or supplies furnished at a lower price in the open market, and they may thereafter proceed to have the work done or the materials purchased without further observance of the foregoing provisions of this section; and provided, further, that in case of a great public calamity such as sudden fire, flood, storm, epidemic, or act of God, the board of trustees may declare a state of great public emergency and proceed to have all necessary work done and materials and supplies furnished without further observance of the foregoing provisions of this section; provided, further, that none of the foregoing provisions of this section shall apply to work done by contract with the United States, State of California, or any political subdivision, or public agency thereof. Any work or improvement provided for in this act may be located, constructed and maintained in, along or across any railroad, public road or highway in the County of Sacramento, in such manner as to afford security for life and property but the said board of trustees shall restore or cause to be restored such road or highway to its former state as near as may be, so as not to impair its usefulness.

CHAPTER 242

An act to amend Section 1551 of, and to add Chapter 5 (commencing with Section 1710) to Part 6 of Division 2 of, the Labor Code, relating to the licensing of nurses registries.

In effect September 15, 1961

[Approved by Governor April 27, 1961. Filed with Secretary of State April 27, 1961.]

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

SECTION 1. Section 1551 of the Labor Code is amended to read:

"Employment agency."

1551. As used in this chapter, "employment agency" or "agency" means:

(a) The business of conducting, in any capacity, an intelligence office, employment agency, registry, other than a nurses' registry as defined in Chapter 5 (commencing with Section 1710) of Part 6 of Division 2 of this code, or any agency, business, or office which procures, offers, promises, or attempts to procure employment or engagements for others, or for the registration of persons seeking to procure or retain employment or engagement, or for giving information as to where and of whom such help, employment or engagement may be procured, or for providing employment or engagements, where a fee or other valuable consideration is exacted, or attempted to be collected, directly or indirectly, for such services, regardless of where such business is conducted.

(b) Any person, service, bureau, organization, club, or school, which by advertisement or otherwise offers, as one of its

main objects or purposes, to procure employment for any person who will pay for its services, or that collects dues, tuition, or membership or registration fees of any sort, where the main object of the person paying the same is to secure employment.

(c) Any person who acts as a labor contractor.

(1) A labor contractor is any person, who for a fee or other compensation, employs an individual to render personal services to, for or under the direction of a third person.

(2) "Bona fide employees" or "employees," when used with reference to the employees of a labor contractor, refers to the employees rendering services to the labor contractor and not to the individuals employed by the labor contractor to render personal services to, for or under the direction of a third person. "Employees"

(3) "Employer," when used with reference to an applicant for employment through a labor contractor, refers to the person to or for whom or under whose direction the personal services are rendered. "Employer"

(4) A central hiring establishment, intelligence office, registry, agency or place maintained without cost to applicants for employment, by groups of employers or groups of employers and employees, or a person licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, does not constitute a labor contractor within the meaning of this chapter.

(5) A person employing individuals to render personal services to, for or under the direction of a third person is not a labor contractor within the meaning of this chapter if every individual, whom such person employs, receives for his services a remuneration in excess of two hundred dollars ($200) per month.

SEC. 2. Chapter 5 (commencing with Section 1710) is added to Part 6 of Division 2 of said code, to read:

CHAPTER 5. NURSES REGISTRIES

Article 1. Scope and Definitions

1710. "Person," as used in this chapter, means an individual, company, partnership, corporation, society, association, manager or their agents or employees. Definitions

1710.1. "Nursing service," as used in this chapter, means the employment of a nurse, male or female, as a private-duty licensed registered nurse, licensed vocational nurse, or practical nurse to render service to a patient under the supervision of a physician and surgeon registered to practice in this State.

1710.2. "Fee," as used in this chapter, means any moneys or valuable consideration paid or promised to be paid for services rendered or to be rendered by any person or persons conducting the business of a nurses' registry.

1710.3. (a) "License," as used in this chapter, means a license issued by the Labor Commissioner to carry on the business of a nurses' registry under this chapter.

(b) "Licensee," as used in this chapter, means a nurses' registry which holds a valid, unrevoked, and unforfeited license under this chapter.

1710.4. (a) A "nurses' registry," as used in this chapter, means a person who engages in the occupation of procuring commitments for nursing services.

(b) A "private-duty nurse," as used in this chapter, means a nurse rendering service in the care of a patient either physically or mentally ill under the direction of a physician and surgeon, who is paid by either the patient or the designated agent of the patient and who is a self-employed private contractor.

Exclusion of nonprofit organizations under certain conditions

1710.5. Nothing in this chapter shall include a nonprofit organization or corporation, organized for the purpose of economic adjustment, civic betterment, and the giving of vocational guidance and placement to its members when all the following conditions exist:

(a) None of the directors, officers, or employees thereof receive any profit other than a nominal salary for services performed for the organization or corporation.

(b) No fee is charged for employment services other than a membership fee or dues entitling the person paying the same to full participation and benefits of the organization or corporation.

(c) Membership fees or dues charged are used solely for maintenance of the organization or corporation.

1710.6. Nothing in this chapter shall include a nonprofit organization or corporation which has been formed in good faith for the promotion and advancement of the general professional interests of its members and which maintains a placement service principally engaged in securing employment for such members with the State or any county, city, district or other public agency under contracts providing employment for one year or longer, or any organization or corporation exempted by Section 1710.5.

Organization charging membership fees

1710.7. Any organization or corporation charging membership fees or dues and engaged in furnishing employment to its members shall, in order to be exempt under Sections 1710.5, 1710.6 and 1710.7, file on or before the first day of April of each year with the Labor Commissioner, a copy of its bylaws and constitution, together with a sworn statement setting forth:

(a) The place of business.

(b) The names and addresses of officers, directors, and employees and the salaries they receive.

(c) The various benefits furnished to members.

(d) The membership and placement fees and dues charged or collected by such organization or corporation from its members.

Article 2. Licenses

Nurses' registry license

1710.10. No person shall engage in or carry on the occupation of a nurses' registry without first obtaining a license from

the Labor Commissioner. Such license shall be posted in a conspicuous place in the office of the licensee. Licenses issued for nurses' registries prior to the effective date of this act shall not be invalidated thereby, but renewals of such licenses shall be obtained in the manner prescribed by this chapter.

Form of application

1710 11. (a) A written application for a license shall be made to the Labor Commissioner in the form prescribed by him and shall state:

(1) The name and address of the applicant.

(2) The street and number of the building or place where the business of the nurses' registry is to be conducted.

(3) The business or occupation engaged in by the applicant for the past five years preceding the date of application.

(4) The names and addresses of all persons financially interested either as partners, associates, or profit sharers in the operation of the nurses' registry in question, together with the amounts of their respective interests.

(b) The application shall be accompanied by affidavits of at least two reputable residents of the city or county in which the business of a nurses' registry is to be conducted that the person is of good moral character. One of the affidavits shall be either from a physician and surgeon or a registered nurse licensed by the State of California.

Investigation

1710 12 Upon receipt of an application for a license, the Labor Commissioner shall cause an investigation to be made as to the character and responsibility of the applicant and of the premises designated in such application as the place in which it is proposed to conduct the business of a nurses' registry.

Refusal proceedings

1710.13. The Labor Commissioner upon proper notice and hearing may refuse to grant a license. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the Labor Commissioner shall have all the power granted therein.

Grounds for refusing nurses' registry license

1710.14. No license shall be granted to conduct the business of a nurses' registry:

(a) In rooms used for living purposes.

(b) Where boarders or lodgers are kept.

(c) Where meals are served.

(d) Where persons sleep.

(e) In connection with a building or premises where intoxicating liquors are sold or consumed.

(f) In connection with pool halls or soft drink parlors.

(g) To a person whose license has been revoked within the past three years from the date of application.

Effective period of license

1710 15. Each license shall run to and including the 31st day of March next following the date thereof unless sooner revoked by the Labor Commissioner and may be renewed each year upon the filing of an application for renewal, a renewed bond, and the payment of the annual license fee, but the Labor Commissioner may demand that a new application and bond be submitted.

Application for renewal

1710.16. (a) All applications for renewal shall state the names and addresses of all persons financially interested either as partners, associates, or profit sharers in the operation of the nurses' registry.

(b) All the names and addresses of all persons who are authorized by the nurses' registry to dispatch, discontinue, or consummate contracts with the nurses, doctors, hospitals and the patients either in writing or by phone.

Filing fee

1710.17. A filing fee of twenty-five dollars ($25) shall be paid to the Labor Commissioner at the time an application for issuance of a nurses' registry license is filed. In addition to such filing fee, each nurses' registry shall pay to the Labor Commissioner annually at the time a license is issued or renewed a license fee of:

(a) One hundred dollars ($100) in cities having a population of over 100,000.

(b) Fifty dollars ($50) in cities having a population of over 25,000 and not exceeding 100,000.

(c) Twenty-five dollars ($25) in all other places.

(d) Twenty-five dollars ($25) for each branch office maintained by the nurses' registry.

All figures as to population shall be based on the latest United States government census.

Application for both employment agency and nurses' registry license

1710.18. A person may apply for both an employment agency license and a nurses' registry license, as provided for in this code, and in such event shall pay a single fee for filing an application for such licenses, for the transfer or assignment of such licenses, for such annual licenses or branch office licenses, or for annual renewals thereof, as prescribed in Article 2 (commencing with Section 1581) of Chapter 1, Part 6, Division 2 or as provided in this chapter, whichever is the higher.

Surety bond

1710.19. A nurses' registry shall also deposit with the Labor Commissioner, prior to the issuance or renewal of a license, a surety bond in the sum of one thousand dollars ($1,000). Such surety bond shall be payable to the people of the State of California, and shall be conditioned that the person applying for the license will comply with this chapter and will pay all sums due any individual or group of individuals when such person or his representative or agent has received such sums, and will pay all damages occasioned to any person by reason of misstatement, misrepresentation, fraud, deceit, or any unlawful acts or omissions of the nurses' registry, or its agents or employees, while acting within the scope of their employment. The aggregate liability of the surety for any and all claims which arise under the bond shall in no event exceed the amount of the penalty of the bond.

Filing of new bond

1710.20. If any licensee fails to file a new bond with the Labor Commissioner within 30 days after notice of cancellation by the surety of the bond required under Section 1710.19, the license issued to the principal under the bond is suspended until such time as a new surety bond is filed. A person whose

license is suspended pursuant to this section shall not carry on the business of nurses' registry during the period of such suspension.

Disposition of fees, fines

1710 21. All moneys collected for licenses and all fines collected for violations of the provisions of this chapter shall be paid into the State Treasury and credited to the General Fund.

Contents of license

1710 22. Each license shall contain:

(a) The name of the licensee.

(b) The designation of the city, street, and number of the place in which the licensee is authorized to carry on the business of a nurses' registry.

(c) The number and date of issuance of the license.

Prohibition on sharing of profits

1710 23. No licensee shall sell, transfer or give away any interest in or the right to participate in the profits of the nurses' registry without the written consent of the Labor Commissioner A violation of this section shall constitute a misdemeanor, and shall be punishable by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or imprisonment for not more than 60 days, or both

Suspension or revocation

1710 24 The Labor Commissioner may suspend or revoke any license when any one of the following is shown:

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

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

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

Hearing

1710 25. Before revoking or suspending any license, the Labor Commissioner shall afford the holder of such license an opportunity to be heard in person or by counsel. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the Labor Commissioner shall have all of the powers granted therein

Article 3. Operation and Management

Continuing contract

1710.30. Nurses' registries may enter into a continuing type of contract with private-duty nurses covering the assignment of such nurses by such nurses' registries. The continuing contract shall state:

(a) The name, address, and telephone number of the nurses' registry.

(b) The name, address, and telephone number of the nurse.

(c) The fee schedule of the nurses' registry currently on file with the Labor Commissioner pursuant to the provisions of Section 1710.33.

(d) The date of its execution by the nurses' registry and the nurse. The contract shall specify that the provisions thereof

are to govern only the assignment of private-duty nurses and shall:

(1) Designate the nurses' registry as the agent of the nurse for purposes of assignment by telephone and provide that the contract may be terminated at any time by written notice, one to the other

(2) Provide for delivery to the nurse at the time of execution of the contract a written schedule of the rates of compensation currently in effect in the area for nurses' services, and that the nurses' registry shall immediately notify the nurse in writing of all subsequent changes in the rates.

(3) Contain express undertakings by the nurses' registry that it shall continuously maintain true and correct records of orders and referrals as provided in this chapter.

(4) Provide that the nurses' registry shall periodically and at least one each month, render to the nurse a written statement of all fees claimed to be due the nurses' registry, and that such statement shall adequately identify each assignment as to the inception date and period of service covered by the claim, the name of the patient or the hospital and room number, and the amount of the fee claimed.

(5) Contain appropriate wording advising the nurse of his right to dispute the correctness of any fee claimed by the nurses' registry in such written statement above referred to, and that in the absence of objections within a reasonable time, any such fee may be presumed to be correctly charged.

(6) Include any other term, condition, or understanding agreed upon between the nurses' registry and the nurse

Consecutive numbering

1710.31. Each such contract shall be numbered consecutively in original and duplicate, both to be signed by the nurse and the nurses' registry. The original shall be given to the nurse and the duplicate shall be kept on file at the nurses' registry.

Submission of forms to Labor Commissioner

1710.32 Each nurses' registry shall submit to the Labor Commissioner all forms of contract to be utilized by such nurses' registry in entering into written contracts with nurses for the employment of the services of such nurses' registry, and secure approval of the Labor Commissioner thereof. Such approval shall not be withheld as to any proposed form of contract unless such proposed form of contract is unfair, unjust, and oppressive to the nurse. Each such form of contract except under the conditions specified in Section 1710.46 of this code, shall contain an agreement by the nurses' registry to refer any controversy between the nurse and the nurses' registry relating to the terms of the contract to the Labor Commissioner for adjustment. There shall be printed on the face of the contract in prominent type "This Nurses' Registry is licensed by the Labor Commissioner of the State of California."

Schedule of fees

1710.33. (a) Every person engaged in the occupation of a nurses' registry shall file with the Labor Commissioner a schedule of fees to be charged and collected in the conduct of such occupation, and shall also keep a copy of the schedule

posted in a conspicuous place in the office of such nurses' registry. No change in schedule shall become effective until 15 days after the filing date with the Labor Commissioner and until posted for not less than 15 days in a conspicuous place in the office of nurses' registry and until each nurse employing the services of such nurses' registry has been notified by mail of the change.

(b) No fee shall be charged except for actual assignment.

Application form

1710.34. Each nurses' registry shall cause each applicant for employment as a private-duty nurse to fill out an application form, giving the following information:

(a) The name and address of applicant.

(b) Whether or not such applicant is a licensed registered nurse or licensed vocational nurse in the State of California.

(c) The number and date of such license.

(d) If not a holder of a current registration or license, his or her qualifications as a nurse.

(e) The names and addresses of such person or persons who can verify the experience or training claimed.

(f) Such other information as may be appropriate.

1710.35. No nurses' registry shall send out any person to render private-duty nursing service unless such person has been interviewed by the licensee. The application shall have endorsed thereon the date of the interview and the signature of the person who interviewed the applicant.

Verification of experience, training

1710.36. It shall be the duty of the nurses' registry to verify the claims as to experience or training listed on the application in writing and to keep a file of such records in the nurses' registry. It shall also be the duty of the person interviewing the applicant to require the applicant to exhibit the license with a notation on the application by the interviewer that such license has been inspected.

Records to be kept separate

1710.37. If any nurses' registry which assigns nurses to performing nursing services also engages in the business of conducting a general employment agency, then the records of the nurses' registry shall be kept separate from the records of the licensee pertaining to the general employment agency phase of the business.

Permanent log sheets

1710.38. Each such nurses' registry shall continuously maintain in its offices true and correct permanent log sheets and records which shall disclose, in addition to the other information required, the date and hour of the receipt by the nurses' registry of each order for a private-duty nurse, and the date and hour of the making of each assignment by the nurses' registry, together with the name of the nurse assigned. No nurses' registry, his agent or employees, shall make any false entry in any such records.

Records open for inspection

1710.39. All books, records, and other papers kept pursuant to this chapter by any nurses' registry shall be open at all reasonable hours to the inspection of the Labor Commissioner and his agents.

Posting of statutes

1710.40. Every nurses' registry shall post in a conspicuous place in the office of such nurses' registry a printed copy of this chapter and of such other statutes as may be specified by the Labor Commissioner. Such copies shall also contain the name and address of the officer charged with the enforcement of this chapter. The Labor Commissioner shall furnish to nurses' registries printed copies of any statute required to be posted under the provisions of this section.

Rules and regulations

1710.41. The Labor Commissioner may, in accordance with the provisions of Chapter 4 (commencing with Section 11370) of Part I of Division 3 of Title 2 of the Government Code, adopt, amend, and repeal such rules and regulations as are reasonably necessary for the purpose of enforcing and administering this chapter, and as are not inconsistent with this chapter.

False information

1710.42. No nurses' registry shall publish or cause to be published any false, fraudulent, or misleading information, representation, notice, or advertisement. All advertisements of a nurses' registry by means of cards, circulars, or signs, and in newspapers and other publications, and all letterheads, receipts and blanks shall be printed and contain the licensed name and address of the nurses' registry and the words "nurses' registry." No nurses' registry shall give any false information or make any false promises or representations to any applicant who applies to the nurses' registry for assignment.

Reference of controversy

1710.43. In all cases of controversy arising under this chapter, the parties involved shall refer the matters in dispute to the Labor Commissioner, who shall hear and determine the same, subject to an appeal within 10 days after determination, to the superior court where the same shall be heard de novo. To stay any award for money, the party aggrieved shall execute a bond approved by the superior court in a sum not exceeding twice the amount of the judgment. In all other cases the bond shall be in a sum of not less than one thousand dollars ($1,000) and approved by the superior court.

Exclusion of persons

1710.45 No nurses' registry shall knowingly permit any persons of bad character, prostitutes, gamblers, intoxicated persons, or procurers, to frequent the place of business of the nurses' registry.

Application by a child

1710.46. No nurses' registry shall accept any application for assignment made by or on behalf of any child, or shall assign or assist in assigning any such child in violation of Part 4 of this division.

Assignment in labor dispute

1710.47. No nurses' registry shall knowingly assign any nurse to any place where a strike, lockout, or other labor trouble exists, without notifying the nurse of such conditions

Dividing fees

1710.48. No nurses' registry shall divide fees with any physician and surgeon, nurse, hospital, patient, or any agent or employee of any of them.

Repayment of assignment fee

1710.49 In the event that a nurses' registry shall collect from a nurse a fee or expenses for an assignment, and the

nurse shall fail to obtain the same, or the nurse shall fail to be paid for the assignment, such nurses' registry shall, upon demand therefor, repay to the nurse the fee and expenses so collected. Unless repayment thereof is made within forty-eight (48) hours after demand therefor, the nurses' registry shall pay to the nurse an additional sum equal to the amount of the fee.

Assignment located more than 35 miles from office

1710 50. In cases where a nurse is sent by a nurses' registry on an assignment which is located more than thirty-five (35) miles from the office of the nurses' registry upon the representation of such registry that a particular assignment will there be available to such nurse, and the nurse does not find such assignment available, then the registry shall reimburse the nurse for any actual expenses incurred in going to and returning from the place where the nurse has been so sent unless the nurse has been otherwise so reimbursed.

Actions against licensee

1710.51. All actions brought in any court against any licensee may be brought in the name of the person damaged upon the bond deposited with the State by the licensee, and may be transferred and assigned as other claims for damages The amount of damages claimed by plaintiff, and not the penalty named in the bond, determines the jurisdiction of the court in which the action is brought.

Extra-territorial service

1710.52. Where a licensee has departed from the State with intent to defraud creditors or to avoid service of summons in an action brought under this chapter, service shall be made upon the surety as prescribed in the Code of Civil Procedure. A copy of the summons shall be mailed to the licensee at the last known post office address of his residence and also at the place where the business of the nurses' registry was conducted as shown by the records of the Labor Commissioner. Service is complete as to such licensee, after mailing, at the expiration of the time prescribed by the Code of Civil Procedure for service of summons in the particular court in which suit is brought.

Misdemeanor

1710.53. Any person or agent or officer thereof, who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of not less than fifty dollars ($50) and not more than two hundred fifty dollars ($250) or imprisonment for a period of not more than 60 days or both.

CHAPTER 243

An act to amend Section 2982 of the Civil Code, relating to conditional sales of motor vehicles.

[Approved by Governor April 27, 1961. Filed with Secretary of State April 27, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 2982 of the Civil Code is amended to read:

Contract to be in writing

Minimum size type

Signature

Recitals

2982. (a) Every conditional sale contract for the sale of a motor vehicle, with or without accessories, shall be in writing, and, if printed, shall be printed in type no smaller than six point, and shall contain all of the agreements between the buyer and the seller relating to the personal property described therein. It shall be signed by the buyer or his authorized representative and by the seller or its authorized representative, and when so executed an exact copy thereof shall be delivered by the seller to the buyer at the time of its execution. It shall recite the following separate items as such, in the following order:

1. The cash price of the personal property described in the conditional sale contract.

2. The amount of the buyer's down payment, and whether made in cash or represented by the net agreed value of described property traded in, or both, together with a statement of the respective amounts credited for cash and for such property. As soon as received by the dealer the dealer shall refund to the buyer or credit to the buyer on the next payment due the amount realized on any insurance policy, or rights thereunder, assigned to the seller by the buyer in connection with the conditional sale. Failure of the dealer to comply with the foregoing provision shall in no way affect the validity or enforceability of the conditional sale contract.

3. The amount unpaid on the cash price, which is the difference between Items 1 and 2.

4. The cost to the buyer of any insurance, the premium for which is included in the contract balance; provided, any such cost for credit life or disability insurance may be included in the time price differential if separately stated on the face of the contract.

5. A description and itemization of amounts, if any, which will actually be paid by the seller or his assignee to any public officer as fees in connection with the transaction, which are included in the contract balance.

6. The amount of the unpaid balance, which is the sum of Items 3, 4, and 5.

7. The amount of the time price differential.

8. The contract balance owed by the buyer to the seller, which is the sum of Items 6 and 7.

9 The number of installments required to pay the contract balance, the amount of each installment, and the date for payment of the installments.

10 The names and addresses of all persons to whom the notice required under subdivision (g) of this section is to be sent.

Charge for insurance

(b) If any charge for insurance is included in the contract balance, an insurance policy or policies or a certificate of insurance under a master policy shall be issued and the seller shall within 30 days after the execution of the conditional sale contract send or cause to be sent to the buyer the

original or an exact copy of such policy or policies or certificate.

Maximum amount of time price differential

(c) The amount of the time price differential in any conditional sale contract for the sale of a motor vehicle, with or without accessories, shall not exceed 1 percent of the unpaid balance multiplied by the number of months, including any excess fraction thereof as one month, elapsing between the date of such contract and the due date of the last installment, or twenty-five dollars ($25), whichever is greater; provided, that such contract may provide for interest on any delinquent installment from and after the date of delinquency, and for reasonable collection costs and fees in the event of delinquency.

Satisfaction before final maturity date

(d) Any provision in any conditional sale contract for the sale of a motor vehicle to the contrary notwithstanding, the buyer may satisfy in full the indebtedness evidenced by such contract at any time before the final maturity thereof, and in so satisfying such indebtedness shall receive a refund credit thereon for such anticipation of payments. The amount of such refund shall represent at least as great a proportion of the time price differential, after first deducting from such time price differential a minimum charge of not to exceed twenty-five dollars ($25), as the sum of the periodic time balances after the month in which such contract is paid in full bears to the sum of all of the periodic time balances under the schedule of payments in the contract, both sums to be determined according to the monthly balances which would result if the indebtedness were paid according to the terms of the contract; provided, however, that the provisions of this subsection shall not impair the right of the seller or his assignee to receive a minimum time price differential of twenty-five dollars ($25), or to receive interest on delinquent installments or reasonable collection costs and fees, as provided in subsection (c) of this section; and provided further, that where the amount of such refund credit would be less than one dollar ($1), no refund need be made.

Violation of section

(e) If the seller, except as the result of an accidental or bona fide error in computation, shall violate any provision of subdivisions (c) or (d) of this section, the conditional sale contract shall not be enforceable, except by a bona fide purchaser for value, and the buyer may recover from the seller in a civil action the total amount paid on the contract balance by the buyer to the seller or his assignee pursuant to the terms of such contract.

Recovery of amount paid

(f) If the holder of such contract, except as the result of an accidental or bona fide error in computation, shall violate any provision of subdivision (d) of this section, the buyer may recover from such holder in a civil action the total amount paid on the contract balance by the buyer to such holder pursuant to the terms of such contract.

Notice of intent to sell a repossessed motor vehicle

(g) Any provision in any conditional sale contract for the sale of a motor vehicle to the contrary notwithstanding, at least five days' written notice of intent to sell a repossessed motor

vehicle must be given to all persons liable on the contract. Such notice may be given by mail and need be given only to such persons as have furnished the seller or his assignee with an address to which such notice may be sent. If given by mail and either the place of deposit in the mail or the place of address is outside of this State, however, the period of such notice shall be 10 days instead of five days. During such period after such notice is sent, the person or persons liable on the contract may pay in full the indebtedness evidenced by such contract. Such persons shall be liable for any deficiency after sale of the repossessed motor vehicle only if notice has been given pursuant to this subdivision.

Acceleration clauses

(h) No such contract shall contain any provision by which, in the absence of default by the buyer in the performance of any of his obligations under the contract, the holder may accelerate the maturity of any part or all of the amount owing thereunder or repossess the motor vehicle.

CHAPTER 244

An act to amend Section 14130 of the Education Code, relating to the State Teachers' Retirement System.

In effect September 15, 1961

[Approved by Governor April 27, 1961. Filed with Secretary of State April 27, 1961.]

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

SECTION 1. Section 14130 of the Education Code is amended to read:

14130. Notwithstanding anything in Section 14129 to the contrary if any member of the retirement system rendering any service for which credit is allowed under Section 14061 does not pay, while rendering such service, the contributions to the Permanent Fund and to the Retirement Annuity Fund provided for in Section 14129, and if said member does not qualify under Section 14131, the contributions shall be paid by him directly to the retirement system at the rate of fifty dollars ($50) or at the rate of 20 percent of such contributions, whichever is the greater, during each successive period of 12 months following the date a statement of the amount due is mailed the member by certified mail; provided, that all contributions required to be made to the Retirement Annuity Fund and all contributions required to be made to the Permanent Fund on account of service rendered on or after July 1, 1944, shall be paid before retirement. Contributions due under this section shall be paid with interest at the rates currently in use from time to time to credit interest on contributions due for service rendered after July 1, 1944, such interest to run from the date of the member's discharge or release from military service to the date of payment.

CHAPTER 245

An act to amend Section 2016 of the Welfare and Institutions Code, relating to the computation of old age assistance grants.

[Became law without Governor's signature (Section 16, Article IV, Constitution) Filed with Secretary of State May 1, 1961.] In effect September 15, 1961

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

SECTION 1. Section 2016 of the Welfare and Institutions Code is amended to read:

2016. Within 10 days after making a request, and within 10 days after any change in his grant, every applicant or recipient shall be given an itemized report setting forth the amount of deductions if any, and aid granted to him, and the budget allowances made in determining the amount of aid granted to him except for a supplemental grant a simple explanation of the additional payment shall suffice. The State Social Welfare Board may waive this requirement for statutory changes in grant. The pricing established for food, clothing, incidentals, and personal needs, household operations and transportation, shall be compatible with decency and health.

Budgetary allowances for goods and services shall not be reduced solely on the basis that the goods and services are being purchased from a responsible relative of the recipient but such allowances shall not exceed the prevailing community rate for such goods and services.

CHAPTER 246

An act to amend Sections 23776, 23784, 25500, and 25505 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor April 28, 1961 Filed with Secretary of State May 1, 1961.] In effect September 15, 1961

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

SECTION 1. Section 23776 of the Business and Professions Code is amended to read:

23776. A wholesaler's license shall not be issued to any on-sale licensee, except that a wholesaler's license may be issued to an on-sale licensee in counties not to exceed 15,000 population. Wholesaler's license issued to on-sale licensees

SEC. 2. Section 23784 of said code is amended to read:

23784. No retailer's on-sale license shall be issued to any person to whom, or for any premises for which, a manufacturer's, wine grower's, importer's, wholesaler's, or rectifier's license is issued; and no manufacturer's, wine grower's, importer's, wholesaler's, or rectifier's license shall be issued to Prohibitions

any person to whom, or for any premises for which, a retailer's on-sale license is issued, except that a retailer's on-sale license may be issued to a wholesaler in counties not to exceed 15,000 population.

SEC. 3. Section 25500 of said code is amended to read:

Prohibitions

25500. No manufacturer, wine grower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any such person shall:

(a) Hold the ownership, directly or indirectly, of any interest in any on-sale license.

(b) Furnish, give, or lend any money or other thing of value, directly or indirectly, to, or guarantee the repayment of any loan or the fulfillment of any financial obligation of, any person engaged in operating, owning, or maintaining any on-sale premises where alcoholic beverages are sold for consumption on the premises.

(c) Own any interest, directly or indirectly, in the business, furniture, fixtures, signs, except signs for interior use mentioned in subdivision (g) of Section 25503, refrigeration equipment, or lease in or of any premises operated or maintained under any on-sale license for the sale of alcoholic beverages for consumption on the premises where sold; or own any interest, directly or indirectly, in realty acquired after June 13, 1935, upon which on-sale premises are maintained unless the holding of the interest is permitted in accordance with rules of the department.

Exclusions

The provisions of this section shall not apply to the holding by one person of a wholesaler's license and an on-sale license in counties not to exceed 15,000 population.

The provisions of this section shall not apply to the financial or representative relationship between a manufacturer, wine grower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of such person, and a person holding only one of the following types of licenses:

(a) On-sale general license for a bona fide club.

(b) Club license (issued under Article 4 (commencing at Section 23425) of Chapter 3 of this division).

(c) Veterans' club license (issued under Article 5 (commencing at Section 23450) of Chapter 3 of this division).

(d) On-sale license for boats, trains, sleeping cars or airplanes where the alcoholic beverages produced or sold by such manufacturer, wine grower, manufacturer's agent, rectifier, bottler, importer, or wholesaler or any officer, director, or agent of such person are not sold, furnished or given, directly or indirectly to the on-sale licensee.

SEC. 4. Section 25505 of said code is amended to read:

Prohibited interests

25505. No on-sale licensee, or any officer, director, employee, or agent of such licensee, shall hold any ownership or interest, directly or indirectly, in any manufacturer's, wine grower's, rectifier's, importer's, or wholesaler's license, the business

conducted under such license, or the property used in the business.

The provisions of this section shall not apply to the holding by one person of a wholesaler's license and an on-sale license in a county not to exceed 15,000 population.

The provisions of this section shall not apply to the financial or representative relationship between a manufacturer, wine grower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of such person, and a person holding only one of the following types of licenses: Exclusions

(a) On-sale general license for a bona fide club.

(b) Club license (issued under Article 4 (commencing at Section 23425) of Chapter 3 of this division).

(c) Veterans' club license (issued under Article 5 (commencing at Section 23450) of Chapter 3 of this division).

(d) On-sale license for boats, trains, sleeping cars or airplanes where the alcoholic beverages produced or sold by such manufacturer, wine grower, manufacturer's agent, rectifier, bottler, importer, or wholesaler or any officer, director, or agent of such person are not sold, furnished or given, directly or indirectly, to the on-sale licensee.

CHAPTER 247

An act to amend Section 2570 of the Education Code, relating to junior college districts.

[Approved by Governor April 28, 1961. Filed with Secretary of State May 1, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 2570 of the Education Code is amended to read:

2570. If it appears from the certificate filed by the superintendent of schools that a majority of the votes cast at the election is in favor of the formation of the junior college district, the junior college district is formed effective as provided in Sections 1601 and 1603 of this code. The county clerk shall record the certificate in full in his record of school districts.

CHAPTER 248

An act to add Section 8169.5 to the Government Code, relating to the official state master plan for state buildings in the Capitol area.

In effect September 15, 1961

[Approved by Governor April 28, 1961. Filed with Secretary of State May 1, 1961.]

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

SECTION 1. Section 8169.5 is added to the Government Code, to read:

8169.5. The plan for location of state buildings and other improvements in the Capitol area, as approved by the commission on February 15, 1961, as part of the report prepared by its consultants and submitted to the Legislature pursuant to Section 8169, is adopted as the official state master plan for the development of state buildings in the Capitol area. It is hereby designated the Capitol Area Plan. It shall be a guide for future state policy in the expansion of the State's physical plant and in the locating of state buildings and other facilities in the Capitol area.

CHAPTER 249

An act to amend Section 2030 of the Code of Civil Procedure, relating to discovery in civil cases.

In effect September 15, 1961

[Approved by Governor April 28, 1961. Filed with Secretary of State May 1, 1961.]

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

SECTION 1. Section 2030 of the Code of Civil Procedure is amended to read:

2030. (a) Any party may file and serve upon any adverse party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, or body politic, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may be served upon any adverse party at any time after service of the summons or the appearance of such adverse party and without leave of court, except that, if service of interrogatories is made by the plaintiff within 10 days after such service of summons or appearance, leave of court granted with or without notice must first be obtained. The interrogatories shall be answered separately and fully in writing under oath. The answers shall be signed by the person making them; and the party upon whom the interrogatories have been served shall file and serve a copy of the answers on the party submitting the interrogatories within 15 days after the service of the interrogatories, unless

the court, on motion and notice and for good cause shown, enlarges or shortens the time. Said answers shall respond to the written interrogatories; or, if any interrogatory be deemed objectionable, the objections thereto may be stated by the party addressed in lieu of response If the party who has submitted the interrogatories deems that further response is required, he may move the court for an order requiring further response. Such motion must be upon notice given within fifteen (15) days from date of service of the answers or objections. Otherwise, the party submitting the interrogatories shall be deemed to have waived the right to compel answer pursuant to this section. No party may serve more than one set of interrogatories to be answered by the same adverse party, except with leave of court obtained on motion after notice.

(b) Interrogatories may relate to any matters which can be inquired into under subdivision (b) of Section 2016 of this code, and the answers may be used to the same extent as provided in subdivision (d) of Section 2016 of this code for the use of the deposition of a party. Interrogatories may be served after a deposition has been taken, and a deposition may be sought after interrogatories have been answered, but the court, on motion of the deponent or the party interrogated, may make such protective order as justice may require. The number of interrogatories or of sets of interrogatories to be served is not limited except as above provided and except as justice requires to protect the party from annoyance, expense, embarrassment or oppression. The provisions of subdivision (b) of Section 2019 of this code are applicable for the protection of the party from whom answers to interrogatories are sought under this section.

(c) Where the answer to any interrogatory may be derived or ascertained from the business records of the party to whom such interrogatory is addressed or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, it shall be a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party by whom the interrogatory was proposed reasonable opportunity to examine, audit or inspect such records and to make copies thereof or compilations, abstracts or summaries therefrom.

(d) Service of interrogatories under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

CHAPTER 250

An act to amend Section 1763 of the Welfare and Institutions Code, relating to the keeping of records by the Youth Authority.

In effect September 15, 1961

[Approved by Governor April 28, 1961. Filed with Secretary of State May 1, 1961.]

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

SECTION 1. Section 1763 of the Welfare and Institutions Code is amended to read:

1763. The authority shall keep written records of all examinations and of the conclusions predicated thereon and of all orders concerning the disposition or treatment of every person subject to its control. After five years from the date on which the jurisdiction of the authority over a ward is terminated the authority may destroy such records. For the purposes of this section "destroy" means destroy or dispose of for the purpose of destruction.

CHAPTER 251

An act to add Sections 3108.5 and 3113.5 to, to amend Sections 3128, 3251, and 3258 of, and to repeal Sections 3118, 3129, 3252, and 3253 of, the Education Code, relating to school district organization.

In effect September 15, 1961

[Approved by Governor April 28, 1961. Filed with Secretary of State May 1, 1961.]

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

SECTION 1. Section 3108.5 is added to the Education Code, to read:

Public hearing

3108.5. On receipt of a petition signed by at least five (5) qualified electors residing in any district for a consideration of unification or other reorganization of any area, the county committee shall hold a public hearing and determine, following such hearing, whether the committee shall study further the matter petitioned in the manner herein described in this chapter (commencing at Section 3001). In the event the petition involves territory already under study by the county committee, no further hearings shall be required.

The public hearing required by this section shall be called by:

Notice

(a) Sending a notice to the governing board of each school district involved at least ten (10) days prior to the hearing, and

Publication in newspaper

(b) Publishing at least two (2) times in a newspaper of general circulation in the area a notice of the hearing.

The notices shall contain information as to the time, place, and purpose of the hearing.

SEC. 2. Section 3118 of said code is repealed. Repeal

SEC. 3. Section 3113.5 is added to said code, to read:

3113.5. The public hearing required in paragraph (e) of Section 3113 shall be called in the same manner as specified in Section 3108.5. Calling hearing

SEC. 4. Section 3128 of said code is amended to read:

3128. In any proposal for unification recommended by a county committee, the committee may include a provision for a governing board of either five (5) or seven (7) members and may include a provision for trustee areas. In establishing trustee areas each county committee shall provide for representation in accordance with population and geographic factors of the entire area of the unified school district. As many trustee areas as needed, not to exceed seven (7), may be established. The county committee shall designate the number of members of the governing board to be elected from among the registered voters of each trustee area so that a governing board of either five (5) or seven (7) members is provided. If the committee includes a provision for trustee areas, it shall also include a provision for the election of members of the governing board by the registered voters of the entire school district or for the election of the member or members residing in each trustee area by the registered voters of that particular trustee area Trustee areas, board membership, etc

Provisions regarding the number of trustees or trustee areas and the election of trustees by the district at large or by the registered voters of each particular trustee area shall be considered as an inherent part of the proposal and not to be construed as a separate proposition; provided that such provisions shall indicate the boundaries of the proposed trustee areas.

SEC. 5. Section 3129 of said code is repealed. Repeal

SEC. 6. Section 3251 of said code is amended to read:

3251. A unified school district formed pursuant to this chapter (commencing at Section 3001), whether prior or subsequent to October 1, 1949, shall have a governing board of five (5) members, elected at large or by trustee areas, as designated in the proposal for unification, to serve for four (4) years, except that: Governing board

(a) In the event the proposal for unification has specified a governing board of seven (7) members in a unified district, the governing board shall have seven (7) members elected at large or by trustee areas, as designated in the proposal for unification, to serve for four (4) years;

(b) In a unified school district which includes a chartered city, the governing board of the district shall be the board of education of such city or city and county; provided, that all qualified electors residing within the unified school district are eligible to vote at all elections held for the election of members of the city board of education and any elector residing in the

district, or in a trustee area if the district is divided into trustee areas, is eligible to serve as a member of said board;

(c) In the event a unified district includes a chartered city and the charter does not provide for a method of selecting the governing board of education of the city or the charter provides that this code shall apply, the governing board of the unified district shall be elected at large or by trustee areas, as designated by the unification proposal, and any elector residing in the district, or in a trustee area if the district is divided into trustee areas, is eligible to serve as a member of the board.

Repeal

SEC. 7. Section 3252 of said code is repealed.

Repeal

SEC. 8. Section 3253 of said code is repealed.

SEC. 9. Section 3258 of said code is amended to read:

Chairman and temporary secretary

3258. At the initial meeting of the governing board of a newly formed unified school district it shall elect one of its members as chairman, and shall designate a temporary secretary.

Staggered terms of office

The majority of members of the first elected board, the members of which majority received the highest number of votes, shall serve until June 30 of the second succeeding odd-numbered year. The other members' terms shall expire on June 30 of the first succeeding odd-numbered year. All such members shall continue in office until their successors are elected and qualify.

Exclusions

SEC. 10. The provisions of this act are not applicable to any unification proceedings which were commenced prior to, but not completed on or before, the date the Governor approves this act. Any unified school district established under the provisions of Chapter 9 (commencing with Section 3001) of Division 5 of the Education Code prior to the date the Governor approves this act and which district contains five (5) trustee areas and a governing board of seven (7) trustees shall continue to exist and function with such number of trustee areas and trustees as if such district had been originally established under the provisions of this act.

CHAPTER 252

An act to amend Sections 23791 and 25207 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 15, 1961

[Approved by Governor April 28, 1961. Filed with Secretary of State May 1, 1961.]

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

SECTION 1. Section 23791 of the Business and Professions Code is amended to read:

Powers of cities

23791. Nothing in this division interferes with the powers of cities conferred upon them by Sections 65800 to 65808, inclusive, of the Government Code.

SEC. 2. Section 25207 of said code is amended to read:

25207. No draught beer shall be given, sold, or dispensed under a name or brand other than a name or brand filed with the department pursuant to this article and under which the draught beer is sold, labeled, or packaged by a manufacturer or bottler.

Sale of draught beer

CHAPTER 253

An act to amend Section 1300 of the Insurance Code, relating to reciprocal and interinsurance contracts

[Approved by Governor May 1, 1961. Filed with Secretary of State May 1, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1300 of the Insurance Code is amended to read:

1300. Any persons may exchange reciprocal or interinsurance contracts with one another providing insurance, other than life or title insurance, among themselves against any loss which may be insured against under other provisions of law.

CHAPTER 254

An act to add Section 5211 to the Education Code, relating to patriotic exercises including the pledge of allegiance in public schools.

[Approved by Governor May 1, 1961. Filed with Secretary of State May 1, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5211 is added to the Education Code, to read:

5211. In every public elementary school each day during the school year at the beginning of the first regularly scheduled class or activity period at which the majority of the pupils of the school normally begin the school day, there shall be conducted appropriate patriotic exercises. The giving of the pledge of allegiance to the Flag of the United States of America shall satisfy the requirements of this section.

In every public secondary school there shall be conducted daily appropriate patriotic exercises. The giving of the pledge of allegiance to the Flag of the United States of America shall satisfy such requirement. Such patriotic exercises for secondary schools shall be conducted in accordance with the regulations which shall be adopted by the governing board of the district maintaining the secondary school.

CHAPTER 255

An act to add Article 9.5 (commencing with Section 73660) to Chapter 10, Title 8 of the Government Code, relating to municipal courts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 1, 1961. Filed with Secretary of State May 1, 1961.]

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

SECTION 1. Article 9.5 (commencing with Section 73660) is added to Chapter 10, Title 8 of the Government Code, to read:

Article 9.5. Eureka

Eureka Judicial District

73660. This article applies to the municipal court established in the Eureka Judicial District in the County of Humboldt.

One judge

73661. There shall be one judge.

Urgency

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

There is at the present time in the Eureka Judicial District a heavy volume of judicial business which has been increasing every year at a rapid rate. This heavy volume of business can be properly handled only by the establishment of a municipal court in the Eureka Judicial District. In order to expedite the creation of this court, it is necessary that this act take effect immediately.

CHAPTER 256

An act to amend Section 13457 of the Education Code, relating to employment in the public schools.

In effect September 15, 1961

[Approved by Governor May 2, 1961. Filed with Secretary of State May 2, 1961.]

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

SECTION 1. Section 13457 of the Education Code is amended to read:

13457. The governing board of any school district may grant any employee of the district employed in a position requiring certification qualifications, a leave of absence for not to exceed one year for the purpose of permitting study or travel by the employee which will benefit the schools and pupils of the district. The governing board may provide that such a leave of absence be taken in separate six-month periods

rather than for a continuous one-year period, provided that the leave of absence for both of the separate six-month periods shall be commenced and completed within a three-year period Any period of service by the individual intervening between the two separate six-month periods of the leave of absence shall comprise a part of the service required for a subsequent such leave of absence.

If any leave of absence commenced upon within three years prior to the effective date of the amendments to this section adopted at the 1961 Regular Session of the Legislature, was taken in one or more separate periods of less than one year, the period of service intervening between such separate periods shall comprise a part of the service required for a subsequent such leave of absence.

CHAPTER 257

An act to repeal Section 1418 6 of the Penal Code, relating to disposition of exhibits in criminal cases.

[Approved by Governor May 3, 1961 Filed with Secretary of State May 3, 1961]

In effect September 15, 1961

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

SECTION 1. Section 1418.6 of the Penal Code is repealed.

CHAPTER 258

An act to add Section 1751.5 to the Insurance Code, relating to refund of fees.

[Approved by Governor May 3, 1961 Filed with Secretary of State May 3, 1961]

In effect September 15, 1961

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

SECTION 1. Section 1751.5 is added to the Insurance Code, to read:

1751.5. Except as provided in Section 12977, no part of any fee the payment of which is required by a provision of this chapter or Chapters 6, 7 or 8 of this part as a condition to the filing of an application for the issuance of a certificate of convenience or a license shall be refunded.

CHAPTER 259

An act to amend Sections 10153.7, 10156, 10203, 10205, 10206, 10252.5, 10253, 10278.7, 10279, 10323, 10325, 10326, 10502, 10504, 10518.7, 10519, 10583, 10585, and 10586 of, and to add Sections 10252 and 10501 to, and to repeal Sections 10252, 10255, 10501 and 10506 of, the Business and Professions Code, relating to real estate, business opportunity, and mineral, oil and gas licenses.

In effect September 15, 1961

[Approved by Governor May 3, 1961. Filed with Secretary of State May 3, 1961.]

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

SECTION 1. Section 10153.7 of the Business and Professions Code is amended to read:

Failure to qualify for renewal

10153.7. When an original real estate salesman licensee fails to qualify for a renewal real estate salesman's license, he may, upon application and payment of the appropriate fee within three months after expiration of such original license, obtain another one-year original real estate salesman's license by satisfying all of the requirements therefor except the original qualifying examination.

SEC. 2. Section 10156 of said code is amended to read:

Waiver of examination

10156. The commissioner may, in his discretion, waive the examination of any applicant for a real estate broker's license who held an unrevoked or unsuspended renewal real estate broker's license, within the two-year period immediately preceding the date of the application for such renewal license, as an individual broker, an officer of a corporation or a member of a copartnership.

The commissioner may, in his discretion, waive the examination of any applicant for a real estate salesman's license who held an unrevoked or unsuspended renewal real estate salesman's license, within the two-year period immediately preceding the date of the application for such renewal license.

SEC. 3. Section 10203 of said code is amended to read:

Original real estate broker's license

10203. An original real estate broker's license is a real estate license issued to a person who did not have a renewal real estate broker's license within the two-year period immediately preceding the date of the application for such license, or who had failed to become eligible for a renewal license under a previous original real estate broker's license.

SEC. 4. Section 10205 of said code is amended to read:

Original real estate salesman's license

10205. An original real estate salesman's license is a real estate license issued to a person who did not have a renewal real estate salesman's license within the two-year period immediately preceding the date of the application for such license, or who had failed to become eligible for a renewal license under a previous original real estate salesman's license.

SEC. 5. Section 10206 of said code is amended to read:

10206. A renewal real estate salesman's license is a real estate license issued to a person (1) who had a renewal real estate salesman's license or a renewal broker's license unrevoked or unsuspended within the two-year period immediately preceding the date of the application for such renewal license, or (2) who had become eligible for a renewal license during the preceding two years under an original real estate salesman's license, or (3) who had failed to qualify for a renewal real estate broker's license during the preceding three months under an original real estate broker's license, but who has satisfied all the requirements for a renewal salesman's license pursuant to the provisions of Section 10153.6. Renewal real estate saleman's license

SEC. 6. Section 10252 of said code is repealed. Repeal

SEC. 7. Section 10252 is added to said code, to read:

10252. A business opportunity broker within the meaning of this part is a person who, for a compensation or in expectation of a compensation, does one or more of the following acts for another or others: Business opportunity broker

(a) Sells or offers for sale, buys, or offers to buy, solicits prospective sellers or purchasers, solicits or obtains listings, or negotiates the purchase, sale, or exchange of a business opportunity.

(b) Solicits borrowers or lenders for, or negotiates loans on, business opportunities.

(c) Leases or offers to lease or negotiates the sale, purchase, or exchange of a lease on a business opportunity.

(d) Rents, places for rent, negotiates rentals, or collects rents for business opportunities.

SEC. 8. Section 10252.5 of said code is amended to read:

10252.5. A business opportunity broker within the meaning of this part also includes any person who engages in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee in connection with any employment undertaken to promote the sale or lease of business opportunities by listing offerings of such property in a publication issued primarily for such purpose or for referral to a business opportunity or real estate broker or salesman, or both. Same

SEC. 9. Section 10253 of said code is amended to read:

10253. A business opportunity salesman within the meaning of this part is a natural person who, for a compensation or in expectation of a compensation, is employed by a licensed business opportunity broker to do one or more of the acts set forth in Section 10252 or 10252 5. Business opportunity salesman

SEC. 10. Section 10255 of said code is repealed. Repeal

SEC. 11. Section 10278.7 of said code is amended to read:

10278.7. When an original business opportunity salesman licensee fails to qualify for a renewal business opportunity salesman's license, he may, upon application and payment of the appropriate fee within three months after expiration of such original license, obtain another one-year original business Failure to qualify for renewal

opportunity salesman's license by satisfying all of the requirements therefor except the original qualifying examination.

SEC. 12. Section 10279 of said code is amended to read:

Discretionary waiver of examination

10279. The commissioner may, in his discretion waive the examination of any applicant for a business opportunity broker's license who held an unrevoked or unsuspended renewal business opportunity license within the two-year period immediately preceding the date of the application for such renewal license, as an individual broker, an officer of a corporation, or a member of a copartnership.

The commissioner may, in his discretion, waive the examination of any applicant for a business opportunity salesman's license who held an unrevoked or unsuspended renewal business opportunity salesman's license within the two-year period immediately preceding the date of the application for such renewal license.

SEC. 13. Section 10323 of said code is amended to read:

Original business opportunity broker's license

10323. An original business opportunity broker's license is a business opportunity license issued to a person who did not have a renewal business opportunity broker's license within the two-year period immediately preceding the date of application for such license, or who had failed to become eligible for a renewal license under a previous original business opportunity broker's license.

SEC. 14. Section 10325 of said code is amended to read:

Original business opportunity salesman's license

10325. An original business opportunity salesman's license is a business opportunity license issued to a person who did not have a renewal business opportunity salesman's license within the two-year period immediately preceding the date of application for such license, or who had failed to become eligible for a renewal license under a previous original business opportunity salesman's license.

SEC. 15. Section 10326 of said code is amended to read:

Renewal business opportunity salesman's license

10326. A renewal business opportunity salesman's license is a business opportunity license issued to a person (1) who had a renewal business opportunity salesman's license or a renewal broker's license, unrevoked or unsuspended, within the two-year period immediately preceding the date of the application for such license, or (2) who had become eligible for a renewal license, during the preceding two years, under an original business opportunity salesman's license, or (3) who had failed to qualify for a renewal business opportunity broker's license, during the preceding three months, under an original business opportunity broker's license, but who has satisfied all the requirements for a renewal salesman's license pursuant to the provisions of Section 10278.5.

Repeal

SEC. 16. Section 10501 of said code is repealed.

SEC. 17. Section 10501 is added to said code, to read:

Mineral, oil and gas broker

10501. A mineral, oil and gas broker within the meaning of this part is a person who, for a compensation or in expec-

tation of a compensation, does one or more of the following acts for another or others:

(a) Sells or offers for sale, buys or offers to buy, solicits prospective sellers or purchasers, solicits or obtains listings, or negotiates the purchase, sale, or exchange of mineral, oil or gas property.

(b) Solicits borrowers or lenders for or negotiates loans on mineral, oil or gas property, or collects payments for lenders in connection with such loans.

(c) Leases or offers to lease or negotiates the sale, purchase, or exchange of leases on mineral, oil or gas property.

(d) Rents, or places for rent mineral, oil or gas property or collects rent or royalties from mineral, oil or gas property or improvements thereon.

(e) Other than as an officer or employee of the state or federal government, assists or offers to assist another or others in filing an application for the purchase or lease of, or in locating or entering upon mineral, oil or gas property owned by the state or federal government.

SEC. 18. Section 10502 of said code is amended to read:

Mineral, oil and gas salesman

10502. A mineral, oil and gas salesman within the meaning of this part is a natural person who, for a compensation or in expectation of a compensation, is employed by a licensed mineral, oil and gas broker to place for rent, any mineral, oil or gas property, or to assist or offer to assist another or others in filing an application for the purchase or lease of, or in locating or entering upon, mineral, oil or gas property to do one or more of the acts set forth in Section 10501.

SEC. 19. Section 10504 of said code is amended to read:

Mineral, oil and gas broker

10504. Mineral, oil and gas broker within the meaning of this part includes any person who engages in the business of buying or leasing, or who takes an option on, mineral, oil or gas property, for the purpose of sale or resale, or lease or sublease, or assignment of a lease, or exchange, of such property or any part of such property, or who offers for sale or assignment mining claims or any interest therein.

SEC 20. Section 10506 of said code is repealed

Repeal

SEC. 21. Section 10518 7 of said code is amended to read·

Failure to qualify for license renewal

10518.7. When an original mineral, oil and gas salesman licensee fails to qualify for a renewal mineral, oil and gas salesman's license, he may, upon application and payment of the appropriate fee within three months after expiration of such original license, obtain another one-year original mineral, oil and gas salesman's license by satisfying all of the requirements therefor except the original qualifying examination.

SEC. 22. Section 10519 of said code is amended to read:

Waiver of examination

10519. The commissioner may, in his discretion, waive the examination of any applicant for a mineral, oil and gas broker's license who held an unrevoked or unsuspended renewal mineral, oil and gas license within the two-year period immediately preceding the date of the application for such

renewal license, as an individual broker, an officer of a corporation, or member of a copartnership.

The commissioner may, in his discretion, waive the examination of any applicant for a mineral, oil and gas salesman's license who held an unrevoked or unsuspended renewal mineral, oil and gas salesman's license within the two-year period immediately preceding the date of the application for such renewal license.

SEC. 23. Section 10583 of said code is amended to read:

Original mineral, oil and gas broker's license

10583. An original mineral, oil and gas broker's license is a mineral, oil and gas license issued to a person who did not have a mineral, oil and gas broker's license within the two-year period immediately preceding the date of application for such license, or who had failed to become eligible for a renewal license under a previous original mineral, oil and gas broker's license.

SEC. 24. Section 10585 of said code is amended to read:

Original mineral, oil and gas salesman's license

10585. An original mineral, oil and gas salesman's license is a mineral, oil and gas license issued to a person who did not have a renewal mineral, oil and gas salesman's license within the two-year period immediately preceding the date of application for such license, or who had failed to become eligible for a renewal license under a previous original mineral, oil and gas salesman's license.

SEC. 25. Section 10586 of said code is amended to read:

Renewal mineral, oil and gas salesman's license

10586. A renewal mineral, oil and gas salesman's license is a mineral, oil and gas license issued to a person (1) who had a renewal mineral, oil and gas salesman's license or a renewal broker's license, unrevoked or unsuspended, within the two-year period immediately preceding the date of the application for such license, or (2) who had become eligible for a renewal license during the preceding two years, under an original mineral, oil and gas salesman's license, or (3) who had failed to qualify for a renewal mineral, oil and gas broker's license, during the preceding three months, under an original mineral, oil and gas broker's license, but who has satisfied all the requirements for a renewal salesman's license pursuant to the provisions of Section 10518.5.

CHAPTER 260

An act to amend Sections 10027, 10206.5, 10208.5, 10326.5, 10328.5, 10586.5, and 10588.5 of, and to repeal Sections 10176.3 and 10176.4 of, the Business and Professions Code, relating to real estate, business opportunity, and mineral, oil and gas licenses.

In effect September 15, 1961

[Approved by Governor May 3, 1961. Filed with Secretary of State May 3, 1961.]

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

SECTION 1. Section 10027 of the Business and Professions Code is amended to read:

10027. The term "listing" as used in this part includes, but is not limited to: "Listing"

(a) The name or a list of the names, of the owners, landlords, exchangers, or lessors, or the location or locations, of property, or of an interest in property, offered for rent, sale, lease, or exchange.

(b) The name, or a list of the names, or the location or locations at which prospective or potential purchasers, buyers, lessees, tenants or exchangers of property may be found or contacted.

(c) An agreement by which a person who is engaged in the business of promoting the sale or lease of business opportunities or real estate agrees to render to an owner or lessee of such property any services, to promote the sale or lease of said property.

(d) An agreement by which a person who is engaged in the business of finding, locating or promoting the sale or lease of business opportunities or real estate, agrees to circularize, notify or refer business opportunity or real estate brokers or salesmen, or both, to said property which is offered for sale or lease.

SEC. 2. Section 10176.3 of said code is repealed. Repeal

SEC. 3. Section 10176.4 of said code is repealed. Repeal

SEC. 4. Section 10206.5 of said code is amended to read:

10206.5. All renewal real estate licenses shall be issued for periods of four years. Four-year period

SEC. 5. Section 10208.5 of said code is amended to read:

10208.5. The original real estate broker's license fee is payable at the time of the filing of an application for an original real estate broker's license. Original real estate broker's license fee

If the applicant fails to pass the required written examination, he may be permitted to take another examination upon payment of an additional fee of ten dollars ($10). If an applicant fails to qualify for an original real estate broker's license within three years from the date of filing his application, said application shall thereupon lapse and no further proceedings thereon shall be taken. Re-examination

SEC. 6. Section 10326.5 of said code is amended to read:

10326.5. All renewal business opportunity licenses shall be issued for periods of four years. Renewal business opportunity license fee

SEC. 7. Section 10328.5 of said code is amended to read:

10328.5. The original business opportunity broker's license fee is payable at the time of the filing of an application for an original business opportunity broker's license. Original business opportunity broker's license fee

If the applicant fails to pass the required written examination, he may be permitted to take another examination upon payment of an additional fee of ten dollars ($10). If an applicant fails to qualify for an original business opportunity broker's license within three years from the date of filing his application, said application shall thereupon lapse and no further proceedings thereon shall be taken.

SEC. 8. Section 10586.5 of said code is amended to read:

Renewal mineral, oil and gas license fee

10586.5 All renewal mineral, oil and gas licenses shall be issued for periods of four years.

SEC. 9. Section 10588.5 of said code is amended to read:

Original mineral, oil and gas broker's license fee

10588.5. An original mineral, oil and gas broker's license fee is payable at the time of the filing of an application for an original mineral, oil and gas broker's license.

If the applicant fails to pass the required written examination, he may be permitted to take another examination upon payment of an additional fee of ten dollars ($10). If an applicant fails to qualify for an original mineral, oil and gas broker's license within three years from the date of filing his application, said application shall thereupon lapse and no further proceedings thereon shall be taken.

CHAPTER 261

An act to amend Sections 10150.6 and 10275.6 of the Business and Professions Code, relating to real estate and business opportunity brokers' licenses.

In effect September 15, 1961

[Approved by Governor May 3, 1961. Filed with Secretary of State May 3, 1961.]

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

SECTION 1. Section 10150.6 of the Business and Professions Code is amended to read:

Conditions

10150.6. The Real Estate Commissioner shall not grant an original real estate broker's license to any person who has not held a real estate salesman's license for at least two years within the five-year period immediately prior to the date of his application for the broker's license, and during such time was not actively engaged in the business of real estate salesman, except that an applicant for a real estate broker's license having at least the equivalent of two years' general real estate experience or graduation from a four-year college or university course, which course included specialization in real estate, files a written petition with the Division of Real Estate setting forth his qualifications and experience, and a committee of not less than three members of the State Real Estate Commission approves, he may be issued a real estate broker's license immediately upon passing the appropriate examination and satisfying the other requirements of this article.

SEC. 2. Section 10275.6 of said code is amended to read:

Conditions

10275.6. The Real Estate Commissioner shall not grant an original business opportunity broker's license to any person who does not hold a real estate broker's license or who has not held a business opportunity salesman's license for at least two years within the five-year period immediately prior to the date of his application for the broker's license, and during such time was not actively engaged in the business of business

opportunity or real estate salesman, except that an applicant for a business opportunity broker's license having at least the equivalent of two years' general real estate or business opportunity experience or graduation from a four-year college or university course, which course included specialization in real estate, files a written petition with the Division of Real Estate setting forth his qualifications and experience, and a committee of not less than three members of the State Real Estate Commission approves, he may be issued a business opportunity broker's license immediately upon passing the appropriate examination and satisfying the other requirements of this article.

CHAPTER 262

An act to amend Sections 10151.5, 10276.5, and 10516.5 of, and to add Sections 10522.5 to, the Business and Professions Code, relating to real estate, business opportunity, and mineral, oil and gas licenses.

[Approved by Governor May 3, 1961. Filed with Secretary of State May 3, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 10151.5 of the Business and Professions Code is amended to read:

10151.5. Every nonresident applicant for a real estate license shall, along with his application, file with the Real Estate Commissioner an irrevocable consent that if in any action commenced against him in this State personal service of process upon him cannot be made in this State after the exercise of due diligence, a valid service may thereupon be made upon him by delivering the process to the Secretary of State

Nonresident's consent to service by substitution

Insofar as possible, the provisions of Section 1018 of the Code of Civil Procedure relating to service of process on the Secretary of State are applicable to this section.

SEC. 2. Section 10276.5 of said code is amended to read:

10276.5. Every nonresident applicant for a business opportunity license shall, along with his application, file with the commissioner an irrevocable consent that if in any action commenced against him in this State personal service of process upon him cannot be made in this State after the exercise of due diligence, a valid service may thereupon be made upon him by delivering the process to the Secretary of State.

Nonresident's consent to service by substitution

Insofar as possible, the provisions of Section 1018 of the Code of Civil Procedure, relating to service of process on the Secretary of State, are applicable to this section.

SEC. 3. Section 10516.5 of said code is amended to read:

10516.5 Every nonresident applicant for a mineral, oil and gas license shall, along with his application, file with the commissioner an irrevocable consent that if in any action

Nonresident's consent to service by substitution

commenced against him in this State personal service of process upon him cannot be made in this State after the exercise of due diligence, a valid service may thereupon be made upon him by delivering the process to the Secretary of State.

Insofar as possible, the provisions of Section 1018 of the Code of Civil Procedure, relating to service of process on the Secretary of State, are applicable to this section.

SEC. 4. Section 10522.5 is added to said code, to read:

Fictitious name

10522.5. Every person applying for a license under this chapter who desires to have such license issued under a fictitious name shall file with his application a certified copy of both the entry of the county clerk and the affidavit of publication made pursuant to the provisions of Chapter 2 (commencing with Section 2466) of Title 10 of Part 4 of Division 3 of the Civil Code.

CHAPTER 263

An act to amend Section 465 of, and to add Section 233 to the Vehicle Code, relating to vehicle definitions.

In effect September 15, 1961

[Approved by Governor May 3, 1961. Filed with Secretary of State May 3, 1961.]

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

SECTION 1. Section 233 is added to the Vehicle Code, to read:

"Bus"

233. A "bus" is any motor vehicle, other than a motor truck or truck tractor, designed for carrying more than nine persons including the driver and used or maintained for the transportation of passengers.

SEC. 2. Section 465 of said code is amended to read:

"Passenger vehicle"

465. A "passenger vehicle" is any motor vehicle, other than a motor truck or truck tractor, designed for carrying not more than nine persons including the driver, and used or maintained for the transportation of persons.

CHAPTER 264

An act to add Sections 6461.5, 7250.5 and 10608.5 to, and to amend Sections 6702, 6950, 8703 and 8801 of, the Financial Code, relating to savings and loan associations.

In effect September 15, 1961

[Approved by Governor May 3, 1961. Filed with Secretary of State May 3, 1961.]

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

SECTION 1. Section 6461.5 is added to the Financial Code, to read:

Paid-in surplus, etc

6461.5. Paid-in surplus or surplus resulting from contributions by stockholders shall not be available for dividends

or other distribution to stockholders or shareholders except upon liquidation.

SEC. 2. Section 6702 of said code is amended to read:

6702. An association may invest in, hold, buy, and sell the following: Legal investments

(a) Real property used or to be used primarily as the principal office or branch of the association. Except as provided in Section 6703 no association shall invest in such real property more than one-half of the sum of its aggregate paid-up nonwithdrawable capital, federal insurance reserve, loan reserve, and any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation.

(b) Furniture, fixtures, furnishings, equipment and leasehold improvements necessary or proper for the business of the association, or for use in connection with properties owned by or securing loans of the association. Except as provided in Section 6703 no association shall invest in furniture, fixtures, furnishings, equipment, and leasehold improvements for its offices, more than 20 percent, or if it has no real property used or to be used primarily as its principal office or branch, 30 percent of the sum of its aggregate paid-up nonwithdrawable capital, federal insurance reserve, loan reserve, and any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation.

(c) United States Government bonds and treasury certificates, or any bonds, debentures, notes, or other obligations guaranteed by the United States of America.

(d) Bonds, debentures, and notes issued by any federal home loan bank, or other similar federal agency.

(e) Consolidated federal home loan bank bonds, debentures, or notes.

(f) Bonds of this State or of any county, municipality, or school district in this State.

(g) Bonds, other securities, and bankers' acceptances which are legal as investments for or purchases by savings banks in this State.

(h) Bonds issued by any railroad corporation or any public utility corporation substantially all of the properties of which are located in the United States of America. Railway corporations and public utility corporations, as used in this subdivision, do not include street railway corporations. The purchase of all bonds pursuant to the sole authority of this subdivision shall be first approved by the commissioner.

(i) Notes or bonds secured by first mortgage or first deed of trust, payment of which is guaranteed by a policy of mortgage insurance, or mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of Part 6 of Division 2 of the Insurance Code.

(j) California street improvement bonds. The purchase of all bonds pursuant to the sole authority of this subdivision

shall be first approved by the commissioner and no association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 2 percent of the then total assets of the association.

(k) Stock issued by any federal home loan bank or other similar federal agency of which the association is eligible to be a member.

(*l*) Bonds, notes, debentures, or other obligations of national mortgage associations or other similar credit institutions now or hereafter organized under Title III of the National Housing Act including without limitation bonds, notes, debentures, or other obligations of Federal National Mortgage Association. The purchase of all bonds, notes, debentures or other obligations pursuant to the sole authority of this subdivision shall be first approved by the commission.

(m) Bonds and other securities as provided in Division 11 of this code.

(n) Stock of Federal National Mortgage Association evidencing nonrefundable capital contributions required in connection with sales or contracts for sale of loans from an association to said Federal National Mortgage Association. An association is authorized to make payments of such required nonrefundable capital contributions No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 1 percent of the then total assets of the association.

SEC. 3 Section 6950 of said code is amended to read:

Loan reserve

6950. The directors of each association shall set aside as a loan reserve not less than 5 percent of the net profits accruing since the last prior apportionment and shall continue to set that amount aside at each apportionment of profits unless and until the loan reserve amounts to at least 5 percent of the aggregate unpaid principal amount of the loans in force secured by real property. For the purpose of this section, net profits shall be computed after the deduction of interest or dividends on savings accounts.

SEC. 4 Section 7250.5 is added to said code, to read:

Termination of appraiser's services

7250.5 When the services of an appraiser, officer, or member of any committee who has been approved in writing by the commissioner as an appraiser for the association is terminated by the association, the association shall notify the commissioner in writing of the termination within 15 days from the date thereof.

SEC. 5 Section 8703 of said code is amended to read:

Records of appraised values

8703. Each association shall keep records written in ink or typewriting showing the appraised values of the real estate security held in connection with each loan. Each record shall be signed by the approved appraiser, officer, or committee who has made a physical inspection of the real estate security for the loan and is charged with making such estimated valuations. Every association shall file in writing with the commissioner the names of the appraisers, officers, and members of any com-

mittee charged with making such estimated valuations for the association.

SEC. 6. Section 8801 of said code is amended to read:

Access to records

8801. During the annual examination the commissioner and his deputies or examiners shall have full access to all the books, records, securities, and papers of the association. The examiner shall, so far as deemed necessary by the commissioner, examine and verify the books, accounts, and securities of such association, and the amount of its shares, stock, and investment certificates outstanding, and ascertain the value of all property and investments owned and of all property held as security for money loaned, and otherwise use reasonable diligence to ascertain the financial condition and solvency of such association.

SEC. 7. Section 10608.5 is added to said code, to read:

Termination of appraiser's services

10608.5. When the services of an appraiser, officer, or member of any committee who has been approved in writing by the commissioner as an appraiser for the association is terminated by the association, the association shall notify the commissioner in writing of the termination within 15 days from the date thereof.

CHAPTER 265

An act to amend Sections 11708 and 11709 of the Business and Professions Code, relating to subdivisions.

[Approved by Governor May 3, 1961. Filed with Secretary of State May 3, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 11708 of the Business and Professions Code is amended to read:

Alteration or vacation

11708. The exclusion of any land or the alteration or vacation of any recorded map or plat pursuant to this chapter shall be complete with the recording in the office of the county recorder of the county in which such land is situated, of a copy of the decree of the superior court. The county recorder shall make upon the face of any such recorded map or plat a memorandum stating briefly that such recorded plat has been altered or vacated, whichever the case may be, and giving the date and reference of such decree.

SEC. 2. Section 11709 of the Business and Professions Code is amended to read:

Recordation of copy of new map

11709. At the time a certified copy of the decree of court is recorded, a copy of the new map required by Section 11703 shall be recorded with the county recorder and he shall securely fasten it in his subdivision map book. A reference to this map shall be sufficient identification of the land for reassessment purposes.

CHAPTER 266

An act to amend Section 16004 of the Vehicle Code, relating to accident reporting.

In effect September 15, 1961

[Approved by Governor May 3, 1961 Filed with Secretary of State May 3, 1961]

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

SECTION 1. Section 16004 of the Vehicle Code is amended to read:

16004. (a) The department may suspend the driving privilege of any person who willfully fails, refuses, or neglects to make a report of an accident as required in this article.

(b) A suspension taken under this section shall remain in effect for one year unless sooner terminated by receipt of the report of the accident or upon receipt of evidence by the department that failure to report was not willful.

CHAPTER 267

An act to amend Section 5000 of the Fish and Game Code, relating to desert tortoise.

In effect September 15, 1961

[Approved by Governor May 3, 1961. Filed with Secretary of State May 3, 1961]

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

SECTION 1. Section 5000 of the Fish and Game Code is amended to read:

5000 It is unlawful to sell, purchase, needlessly harm, take, or shoot any projectile at a desert tortoise (Gopherus agassizii). This section does not apply to the taking of any desert tortoise when authorized by the department.

CHAPTER 268

An act to add Section 54908 to the Government Code, relating to the filing of statements and maps or plats for tax purposes on the change of boundaries of recreation and park districts, declaring the urgency thereof, to take effect immediately

In effect immediately

[Approved by Governor May 3, 1961 Filed with Secretary of State May 3, 1961]

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

SECTION 1. Section 54908 is added to the Government Code, to read:

54908. Notwithstanding the provisions of Sections 54902 and 54903, any withdrawal of territory from a recreation and park district organized pursuant to Chapter 4 (commencing with Section 5780), Division 5 of the Public Resources Code which was completed prior to the effective date of this section shall be effective for assessment and taxation purposes, if the statement and map or plat required by Section 54900 are filed by the district on or before April 15, 1961.

Urgency

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

Recreation and park districts from which territory was withdrawn, through inadvertence, did not file a proper statement and map or plat of the remaining district with the county assessor and the State Board of Equalization on or before February 1, 1961 as required by Section 54902 of the Government Code. As a result, the property in the territory withdrawn from the districts still appears on the tax rolls of the districts. To permit such property to be removed from the tax rolls of the districts and to make it clear that the property in the territory withdrawn from the districts will not be subject to taxation by the districts for the fiscal year 1961-62 and thereafter, it is imperative that this act take effect immediately

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CHAPTER 269

An act to repeal Section 5510 of the Fish and Game Code, relating to live bait.

[Approved by Governor May 3, 1961. Filed with Secretary of State May 3, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5510 of the Fish and Game Code is repealed.

CHAPTER 270

An act to amend Section 7014 of the Streets and Highways Code, relating to the Street Improvement Act of 1913

[Approved by Governor May 3, 1961. Filed with Secretary of State May 3, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 7014 of the Streets and Highways Code is amended to read:

7014. "Incidental expenses" include all of the necessary expenses and disbursements of the commission, the cost of making the assessment, and all expenses necessarily incurred by the city in connection with the proposed improvement for maps, diagrams, plans, surveys, the mailing of any notices, the cost of relocating or altering any public utility facilities as required by the improvement in those cases where such cost is the legal obligation of the city, and other matters incident thereto.

CHAPTER 271

An act to add Section 1082.5 to the Agricultural Code, relating to the sale of commercial feeds.

In effect September 15, 1961

[Approved by Governor May 3, 1961. Filed with Secretary of State May 3, 1961.]

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

SECTION 1. Section 1082.5 is added to the Agricultural Code, to read:

1082.5. The director, by regulation, may establish permissible tolerances for pesticide chemicals, chemical additives, and drugs in or on commercial feeding stuffs. Tolerances so established shall be such as to insure the safety of livestock and poultry and the products thereof used for human consumption.

CHAPTER 272

An act to amend Sections 10153.5, 10153.9, 10204, 10208, 10278.5, 10278.9, 10324, 10328, 10518.5, 10518.9, 10584, and 10583 of, to add Sections 10153.6, 10278.6, and 10518.6 to, and to repeal Sections 10153.6, 10278.6, and 10518.6 of, the Business and Professions Code, relating to real estate, business opportunity, and mineral, oil and gas licenses.

In effect September 15, 1961

[Approved by Governor May 3, 1961. Filed with Secretary of State May 3, 1961.]

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

SECTION 1. Section 10153.5 of the Business and Professions Code is amended to read:

Term of original real estate salesman licenses

10153.5 All original real estate salesman licenses issued by the commissioner shall be for a period of one year and the holder thereof shall not become eligible for a renewal real estate license until he has successfully passed an examination which shall be given by the commissioner not more than three months prior to the termination of the one-year license period. The examination herein referred to shall be in addition to the original qualifying examination.

SEC. 2. Section 10153.6 of said code is repealed. Repeal

SEC. 3. Section 10153.6 is added to said code, to read:

10153.6. All original real estate broker licenses issued by the commissioner shall be for a period of one year and the holder thereof shall not become eligible for a renewal real estate broker's license until he has held an original license for one year. Term of original real estate broker licenses

SEC. 4. Section 10153.9 of said code is amended to read:

10153.9. When an original real estate salesman licensee fails the required additional examination under two successive original licenses, he may not apply for another license of the same class unless at least one year has elapsed since the expiration date of the last such license. Failure of additional examination

SEC. 5. Section 10204 of said code is amended to read:

10204. A renewal real estate broker's license is a real estate license issued to a person who had an original or a renewal real estate broker's license, unrevoked or unsuspended, within the two-year period immediately preceding the date of the application for such renewal license. Renewal real estate broker's license

SEC. 6. Section 10208 of said code is amended to read:

10208. The orginal real estate broker's license fee is twenty-five dollars ($25). The commissioner may use two dollars ($2) of the fee to secure a credit report or investigation of the applicant. Original real estate broker's license fee

SEC. 7. Section 10278.5 of said code is amended to read:

10278.5. All original business opportunity salesman licenses issued by the commissioner shall be for a period of one year and the holder thereof shall not become eligible for a renewal business opportunity license until the licensee has successfully passed an examination which shall be given by the commissioner not more than three months prior to the termination of the one-year license period. The examination herein referred to shall be in addition to the original qualifying examination. Term of original business opportunity salesman license

SEC. 8. Section 10278.6 of said code is repealed. Repeal

SEC. 9. Section 10278.6 is added to said code, to read:

10278.6 All original business opportunity broker licenses issued by the commissioner shall be for a period of one year and the holder thereof shall not become eligible for a renewal business opportunity broker license until he has held an original license for one year. Term of original business opportunity broker license

SEC. 10. Section 10278.9 of said code is amended to read:

10278.9 When an original business opportunity salesman licensee fails the required additional examination under two successive original licenses, he may not apply for another license of the same class unless at least one year has elapsed since the expiration date of the last such license. Failure of additional examination

SEC. 11. Section 10324 of said code is amended to read:

10324. A renewal business opportunity broker's license is a business opportunity license issued to a person who had an original or a renewal business opportunity broker's license Renewal business opportunity broker's license

unrevoked or unsuspended within the two-year period immediately preceding the date of application for such renewal license.

SEC. 12. Section 10328 of said code is amended to read:

Original business opportunity broker's license fee

10328. The original business opportunity broker's license fee is twenty-five dollars ($25). The commissioner may use two dollars ($2) of the fee to secure a credit report or investigation of the applicant.

SEC. 13. Section 10518.5 of said code is amended to read:

Term of original mineral, oil and gas salesman licenses

10518.5 All original mineral, oil and gas salesman licenses issued by the commissioner shall be for a period of one year, and the holder thereof shall not become eligible for a renewal mineral, oil and gas license until he has successfully passed an examination which shall be given by the commissioner not more than three months prior to the termination of the one-year license period. The examination herein referred to shall be in addition to the original qualifying examination.

Repeal

SEC. 14. Section 10518 6 of said code is repealed.

SEC. 15. Section 10518.6 is added to said code, to read:

Term of original mineral, oil and gas broker license

10518.6. All original mineral, oil and gas broker licenses issued by the commissioner shall be for a period of one year and the holder thereof shall not become eligible for a renewal mineral, oil and gas broker license until he has held an original license for one year.

SEC. 16. Section 10518.9 of said code is amended to read:

Failure of additional examinations

10518.9. When an original mineral, oil and gas salesman licensee fails the required additional examination under two successive original licenses, he may not apply for another license of the same class unless at least one year has elapsed since the expiration date of the last such license.

SEC. 17. Section 10584 of said code is amended to read:

Renewal mineral, oil and gas broker's license

10584. A renewal mineral, oil and gas broker's license is a mineral, oil and gas license issued to a person who had an original or a renewal mineral, oil and gas broker's license unrevoked or unsuspended within the two-year period immediately preceding the date of application for such renewal license.

SEC. 18. Section 10588 of said code is amended to read:

Original mineral, oil and gas broker's license fee

10588. The original mineral, oil and gas broker's license fee is twenty-five dollars ($25). The commissioner may use two dollars ($2) of the fee to secure a credit report or investigation of the applicant.

CHAPTER 273

An act to amend Section 4135 of the Agricultural Code, relating to dairy products.

In effect September 15, 1961

[Approved by Governor May 3, 1961. Filed with Secretary of State May 3, 1961.]

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

SECTION 1. Section 4135 of the Agricultural Code is amended to read:

4135. The sale by any manufacturer, distributor or retail store of milk, cream, or dairy products at less than cost is an unfair practice. Cost as applied to manufacturers and distributors, as used herein, shall mean the cost of raw product, plus all costs of manufacturing, processing, handling, sale and delivery, including overhead costs; and cost as applied to retail stores, as used herein, shall mean invoice or replacement cost, whichever is lower, plus the cost of doing business of such retail store. Evidence of cost, based on audits or surveys, made in accordance with generally accepted cost accounting procedures, shall constitute prima facie evidence of such cost at the time of the commission of such violation. The director shall establish by rule and regulations pursuant to Section 4143 the procedures which shall be considered as "generally accepted cost accounting procedures." Such procedures are those found by the director to accurately determine actual costs.

CHAPTER 274

An act to amend Sections 11500, 11501, 11502, 11530, 11531, 11532, 11715.6, and 11715.7 of, and to add Sections 11500.5, 11502.1, 11504, 11530.5, 11533, and 11715.8 to, the Health and Safety Code, and to amend Section 13202 of the Vehicle Code, relating to narcotics.

[Approved by Governor May 4, 1961 Filed with Secretary of State May 4, 1961]

In effect September 15, 1961

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

SECTION 1. Section 11500 of the Health and Safety Code is amended to read:

11500. Except as otherwise provided in this division, every person who possesses any narcotic other than marijuana except upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this State, shall be punished by imprisonment in the state prison for not less than two years nor more than 10 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than two years in prison.

Penalty for possession

If such a person has been previously convicted once of any felony offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned

Prior convictions

in the state prison for not less than five years nor more than 20 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

If such a person has been previously convicted two or more times of any felony offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from 15 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 15 years in prison.

SEC. 2. Section 11500.5 is added to said code, to read:

Penalty for possession for sale

11500.5. Except as otherwise provided in this division, every person who possesses for sale any narcotic other than marijuana shall be punished by imprisonment in the state prison for not less than five years nor more than 15 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 2½ years in prison.

If such person has been previously once convicted of any felony offense described in this division or has been previously once convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than 10 years, and shall not be eligible for release upon completion of sentence, or parole, or on any other basis until he has served not less than six years in prison.

Prior convictions

If such a person has been previously two or more times convicted of any felony offense described in this division or has been previously two or more times convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison for not less than 15 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 15 years in prison.

SEC. 3. Section 11501 of the Health and Safety Code is amended to read:

11501. Except as otherwise provided in this division, every person who transports, imports into this State, sells, furnishes, administers or gives away, or offers to transport, import into this State, sell, furnish, administer, or give away, or attempts to import into this State or transport any narcotic other than marijuana except upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this State shall be punished by imprisonment in the state prison from five years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than three years in prison. Transport, import, sale, etc

If such a person has been previously convicted once of any felony offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in a state prison from 10 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 10 years in prison. Prior convictions

If such a person has been previously convicted two or more times of any felony offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from 15 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 15 years in prison.

SEC. 4. Section 11502 of the Health and Safety Code is amended to read:

11502. Every person of the age of 21 years or over who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that said minor shall knowingly violate, with respect to a narcotic other than marijuana, any provision of this chapter or Section 11721, or who hires, employs, or uses a minor to knowingly and unlawfully transport, carry, sell, give away, prepare for sale, or peddle any narcotic other than marijuana or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic other than marijuana to a minor shall be punished by imprisonment in the state prison from 10 years to Solicitation, etc., of minors

life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

Prior convictions

If such a person has been previously convicted once of any felony offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison from 10 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 10 years in prison.

If such a person has been previously convicted two or more times of any felony offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from 15 years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 15 years in prison.

SEC. 5. Section 11504 is added to said code, to read:

"Felony offense"

11504. As used in this article "felony offense," and offense "punishable as a felony" refer to an offense for which the law prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

SEC. 6 Section 11502.1 is added to said code, to read:

Solicitation, etc., of minors

11502.1. Every person under the age of 21 years who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that said minor shall knowingly violate, any provision of this chapter or Section 11721, or who hires, employs, or uses a minor to knowingly and unlawfully transport, carry, sell, give away, prepare for sale or peddle any narcotic other than marijuana or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic other than marijuana to a minor shall be punished by imprisonment in the state prison not less than five years.

Prior conviction

If such a person has been previously convicted of any felony offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division,

the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than 10 years.

This section is not intended to affect the jurisdiction of the juvenile court.

SEC. 7. Section 11530 of the Health and Safety Code is amended to read:

11530. Every person who plants, cultivates, harvests, dries, or processes any marijuana, or any part thereof, or who possesses any marijuana, except as otherwise provided by law, shall be punished by imprisonment in the state prison for not less than one year nor more than 10 years and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than one year in prison. Punishment for cultivation and possession of marijuana

If such person has been previously convicted once of any felony offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than two years in prison. Prior conviction

If such person has been previously convicted two or more times of any felony offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison for five years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison. Prior convictions

SEC. 8. Section 11530.5 is added to said code, to read:

11530.5. Every person who possesses for sale any marijuana except as otherwise provided by law shall be punished by imprisonment in the state prison for not less than two years nor more than 10 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than two years in prison. Punishment for possession for sale of marijuana

If such a person has been previously once convicted of any felony offense described in this division or has been previously Prior convictions

once convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than five years nor more than 15 years, and shall not be eligible for release upon completion of sentence, or parole, or any other basis until he has served not less than three years in prison.

If such a person has been previously two or more times convicted of any felony offense described in this division or has been previously two or more times convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from 10 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than six years in prison.

SEC. 9. Section 11531 of the Health and Safety Code is amended to read:

Punishment for importation into State of marijuana

11531. Every person who transports, imports into this State, sells, furnishes, administers or gives away, or offers to transport, import into this State, sell, furnish, administer, or give away, or attempts to import into this State or transport any marijuana shall be punished by imprisonment in the state prison from five years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than three years.

Prior convictions

If such a person has been previously convicted once of any felony offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in a state prison from five years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison

If such a person has been previously convicted two or more times of any felony offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a

felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in a state prison from 10 years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 10 years in prison.

SEC. 10. Section 11532 of the Health and Safety Code is amended to read:

11532. Every person of the age of 21 years or over who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale or peddling any marijuana, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any marijuana to a minor, or who induces a minor to use marijuana in violation of law, is guilty of a felony punishable by imprisonment in the state prison from 10 years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison. Solicitation, etc., of minors

If such a person has been previously convicted once of any felony offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison from 10 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 10 years in prison. Prior convictions

If such a person has been previously convicted two or more times of any felony offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from 15 years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 15 years in prison.

SEC. 11. Section 11533 is added to the Health and Safety Code, to read:

11533. As used in this article "felony offense," and offense "punishable as a felony" refer to an offense for which the law "Felony offense"

prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

SEC. 12. Section 11715.6 of the Health and Safety Code is amended to read:

Prohibition on granting probation

11715.6. In no case shall any person convicted of violating Sections 11500, 11500.5, 11501, 11502, 11503, 11530, 11530.5, 11531, 11532, 11540, 11557, or 11715, or of committing any offense referred to in those sections, be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court, if such person has been previously convicted of any felony offense described in this division, or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division except Section 11721.

In no case shall any person who was of the age of 21 years or over at the time of the commission of the offense, who is convicted for the first time of selling, furnishing, administering or giving a narcotic other than marijuana to a minor or inducing a minor to use such a narcotic in violation of law, be granted probation by the trial court nor shall the execution of the sentence imposed on such a person be suspended by the court.

SEC. 13. Section 11715.7 of said code is amended to read:

Solicitation, etc., of minors

11715.7. Any person who shall violate any of the provisions of Sections 11162, 11162.5, 11163, 11163.5, 11164, 11170 and 11170.5, or who in any voluntary manner solicits, induces, encourages or intimidates any minor with the intent that said minor shall violate any provision of such sections, shall be punished by imprisonment in the state prison not exceeding six years or in a county jail not exceeding one year.

SEC. 14. Section 11715.8 is added to the Health and Safety Code, to read:

Imposition of fines

11715.8 In addition to the term of imprisonment provided by law for persons convicted of violating Sections 11500, 11500.5, 11501, 11502, 11530, 11530.5, 11531 and 11532 of this code, the trial court may impose a fine not exceeding twenty thousand dollars ($20,000) for each such offense. In no event shall said fine be levied in lieu of or in substitution for the term of imprisonment provided by law for any of said offenses.

SEC. 15. Section 13202 of the Vehicle Code is amended to read:

Suspension of driving privilege

13202. A court may suspend or revoke the privilege of any person to operate a motor vehicle upon conviction of any narcotic offense as defined in Division 10 of the Health and Safety Code, commencing at Sections 11000, when the use of a motor vehicle was involved in, or incidental to, the commission of the offense.

A court shall revoke the privilege of any person to operate a motor vehicle upon conviction of a violation of Section 11500, 11500.5, 11501, 11502, 11530, 11530.5, 11531, or 11532 of the Health and Safety Code when a motor vehicle was involved in, or incidental to, the commission of such offense.

The period of time for suspension or the period after revocation during which the person may not apply for a license shall be determined by the court.

SEC. 16. This act shall be known and may be cited as the Regan-Dills Act. Short title

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CHAPTER 275

An act to amend Sections 5870 and 5871 of the Streets and Highways Code, relating to sidewalks, curbs, and other street improvements.

[Approved by Governor May 4, 1961. Filed with Secretary of State May 4, 1961.] In effect September 15, 1961

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

SECTION 1. Section 5870 of the Streets and Highways Code is amended to read:

5870. As used in this chapter, "block" means property facing one side of any street between the next intersecting streets or between the terminus of a dedicated right-of-way of a street and an intersecting street, and "driveway" means a paved portion of a public street providing an unobstructed passage from the roadway to an off-street area used for driving, servicing, parking, or otherwise accommodating motor vehicles "Block" "Driveway"

SEC. 2. Section 5871 of the Streets and Highways Code is amended to read:

5871. This chapter shall apply to the construction of sidewalks, gutters, pavements, driveways, and curbs in front of properties in any block where a sidewalk, gutter, pavement, driveway, or curb or all of them have been constructed theretofore in front of properties in said block constituting more than fifty percent (50%) of the front footage of said block or where the owners of more than 50 percent of the front footage of the block, as shown by the last equalized assessment roll of the city, file a petition with the city clerk requesting the installation of any such improvements. Application of chapter

This chapter shall not apply to driveway construction in front of a vacant lot, or in front of an unimproved property, unless requested by the owner.

As used in this chapter, "sidewalks and curbs" includes "gutters", "driveways" and includes "pavement" to the centerline of the street. Definitions

CHAPTER 276

An act to amend Section 5024 of the Streets and Highways Code, relating to the Improvement Act of 1911.

In effect September 15, 1961

[Approved by Governor May 4, 1961 Filed with Secretary of State May 4, 1961]

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

SECTION 1. Section 5024 of the Streets and Highways Code is amended to read:

5024. "Incidental expense" includes:

(a) The compensation of the engineer for work done by him, and attorney's fees for services in proceedings pursuant to this division;

(b) The cost of printing and advertising provided for in this division, including the treasurer's estimated cost of printing, servicing and collecting any bonds to be issued to represent or be secured by unpaid assessments;

(c) The compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work;

(d) The expenses of making the assessment, and of the collection of assessments by the superintendent of streets when directed by ordinance to receive payments pursuant to Section 5396 of this division, and of preparing and typing the resolutions, notices and other papers and proceedings for any work authorized by this division;

(e) The expenses of making any analysis and tests to determine that the work and any materials or appliances incorporated therein comply with the specifications;

(f) All costs and expenses incurred in carrying out the investigations and making the reports required by the provisions of the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931";

(g) The cost of title searching, description writing, salaries of right-of-way agent, appraisal fees, partial reconveyance fees, surveys and sketches incident to securing rights-of-way for any work authorized by this division;

(h) Any other expenses incidental to the construction, completion, and inspection of the work in the manner provided for in this division; and

(i) The cost of relocating or altering any public utility facilities as required by the improvement in those cases where such cost is the legal obligation of the city.

All demands for incidental expenses shall be presented to the street superintendent, by an itemized bill, duly verified by the demandant.

CHAPTER 277

An act to add Section 50022.10 to the Government Code, relating to adoption of codes by reference by local agencies.

[Approved by Governor May 4, 1961 Filed with Secretary of State May 4, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 50022.10 is added to the Government Code, to read:

50022.10. A code adopted and fully published or adopted by reference as provided in this article, may be subsequently recodified or recompiled and thereafter adopted by reference in the same manner as prescribed by this article for the original adoption by reference of the code.

CHAPTER 278

An act to amend Section 14601 of, and to add Section 14601.5 to, the Vehicle Code, relating to driving without a license.

[Approved by Governor May 4, 1961 Filed with Secretary of State May 5, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 14601 of the Vehicle Code is amended to read:

14601. (a) No person shall drive a motor vehicle upon a highway at any time when his driving privilege is suspended or revoked or when a license or permit to drive a motor vehicle has been refused and no license has been issued to him under the provisions of this code, and the person so driving has knowledge of either such fact.

Driving when privilege is suspended

(b) A second or any subsequent conviction under this section shall be punished by imprisonment in the county jail for not less than five days nor more than six months.

Subsequent conviction

Any person convicted of a second or subsequent offense under this section shall not be granted probation by the court, nor shall the court suspend the execution of the sentence imposed upon such person.

SEC. 2. Section 14601.5 is added to said code, to read:

14601.5. The judge may, in his discretion, allow any person convicted of a violation of Section 14601 to serve his sentence on a sufficient number of consecutive weekend days to complete the sentence.

Serving sentence

CHAPTER 279

An act to amend Section 607 of the Probate Code, relating to inheritance tax appraisers.

In effect September 15, 1961

[Approved by Governor May 4, 1961 Filed with Secretary of State May 5, 1961]

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

SECTION 1. Section 607 of the Probate Code is amended to read:

607. If any part of the estate is in a county other than that in which letters issued, an appraiser thereof may in the same manner as above provided be appointed, either by the court or judge having jurisdiction of the estate or by the court or judge of such other county, on request of the court or judge having jurisdiction.

CHAPTER 280

An act to amend Sections 852, 1760.5, 1832 and 11622 of, and to repeal Chapter 9A (commencing with Section 10950) of Part 2 of Division 2 and Sections 11499 and 11499.1 of, the Insurance Code, relating to insurance.

In effect September 15, 1961

[Approved by Governor May 4, 1961. Filed with Secretary of State May 5, 1961]

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

SECTION 1. Section 852 of the Insurance Code is amended to read:

Suspension or revocation of certificate

852. The commissioner may at any time in accordance with the procedure provided in Section 1738 suspend or revoke any broker's or agent's certificate issued by him if he finds that the holder thereof is of bad business repute, or has violated any provision of this article, or has engaged, or is about to engage in any fraudulent transaction.

SEC. 2. Section 1760.5 of said code is amended to read:

Insurance with nonadmitted insurers

1760.5. The provisions of this chapter limiting the insurance which may be placed with nonadmitted insurers and requiring any report thereof shall not apply to:

(a) Reinsurance of the liability of an admitted insurer.

(b) Insurance against perils of navigation, transit or transportation upon hulls, freights or disbursements, or other shipowner interests; upon goods, wares, merchandise and all other personal property and interests therein, in course of exportation from or importation into any country, or transportation coastwise, including transportation by land or water from point of origin to final destination and including war

risks; and marine builder's risks, drydocks and marine railways, including insurance of ship repairer's liability, and protection and indemnity insurance, but excluding insurance covering bridges or tunnels.

(c) Aircraft insurance.

(d) Insurance on property or operations of railroads engaged in interstate commerce.

The insurance specified in the foregoing paragraphs (b), (c), and (d), may be placed with a nonadmitted insurer only by and through a special lines' surplus line broker. The license of a special lines' surplus line broker shall be applied for and procured and shall be subject to the same fees for filing on issuance in the same manner as the license of a surplus line broker, except that in lieu of the bond required by Section 1765, there shall be delivered to the commissioner a bond in the form, amounts, and conditions specified in Sections 1663, 1664 and 1665 of this code and only one fee shall be collected from one person for both licenses. Such licensee in respect to such business shall be subject to all the provisions of this chapter except Sections 1761, 1763 and 1775.5. Special lines' surplus line broker

The commissioner may, in respect to business written or placed under the provisions of this section, require such information and reports thereof as he considers necessary, convenient or advisable for tax or statistical purposes. Information and reports

Each placing of insurance in violation of this chapter is a misdemeanor.

The commissioner may revoke, suspend or deny any license granted pursuant to this code in accordance with the procedure provided in Article 13 of Chapter 5 of this part, or any certificate of authority granted pursuant to this code in accordance with the procedure provided in Section 704 whenever he finds that the licensee or holder of the certificate has committed a violation of this section. Revocation and suspension

The premium for insurance placed by or through a special lines' surplus line broker pursuant to this section shall not be subject to the tax imposed upon such broker based upon gross premiums paid for insurance placed under authority conferred by his license. Premium for insurance tax exemption

SEC. 3. Section 1832 of said code is amended to read:

1832 An employee or officer of any insurer or a person licensed under Chapter 5 of this part is not eligible for license as a life insurance analyst. A life insurer shall not pay a life insurance analyst any commission directly or indirectly, on any life insurance transacted by a life insurance analyst. Life insurance analyst

SEC. 4. Section 11622 of said code is amended to read:

11622. Such plan shall require the issuance of a policy affording coverage in the amount of ten thousand dollars ($10,000) for bodily injury to or death of each person as a result of any one accident and, subject to said limit as to one person, the amount of twenty thousand dollars ($20,000) for bodily injury to or death of all persons as a result of any one accident, and the amount of five thousand dollars ($5,000) for Policy coverage

damage to property of others as a result of any one accident, or in such minimum amounts as are necessary to provide exemption from the security requirements of Section 16023 of the Vehicle Code or for which proof of ability to respond in damages or adequate protection against liability is otherwise required by law, but shall not require the issuance of a policy affording coverage in excess of said amounts.

Repeal

SEC. 5. Chapter 9A (commencing with Section 10950) of Part 2 of Division 2 of said code is repealed.

Existing rights, etc.

SEC. 6. The repeal effected by Section 5 of this act shall in no way annul, modify or change any existing cause of action, contractual right or liability founded on the provisions of Chapter 9A (commencing with Section 10950) of Part 2 of Division 2 of the Insurance Code.

Repeal

SEC. 7. Section 11499 of said code is repealed.

Repeal

SEC. 8. Section 11499.1 of said code is repealed.

CHAPTER 281

An act to amend Section 8952 of the Health and Safety Code, relating to public cemetery districts.

In effect September 15, 1961

[Approved by Governor May 4, 1961. Filed with Secretary of State May 5, 1961.]

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

SECTION 1. Section 8952 of the Health and Safety Code is amended to read:

8952. The trustees shall hold office for four years and until the appointment and qualifications of their successors, and shall serve without compensation; but the necessary expenses of each trustee for actual traveling in connection with meetings or business of the board of trustees shall be allowed and paid.

CHAPTER 282

An act to add Section 980.1 to the Military and Veterans Code, relating to veterans' benefits.

In effect September 15, 1961

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.]

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

SECTION 1. Section 980.1 is added to the Military and Veterans Code, to read:

980.1. The term "veteran," as used in this chapter, also includes any person of Japanese ancestry who during World War II while a bona fide resident of California was evacu-

ated from California pursuant to Presidential Executive Order Number 9066, dated February 19, 1942, and who entered the armed forces from a state other than California, regardless of whether or not such person has received a bonus, compensation, or benefit from such other state on the basis of his service in the armed forces.

CHAPTER 283

An act to amend Section 19582 of the Education Code, relating to school building aid.

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 19582 of the Education Code is amended to read:

19582. The board by the adoption of rules shall provide for the manner of determining the area of adequate school construction existing in an applicant school district at the time of application. Such rules shall define and provide for the method of determining building areas that are to be included in whole or in part, or to be excluded from the area of existing adequate school construction.

The board may make exceptions to the provisions of this section or to the rules adopted pursuant to such section when it determines that such will be for the benefit of children affected.

For the purposes of this section, "service area" may be defined as (1) buildings which when constructed were intended to be used for a purpose to which the provisions of Education Code Sections 15451 to 15465, inclusive, would not apply, whether or not such sections were in effect at the time when the building was constructed, or (2) buildings which when constructed were intended to be used for a purpose to which Education Code Sections 15451 to 15465, inclusive, would apply, whether or not such sections were in effect when the building was constructed, but which building has been converted or is intended to be converted, as shown by the application, to use for purposes to which such sections would not apply. Service area may include, but is not limited to, construction used as bus garages, maintenance shops, centrally located district storage and warehouses, teacherage and custodial houses, utility shelters, administration offices, transformer vaults, and service yards.

The board shall exclude from the building area of a district the area of any building which is or will be used exclusively for a parent co-operative nursery education facility, and for no other purpose, and which building at the time of

acquisition thereof by the district was incidental to the purchase of a school site and unsuitable for classroom purposes or which was acquired by the district without expenditure of school district funds.

The area of adequate school construction existing in a district at the time of application shall be initially computed as all of the construction area of a district except (1) such areas as may be eligible for replacement under standards established by the board, and (2) such areas in an existing structurally inadequate building for which an application has been filed for structural rehabilitation or in a building previously structurally rehabilitated under either Sections 19401 to 19486, inclusive, or Sections 19551 to 19689, inclusive, of the Education Code, that exceeds the maximum building area allowed by Section 19581 for a number of pupils, equivalent to those that could be housed in the building after rehabilitation. The board shall prescribe by rule the method of computing the number of pupils which could be so housed for the purposes of this subsection. If such area of adequate school construction, when added to the minimum facilities needed by the district, results in a total construction area in excess of the amount prescribed in Section 19581, then the board may make the following adjustments to the initial computation or such revisions thereof as the board, in its discretion, deems desirable:

(a) Service areas constructed prior to July 19, 1947, shall be excluded, except as provided in (c) below.

(b) Service areas constructed subsequent to July 19, 1947, shall be recomputed by multiplying the total number of square feet of said service area by the percentage determined from dividing the actual construction cost per square foot as determined by the Director of Finance by the estimated average cost per square foot of the new school facilities for which the district has made application.

(c) If any inadequate nonservice area constructed prior to July 19, 1947, is, or will be, converted to a service area, such area shall be recomputed by multiplying said area by the percentage determined by dividing the depreciated value of said area by the replacement cost as such value and cost are determined by the Director of Finance.

(d) If, after the revised computation of service areas is made as prescribed under subsections (a), (b), and (c) of this section, the existing and requested building area of the district is in excess of the schedule set forth in Section 19581, the existing building area of nonservice facilities may be determined on the basis of the number of pupils housed by such facilities at an allowance per pupil which is not more than 25 percent in excess of the amount per pupil prescribed in Section 19581.

The board shall prescribe by rule the method for computing the number of adequately housed pupils for purposes of this subsection.

CHAPTER 284

An act to add an article heading immediately before Section 9201, and to add Article 2 (commencing with Section 9300) to Chapter 12, Part 4, Division 8 of the Health and Safety Code, relating to public cemetery districts.

[Approved by Governor May 5, 1961 Filed with Secretary of State May 5, 1961]

In effect September 15, 1961

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

SECTION 1. An article heading is added immediately before Section 9201 of the Health and Safety Code, to read:

Article 1. Abandonment of Cemeteries

SEC. 2. Article 2 (commencing with Section 9300) is added to Chapter 12, Part 4, Division 8 of said code, to read:

Article 2. Abandoned Cemetery Plots

"Plot" 9300. As used in this article, "plot" means any plot, or portion of a plot, in a cemetery owned by a public cemetery district which has not been used for the interment of human remains, or the right of interment in any such plot or portion of a plot.

Proceeding to declare plot abandoned 9301. Any cemetery district which owns or operates a cemetery may maintain a proceeding in the superior court in the county within which the cemetery is located to have any plot in the cemetery declared abandoned if the present owner of the plot is unknown to the cemetery district and a period of at least 50 years has passed since any portion of the plot has been used for interment purposes.

Commencement of proceedings 9302. The proceeding shall be commenced by the filing of a verified petition with the clerk of the superior court.

The petition shall identify the plot which the cemetery authority or public agency desires to have declared abandoned; state that the plot has not been used for the interment of human remains, that the present owner of the plot is unknown to the cemetery district, and that a period of at least 50 years has passed since any portion of the plot was used for interment purposes; and request that the court declare the plot abandoned.

Diligent search affidavit 9303. The petition shall be accompanied by an affidavit by the cemetery district that it has made a diligent search to locate the present owner of the plot, but has not been able to locate the present owner.

Upon the filing of the petition and affidavit, the clerk of the superior court shall fix a time for a hearing on the petition not less than 30 days nor more than 60 days after the date of the filing.

Notice of hearing 9304. Notice of the hearing shall be given by the cemetery district in the same manner as provided in Section 8707 of this code, by posting copies of the notice in three conspicuous

places in the cemetery which is owned or operated by the cemetery district, and by mailing a copy of the notice by registered mail to the last known owner of the plot.

The notice shall identify the plot which the cemetery district desires to have declared abandoned and shall state:

(a) The name and address of the last known owner of the plot.

(b) That a hearing will be held to determine whether or not the plot shall be declared abandoned.

(c) The time and the place of the hearing.

Evidence

9305. At the time fixed for the hearing, the court shall hear and consider any evidence which is introduced in favor of, and all objections to, the abandonment of the plot. The hearing may be continued from time to time.

If the court determines from the evidence which is presented that the facts stated in the petition are true; that the present owner of the plot is unknown; and that the cemetery district has made a diligent search to locate the present owner, the court shall hear and consider evidence.

Dismissal of proceedings

9306. The court shall dismiss the proceeding if it determines any of the following from the evidence which is presented:

(a) That any of the facts stated in the petition are not true.

(b) The identity of the present owner of the plot.

(c) That the cemetery district has not made a diligent search to locate the present owner.

Court order

9307. In any proceeding the court may order that the plot shall be deemed abandoned and full title revert to the cemetery district.

The order of the court shall not become final until one year after the date on which it is made. During that time, any person may petition the court to reopen the proceeding and the court, after notice to the cemetery district, may reopen the proceeding and may hear and consider any additional evidence regarding the ownership of the plot, and may modify or amend the order which it made or, if the court makes any of the determinations mentioned by Section 9306, it shall dismiss the proceeding.

Publishing of notice

9308. The cemetery district shall, within 30 days after the date on which the court order is made, publish notice of the order pursuant to Section 6061 of the Government Code and by mailing a copy of the order by registered mail to the last known owner of the plot, or the right of interment in a plot.

The notice which is published shall identify the plot which is covered by the order and shall state:

(a) The name and address of the last known owner of the plot.

(b) That the court has ordered that the plot is to be deemed abandoned.

(c) The date upon which the order of the court will become final.

9309. The plot shall be deemed abandoned as of the date upon which the order of the court becomes final. The cemetery district is, thereafter, the owner of the plot, and may resell or otherwise reconvey it. Effective date of abandonment

CHAPTER 285

An act to amend Section 5097.1 of the Revenue and Taxation Code, relating to tax refunds.

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.] In effect September 15, 1961

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

SECTION 1. Section 5097.1 of the Revenue and Taxation Code is amended to read:

5097.1. Notwithstanding the provisions of Sections 5096 and 5097 any taxes paid before or after delinquency may be refunded by the tax collector or redemption officer within 60 days after the date of the last payment if:

(a) Paid more than once.

(b) The amount paid exceeds the amount due on the property as shown on the roll.

CHAPTER 286

An act to amend Section 1656 of the Vehicle Code, relating to the sale and distribution of the Vehicle Code.

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.] In effect September 15, 1961

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

SECTION 1. Section 1656 of the Vehicle Code is amended to read:

1656. (a) The department shall publish the complete text of the California Vehicle Code together with other laws relating to the use of highways or the operation of motor vehicles at least once every two years and may republish the code and laws and distribute the same as may be deemed advisable without charge to the Department of the California Highway Patrol, other state departments, Members of the Legislature, sheriffs' offices, district attorneys' offices, police departments and the courts. The department shall sell and distribute the California Vehicle Code to all other public and private agencies, groups, schools and individuals upon the payment of one dollar ($1) per copy. The receipts from the sale of such publications shall be deposited in a Vehicle Code publication account in the Motor Vehicle Fund and shall not be available for expenditure until specifically appropriated by the Legislature.

(b) The department shall publish a synopsis or summary of the laws regulating the operation of vehicles and the use of the highways and may deliver a copy thereof without charge with each original vehicle registration and with each original driver's license. The department shall furnish copies to its field offices and to law enforcement agencies for general distribution and, when it does so, shall furnish the copies without charge.

CHAPTER 287

An act to add Section 25130 to the Government Code, relating to ordinance codes of counties.

In effect September 15, 1961

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.]

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

SECTION 1. Section 25130 is added to the Government Code, to read:

25130. An ordinance code adopted and fully published, or adopted by reference as provided in this article, may be subsequently recompiled, recodified and indexed, including such restatement and substantive change as is necessary in the interest of clarity, in the same manner as prescribed by this article for the original adoption by reference of an ordinance code.

CHAPTER 288

An act to amend Section 4216 of the Agricultural Code, relating to distributors of fluid milk or fluid cream.

In effect September 15, 1961

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.]

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

SECTION 1. Section 4216 of the Agricultural Code is amended to read:

4216. "Distributor" means any person, whether or not such person is a producer or an association of producers, who purchases or handles fluid milk or fluid cream for sale, including brokers, agents, copartnerships, co-operative corporations and incorporated and unincorporated associations. The definition of "distributor" shall not include any of the following: (1) any retail store that is not actively and directly engaged in processing and packaging fluid milk or fluid cream, (2) any establishment where fluid milk or fluid cream is sold

only for consumption on the premises, that is not actively and directly engaged in processing and packaging fluid milk or fluid cream, (3) any person owned or controlled by one or more retail stores, or owned or controlled by one or more establishments where fluid milk or fluid cream is sold for consumption on the premises which person is not actively and directly engaged in the processing and packaging of fluid milk or fluid cream, (4) any producer who delivers fluid milk or fluid cream only to a distributor, (5) any person as to any transaction where such person purchases processed and packaged fluid milk or fluid cream, but does not thereafter physically handle such fluid milk or fluid cream for sale. The term "physically handle" as used in this subdivision shall mean: (a) to refrigerate or store or assemble individual order allotments at a fixed, established business location prior to transportation on regularly operated routes for sales of fluid milk or fluid cream on such routes to wholesale customers or directly to consumers at their homes or places of work; or (b) to transport in a mobile vehicle or unit regularly operated on routes predominately for sales of fluid milk or fluid cream on such routes to wholesale customers or directly to consumers at their homes or places of work.

CHAPTER 289

An act to amend Section 9078 of the Health and Safety Code, relating to withdrawal of territory from a public cemetery district.

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 9078 of the Health and Safety Code is amended to read:

9078. Any person interested may appear at the hearing and object to the withdrawal of that portion from the district, and may object to the continuance of the remaining territory as a district, and the board of supervisors shall consider all objections and shall pass upon the petition and objections and if it finds that that portion of the district sought to be withdrawn, or any portion thereof, will not be benefited by remaining within the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, it shall grant the petition, either in whole or in part.

CHAPTER 290

An act to amend Section 1676 of the Insurance Code, relating to qualifying examination for insurance producers' licenses.

In effect September 15, 1961

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.]

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

SECTION 1. Section 1676 of the Insurance Code is amended to read:

1676. Except as set forth in Sections 1675 and 1679, the commissioner shall not issue a permanent license pursuant to this chapter to an applicant therefor unless such applicant has within the 12-month period next preceding the date of issue of the license taken and passed the qualifying examination for such license.

CHAPTER 291

An act to amend Section 779.5 of the Insurance Code, relating to credit life and credit disability insurance.

In effect September 15, 1961

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.]

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

SECTION 1. Section 779.5 of the Insurance Code is amended to read:

779.5. The term of any credit life insurance or credit disability insurance shall, subject to acceptance by the insurer, commence on the date when the debtor becomes obligated to the creditor or the date the debtor applies for such insurance, whichever is later, except that, where a group policy provides coverage with respect to existing obligations, the insurance on a debtor with respect to such indebtedness shall commence on the effective date of the policy. The term of such insurance shall not extend more than 15 days beyond the scheduled maturity date of the indebtedness except when extended without additional cost to the debtor. If the indebtedness is discharged due to renewal or refinancing prior to the scheduled maturity date, the insurance in force shall be terminated before any new insurance may be issued in connection with the renewed or refinanced indebtedness. In all cases of termination prior to scheduled maturity, a refund shall be paid or credited as provided in Section 779.14.

CHAPTER 292

An act to amend Section 19369 of the Government Code, relating to training assignments in state agencies.

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 19369 of the Government Code is amended to read:

19369. The board may prescribe rules governing the temporary assignment or loan of employees within an agency or between agencies for not to exceed two years for the purpose of training. Such temporary assignments or loans shall be deemed to be in accord with the provisions of this part limiting employees to duties consistent with their class. An employee participating in such an arrangement shall have the absolute right to return to his previous position.

CHAPTER 293

An act to amend Sections 19253.5, 19500, and 19572 of the Government Code, relating to termination for medical reasons in the state civil service

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 19253.5 of the Government Code is amended to read:

19253.5. In accordance with board rule, the appointing power may require an employee to submit to a medical examination to evaluate the capacity of the employee to perform the work of his position. The board rules shall make provision whereby the employee can designate a physician to consult with the appointing power and with the physician selected by the appointing power concerning the need for and advisability of a medical examination before it is made. The rules also shall provide for the designation by the appointing power of one or more physicians to conduct the examination when it is required. When requested by the employee, the appointing power shall provide a list of three physicians from which the employee may select the physician to be designated by the appointing power to do the examination. Fees for the examination shall be paid by the state agency. The employee may submit medical or other evidence to the examining physician or to the appointing power. When the appointing power, after considering the conclusions of the medical examination and

Medical examination

other pertinent information, concludes that the employee is unable to perform the work of his present position, but is able to perform the work of another position including one of less than full time, the appointing power may demote or transfer the employee to such a position.

Salary upon demotion

The employee demoted or transferred pursuant to this section shall receive the maximum of the salary range of the class to which he is demoted or transferred, provided that such salary is not greater than the salary he received at the time of his demotion or transfer.

When the appointing power after considering the conclusions of the medical examination provided for by this section or medical reports from the employee's physician, and other pertinent information, concludes that the employee is unable

Written notice of termination

to perform the work of his present position, or any other position in the agency, and the employee is not eligible or elects not to accept disability or service retirement, the appointing power may terminate the appointment of the employee. The employee shall be given written notice of termination 15 days prior to the effective date of such termination.

Appeal

The employee may appeal the action of the appointing power to the board within 15 days after the effective date of a demotion, transfer, or termination made in accordance with this section. The board, in accordance with its rules,

Hearing

shall hold a hearing. The board may disapprove the demotion, transfer, or termination or may order that demotion or transfer of the employee be to another position. Whenever the board revokes or modifies the demotion, transfer, or termination, the board shall direct the payment of salary to the employee at the rate of pay he should have received for such time as the board finds the demotion, transfer, or termination was improperly in effect.

Upon the request of an appointing authority or the peti-

Reinstatement

tion of the employee who was terminated, the employee shall be reinstated to his former position, to another position in the same class, or to a position in a comparable or lower related class in the same agency if it is determined by the board that the employee is no longer incapacitated for duty. Such a reinstatement to a position in a different agency may be made only with the concurrence of that agency. In approving or ordering such reinstatements, the board may require the satisfactory completion of a new probationary period.

SEC. 2. Section 19500 of said code is amended to read:

Tenure on good behavior

19500. The tenure of every permanent employee holding a position is during good behavior. Any such employee may be temporarily separated from the state civil service through layoff, leave of absence, or suspension, permanently separated through resignation or removal for cause, or permanently or temporarily separated through retirement or terminated for medical reasons under the provisions of Section 19253.5.

SEC. 3. Section 19572 of said code is amended to read:

Causes for discipline

19572. Each of the following constitutes cause for discipline of an employee, or person whose name appears on any employment list:

(a) Fraud in securing appointment.
(b) Incompetency.
(c) Inefficiency.
(d) Inexcusable neglect of duty.
(e) Insubordination.
(f) Dishonesty.
(g) Drunkenness on duty.
(h) Intemperance.
(i) Addiction to the use of narcotics or habit-forming drugs.
(j) Inexcusable absence without leave.
(k) Conviction of a felony or conviction of a misdemeanor involving moral turpitude.
(l) Immorality.
(m) Discourteous treatment of the public or other employees.
(n) Improper political activity.
(o) Willful disobedience.
(p) Misuse of state property.
(q) Violation of this part or board rule.
(r) Any other failure of good behavior or acts either during or outside of duty hours which are incompatible with or inimical to the public service.
(s) Refusal to take and subscribe any oath or affirmation which is required by law in connection with his employment.

CHAPTER 294

An act to amend Section 19590 of the Education Code, relating to state school building aid.

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 19590 of the Education Code is amended to read:

19590. No apportionment to a school district shall become final unless: (a) the total amount of outstanding bonds of the district exceeds ninety-five percent (95%) of the maximum amount of bonds which the district could have had outstanding under any law on the date the conditional apportionment is made, or (b) if the total amount of the bonds of the district outstanding and unpaid is less than ninety-five percent (95%) of the amount of the bonds permitted to be issued by the district, the amount of district bonds outstanding is within twenty-five thousand dollars ($25,000) of the total bond limit

permitted, as of the date on which the conditional apportionment is made. At the time the board makes a conditional apportionment pursuant to Section 19571, it shall determine what portion of the total amount of bonds which a district is permitted to issue and sell by law shall be issued and sold by such district, the proceeds of which shall be applied toward the cost of the project for which the apportionment is sought; provided, that in the event the school district has previously received apportionments, such proceeds shall first be applied toward the reduction, in chronological order beginning with the earliest, of any apportionments previously made to the district, before being applied toward the cost of the project for which an apportionment is sought, provided further that no such proceeds shall be applied toward the reduction of any apportionment for a site made pursuant to Section 19577 prior to the combination of such site apportionment with a construction apportionment pursuant to subsection (d) of Section 19577. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 19571 shall be conditioned upon the approval and sale of such bonds by the district. The amount of any apportionment for a construction project made as a consequence of applying district bond proceeds toward the reduction of prior apportionments pursuant to this section instead of applying the district bond proceeds toward the cost of such construction project, shall be excluded in determining the amount chargeable against the apportionments authorized by the electorate of the district to be accepted, expended and repaid. It is hereby declared that this provision, added by the amendment to this section enacted at the 1958 First Extraordinary Session of the Legislature, is not intended as a change in the law, but rather as a declaration of existing law.

Any provision of this code to the contrary notwithstanding, whenever the electors of a district, subsequent to any requirement by the board for the sale of bonds in connection with an apportionment, authorize the issuance of bonds for any purpose for which an apportionment could lawfully be made, such authorization shall, in addition to the purposes specified, be deemed to constitute the consent of the electors to apply the proceeds of the bonds so required to be sold by the board toward the reduction of any apportionment previously made to such district. Any bond funds used to reduce any apportionment pursuant to this section shall be transferred to the State School Building Aid Fund and shall be available for reapportionment by the board. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 19571 shall be conditioned upon the approval and sale of such bonds by the district.

No apportionment to a school district shall become final unless, at an election called by the governing board of the district, two-thirds of the qualified electors of the district voting thereat have authorized the governing board of the district to accept, expend, and repay, as provided in this chapter (Sections 19551 to 19689, inclusive), an apportionment under the provisions of this chapter (Sections 19551 to 19689, inclusive). Such election shall be combined with and held at the same time as the bond election to authorize the amount of bonds required by the board, if any, and shall be called, held, and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot, in addition to the bond proposition, shall contain substantially the following words.

"Shall the governing board of the _____ school district be authorized to accept and expend an apportionment in an amount not to exceed _____ dollars ($_____) from the State of California under and subject to the provisions of Chapter 10 (Sections 19551 to 19689, inclusive) of Division 14 of the Education Code which amount is subject to repayment as provided by said chapter? Yes _____ No _____."

CHAPTER 295

An act to amend Sections 922.1, 922.2, 922.3 and 922.5 of, and to add Section 922.15 to, the Insurance Code, relating to insurance.

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 922.1 of the Insurance Code is amended to read:

922.1. Subject to the limitations contained in Sections 922.2 to 922.8, inclusive, the following deductions may be made from the liabilities required to be shown by this article for risks other than life insurance risks in the event that the whole or any portion of the risks insured by an insurer has been reinsured by another insurer:

Deductions from liabilities for other than life insurance risks

(a) The amounts recoverable by the insurer from such reinsurer for losses due and unpaid, for claims for losses resisted by the insurer and for losses in process of adjustment or in suspense including all reported or supposed losses.

(b) The ratable portion of the gross unearned premium on the risks so reinsured except in the case of excess loss and catastrophe reinsurance where the deduction shall be on the basis of the actual reinsurance premiums and actual reinsurance terms.

SEC. 2. Section 922.15 is added to said code, to read:

Deductions from liabilities for life insurance risks

922.15. Subject to the limitations contained in Sections 922.2, 922.3, 922.6 and 922.8 with respect to admitted insurers and in Sections 922.2 to 922 6, inclusive, and 922.8 with respect to nonadmitted insurers the following deductions may be made from the liabilities required to be shown by this article for life insurance risks in the event that the whole or any portion of the risk insured by an insurer has been reinsured by another insurer;

(a) The amounts recoverable by the insurer from such reinsurer for:

(1) Claims for death losses and matured endowments due and unpaid,

(2) Claims for death losses and matured endowments in process of adjustment or adjusted and not due,

(3) Claims resisted by the insurer, and

(4) Amounts due and unpaid on annuity claims.

(b) The ratable portion of:

(1) Trust funds on deposit or the net present value of all outstanding policies computed on the standards provided in Section 986, and Articles 3 (commencing with Section 10478) and 3a (commencing with Section 10489.1) of Chapter 5, Part 2, Division 2.

(2) Additional trust funds on deposit, or net present value of extra and special risks, including those on impaired lives.

(3) Amount of all unpaid dividends of surplus percentage, bonuses and other description of profits to policyholders, and interest thereon, and

(4) Amount of any other liability to policyholders or annuitants not included in this section.

In the case of excess loss and catastrophe reinsurance the deduction permitted by this subdivision (b) shall be solely on the basis of the actual reinsurance premiums and actual reinsurance terms.

SEC. 3. Section 922 2 of said code is amended to read:

Contract conditions for deductions

922.2 No such deductions specified in Sections 922.1 and 922.15 shall be made or allowed unless the contract of reinsurance contains provision in substance as follows:

The portion of any risk or obligation assumed by the reinsurer, when such portion is ascertained, shall be payable on demand of the ceding insurer at the same time as the ceding insurer shall pay its net retained portion of such risk or obligation, with reasonable provision for verification before payment, and the reinsurance shall be payable by the reinsurer, on the basis of the liability of the ceding insurer under the contract or contracts reinsured without diminution because of the insolvency of the ceding insurer In the event of insolvency and the appointment of a conservator, liquidator or statutory successor of the ceding company, such portion shall be payable to such conservator, liquidator or statutory successor immediately upon demand, with reasonable provision for verification, on the basis of claims allowed against the insolvent

company by any court of competent jurisdiction or by any conservator, liquidator, or statutory successor of the company having authority to allow such claims, without diminution because of such insolvency or because such conservator, liquidator or statutory successor has failed to pay all or a portion of any claims Payments by the reinsurer as above set forth shall be made directly to the ceding insurer or to its conservator, liquidator or statutory successor, except where the contract of insurance or reinsurance specifically provides another payee of such reinsurance in the event of the insolvency of the ceding insurer.

The reinsurance agreements may provide that the conservator, liquidator or statutory successor of a ceding insurer shall give written notice of the pendency of a claim against the ceding insurer indicating the policy or bond reinsured, within a reasonable time after such claim is filed and the reinsurer may interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses which it may deem available to the ceding company or its conservator, liquidator or statutory successor. The expense thus incurred by the reinsurer shall be payable subject to court approval out of the estate of the insolvent ceding insurer as part of the expense of conservation or liquidation to the extent of a proportionate share of the benefit which may accrue to the ceding insurer in conservation or liquidation, solely as a result of the defense undertaken by the reinsurer.

The original insured or policyholder shall not have any rights against the reinsurer which are not specifically set forth in the contract of reinsurance, or in a specific agreement between the reinsurer and the original insured or policyholder.

SEC. 4. Section 922.3 of said code is amended to read:

922.3. No such deductions specified in Sections 922.1 and 922.15, nor any credit whatsoever, shall be allowed in any accounting or financial statement of the ceding insurer in respect to any so-called reinsurance contract unless, in such contract, the reinsurer undertakes to indemnify the ceding insurer, not only in form but in fact, against all or a part of the loss or liability arising out of the original insurance. Indemnity of ceding insurer

SEC. 5. Section 922.5 of said code is amended to read:

922 5. Credit in accounting and financial statement permitted by this code on account of reinsurance ceded to an alien reinsurer other than one which complies with Article 2 (commencing with Section 1580) Chapter 4, Part 2, Division 1 and includes in the statements required by that article all reserves and liabilities arising out of such reinsurance shall be allowed only: Credit in accounting

(a) To the extent of the amount of deposits by, and funds withheld from, such alien reinsurer pursuant to express provision therefor in the reinsurance contract as security for the payment of the obligations thereunder if such deposits or funds are held subject to withdrawal by, and under the control of, the ceding insurer or are placed in trust for such purposes

in a bank which is a member of the Federal Reserve System, if withdrawals from such trust cannot be made without the consent of the ceding insurer, or

(b) Where such alien reinsurer maintains sufficient assets in the United States for the protection of policyholders in the United States and operates its business in such manner as to satisfy the commissioner that it maintains standard and financial condition reasonably comparable to those required of admitted insurers and that it is able to pay losses in the United States.

CHAPTER 296

An act to amend Section 700.01 of the Insurance Code, relating to capital requirements of insurers.

In effect September 15, 1961

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.]

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

SECTION 1. Section 700.01 of the Insurance Code is amended to read:

700.01. In addition to any or all of the classes of insurance which it is permitted to transact by all other applicable provisions of this code, any incorporated insurer admitted or hereafter admitted for one or more of the classes of insurance stated in Section 100, except life, title or mortgage, shall (subject to any limitations contained in its articles of incorporation or charter) be admitted after October 1, 1953, for any or all of the following classes, upon making application therefor and complying with all applicable requirements of law, if its paid-in capital is not less than one million dollars ($1,000,000) or the aggregate of the amounts hereinafter set forth opposite the classes transacted by it in the United States if an alien insurer, or in any jurisdiction if other than an alien insurer, whichever is lower; provided, that the paid-in capital of incorporated insurers not transacting either fire, marine or surety insurance making application under this section shall be at least one hundred fifty thousand dollars ($150,000) in excess of such aggregate amount. In no event shall any incorporated insurer be required to have a paid-in capital in excess of one million dollars ($1,000,000) as a condition for its admission for any or all of the classes of insurance hereinafter set forth.

Number and name of class	Amount of capital
2. Fire	$200,000
3. Marine	200,000
5. Surety	250,000
6. Disability	50,000
7. Plate glass	50,000

Number and name of class	Amount of capital
8. Liability 9. Workmen's compensation 10. Common carrier liability	100,000 for any or all of these
11. Boiler and machinery	50,000
12. Burglary	50,000
13. Credit	50,000
14. Sprinkler	50,000
15. Team and vehicle	50,000
16. Automobile	100,000
18. Aircraft	50,000
20. Miscellaneous	50,000

This section shall not be applicable to life, title or mortgage insurance, and an insurer now or hereafter admitted to transact life, title or mortgage insurance shall not be admitted under the provisions of this section, but its admission is governed by other applicable provisions of this code.

Until January 1, 1970, insurers admitted for one or more classes of insurance on October 1, 1961, shall be governed respecting the subject matter of this section by the provisions of this section in effect on January 1, 1961.

CHAPTER 297

An act to add Article 4.5 (commencing with Section 1620.1) to Chapter 4, Part 2, Division 1 of the Insurance Code, relating to unauthorized insurers.

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.] In effect September 15, 1961

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

SECTION 1. Article 4.5 (commencing with Section 1620.1) is added to Chapter 4, Part 2, Division 1 of the Insurance Code, to read:

Article 4.5. Unauthorized Insurers False Advertising Process Act

1620.1. (a) The purpose of this article is to subject to the jurisdiction of the commissioner and to the jurisdiction of the courts of this State, insurers not authorized to transact business in this State which place in or send into this State any false advertising designed to induce residents of this State to purchase insurance from insurers not authorized to transact business in this State. The Legislature declares it is in the interest of the citizens of this State who purchase insurance from insurers which solicit insurance business in this State in the manner set forth in the preceding sentence that such insurers be subject to the provisions of this article. Purpose

In furtherance of such state interest, the Legislature in this article provides a method of substituted service of process upon such insurers and declares that in so doing, it exercises its power to protect its residents and also exercises powers and privileges available to the State by virtue of Public Law 15, 79th Congress of the United States, Chapter 20, 1st Session, S. 340, which declares that the business of insurance and every person engaged therein shall be subject to the laws of the several states; the authority provided in such sections to be in addition to any existing powers of this State.

Liberal construction

(b) The provisions of this article shall be liberally construed.

1620.2. As used in this article (commencing with Section 1620.1):

"Unfair Trade Practices Act"

(a) "Unfair Trade Practices Act" means Article 6.5 (commencing with Section 790) of Chapter 1 of Part 2 of Division 1.

"Residents"

(b) "Residents" means any person defined in Section 19 who is resident within the meaning of Section 30.

Unlawful advertising

1620.3. No unauthorized foreign or alien insurer shall make, issue, circulate or cause to be made, issued or circulated to residents of this State any estimate, illustration, circular, pamphlet, or letter, or cause to be made in any newspaper, magazine or other publication or over any radio or television station, any announcement or statement to such residents misrepresenting its financial condition or the terms of any contracts issued or to be issued or the benefits or advantages promised thereby, or the dividends or share of the surplus to be received thereon in violation of the Unfair Trade Practice Act, and whenever the commissioner shall have reason to believe that any such insurer is engaging in unlawful advertising, it shall be his duty to give notice of such fact by registered mail to the insurer and to the insurance supervisory official of the domiciliary state of the insurer. For the purpose of this section, the domiciliary state of an alien insurer shall be deemed to be the state of entry or the state of the principal office in the United States.

Failure to cease after notice

1620.4. If after 30 days following the giving of the notice mentioned in Section 1620.3 the insurer has failed to cease making, issuing, or circulating such false misrepresentations or causing the same to be made, issued or circulated in this State, and if the commissioner has reason to believe that a proceeding by him in respect to such matters would be to the interest of the public, and that the insurer is issuing or delivering contracts of insurance to residents of this State or collecting premiums on such contracts or doing any of the acts enumerated in Section 1620.5, he shall take action against the insurer under the Unfair Trade Practice Act.

Business transactions considered as consent to service

1620.5. (a) Any of the following acts in this State, effected by mail or otherwise, by any unauthorized foreign or alien insurer: (1) the issuance or delivery of contracts of insurance

to residents of this State, (2) the solicitation of applications for such contracts, (3) the collection of premiums, membership fees, assessments or other considerations for such contracts, or (4) any other transaction of insurance business, is equivalent to and shall constitute an appointment by the insurer of the commissioner and his successor or successors in office, to be its true and lawful attorney, upon whom may be served all statements of charges, notices and lawful process in any proceeding instituted in respect to the misrepresentations set forth in Section 1620.3 under the provisions of the Unfair Trade Practice Act, or in any action, suit or proceeding for the recovery of any penalty therein provided, and any such act shall be signification of its agreement that the service of statement of charges, notices or process is of the same legal force and validity as personal service of the statement of charges, notices or process in this State, upon such insurer.

Service of a statement of charges and notice

(b) Service of a statement of charges and notices under the Unfair Trade Practice Act shall be made by any deputy or employee of the Department of Insurance delivering to and leaving with the commissioner or some person in apparent charge of his office, two copies thereof. Service of process issued by any court in any action, suit or proceeding to collect any penalty under the act provided, shall be made by delivering and leaving with the commissioner, or some person in apparent charge of his office, two copies thereof. The commissioner shall forthwith cause to be mailed by registered mail one of the copies of the statement of charges, notices or process to the defendant at its last known principal place of business, and shall keep a record of all statements of charges, notices and process so served. Such service of statement of charges, notices or process shall be sufficient provided they shall have been so mailed and the defendant's receipt or receipt issued by the post office with which the letter is registered, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of the person mailing the letter showing a compliance herewith are filed with the commissioner in the case of any statement of charges or notices, or with the clerk of the court in which the action is pending in the case of any process, on or before the date the defendant is required to appear or within such further time as may be allowed.

(c) Service of statement of charges, notices and process in any such proceeding, action or suit shall in addition to the manner provided in subsection (b) of this section be valid if served upon any person within this State who on behalf of such insurer is

(1) Soliciting insurance, or

(2) Making, issuing or delivering any contract of insurance, or

(3) Collecting or receiving in this State any premium for insurance;

and a copy of such statement of charges, notices or process is sent within 10 days thereafter by registered mail by or on behalf of the commissioner to the defendant at the last known principal place of business of the defendant, and the defendant's receipt, or the receipt issued by the post office with which the letter is registered, showing the name of the sender of the letter, the name and address of the person to whom the letter is addressed, and the affidavit of the person mailing the same showing a compliance herewith, are filed with the commissioner in the case of any statement of charges or notices, or with the clerk of the court in which such action is pending in the case of any process, on or before the date the defendant is required to appear or within such further time as the court may allow.

Entry of order, judgment

(d) No cease or desist order or judgment by default under this section shall be entered until the expiration of 30 days from the date of the filing of the affidavit of compliance.

(e) Service of process and notice under the provisions of this article (commencing with Section 1620.1) shall be in addition to all other methods of service provided by law, and nothing in these sections shall limit or prohibit the right to serve any statement of charges, notices or process upon any insurer in any other manner now or hereafter permitted by law.

Severability of provisions

1620.6. If any provision of this article (commencing with Section 1620.1) or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Short title

1620.7. This article (commencing with Section 1620.1) may be cited as the _____ Unauthorized Insurers False Advertising Process Act.

CHAPTER 298

An act to amend Section 6401 of the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to the nomination of candidates for partisan offices at the direct primary election.

In effect September 15, 1961

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.]

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

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code

CHAPTER 299

An act to add Section 1127 to the Welfare and Institutions Code, relating to teachers who are employed to teach at the Preston School of Industry.

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.] In effect September 15, 1961

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

SECTION 1. Section 1127 is added to the Welfare and Institutions Code, to read:

1127. All teachers who are engaged in teaching at the Preston School of Industry as employees of the Ione Unified School District and who are employed by the State on July 1, 1961, under the State Civil Service Act to continue to perform such services, shall be entitled to and shall have and retain all seniority credits, accumulated sick leave, accumulated vacation, and accumulated eligibility for sabbatical leave as they would have acquired if they had theretofore been continuously employed by the State under the State Civil Service Act instead of by the Ione Unified School District.

The provisions of this section shall have no force or effect after January 1, 1963.

CHAPTER 300

An act to add Section 13 to the Business and Professions Code, relating to the definitions used in such code.

[Approved by Governor May 5, 1961. Filed with Secretary of State May 5, 1961.] In effect September 15, 1961

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

SECTION 1. Section 13 is added to the Business and Professions Code, to read:

13. The term "materia medica" as used in this code or in any initiative act referred to in this code, means those substances listed in the official United States Pharmacopoeia, the official Homeopathic Pharmacopoeia of the United States, the official United States Dispensatory, New and Nonofficial Remedies, or the National Formulary, or any supplement thereof, except substances covered by subdivision (a) of Section 4052 and Section 4057 of this code.

CHAPTER 301

An act to amend Section 16 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957), relating to the Placer County Water Agency, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 8, 1961. Filed with Secretary of State May 8, 1961.]

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

SECTION 1 Section 16 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957) is amended to read:

Sec. 16. If the board by resolution determines that a bonded indebtedness to pay the acquisition or construction of any works for any purposes of the agency or for refunding any outstanding bonds should be incurred and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the agency is authorized and shall have the power to define such works as an "enterprise" and to issue revenue bonds, all in the manner and as provided in the Revenue Bond Law of 1941; provided, however, that, notwithstanding the provisions of Government Code Section 54310, the board shall have the power, subject to the limitations of Section 4 1 hereof, to borrow money and issue revenue bonds for, and to define "enterprise" to include, systems, plants, works or undertakings for the generation, production, transmission and sale of hydroelectric energy; and provided, further, that notwithstanding the provisions of Section 54400 of the Government Code, the board may determine and provide, in any resolution for the issuance of revenue bonds, for maturity dates of the revenue bonds not exceeding 50 years from their date of issuance.

If the interest and principal of the revenue bonds and all charges to protect or secure them have been paid when due, an amount for the necessary and reasonable maintenance and operation costs of the enterprise, which costs include the reasonable expenses of management, repair and other expenses necessary to maintain and preserve the enterprise in good repair and working order, may be apportioned from the revenues, and subject to any limiting covenants in the resolution providing for the issuance of bonds, the remaining surplus may be used for any lawful purpose of the agency, which, without limiting the generality of the foregoing, shall include the right and authority to expend any or all of such surplus as contributions in aid of necessary extensions of water storage and distribution facilities of the agency, payment of in lieu taxes to the County of Placer upon works of the agency situate within the County of Placer, and the purchase or obtaining of additional water supplies.

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

The Placer County Water Agency has completed a feasibility report on the development of water resources within its district, and it is necessary to proceed to hold the bond election for this development at the earliest possible date Unless this act takes effect immediately, the urgently needed development of water resources within the jurisdiction of the Placer County Water Agency will be substantially delayed.

CHAPTER 302

An act to add Chapter 13 (commencing with Section 28740) to Division 21 of the Health and Safety Code, relating to hazardous substances.

[Approved by Governor May 10, 1961 Filed with Secretary of State May 10, 1961] In effect September 15, 1961

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

SECTION 1. Chapter 13 (commencing with Section 28740) is added to Division 21 of the Health and Safety Code, to read:

CHAPTER 13. CALIFORNIA HAZARDOUS SUBSTANCES LABELING ACT

Article 1. Definitions and General Provisions

28740. This chapter shall be known as the California Hazardous Substances Labeling Act. Short title

28741. Unless the provisions or the context otherwise requires, these definitions, rules of construction, and general provisions shall govern the construction of this chapter. Definitions

28742. "Department" means the State Department of Public Health. "Department"

28743. "Hazardous substance" means any of the following substances or mixture of substances: "Hazardous substance"

(a) Any substance or mixture of substances which (1) is toxic, (2) is corrosive, (3) is an irritant, (4) is a strong sensitizer, (5) is flammable, or (6) generates pressure through decomposition, heat, or other means; if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any reasonably foreseeable handling or use, including reasonably foreseeable contact, ingesting, or inhalation, by children.

(b) Any substances which the department by regulation finds meet the requirements of subdivision (a) of this section.

(c) Any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the department determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with this chapter in order to protect the public health.

Exceptions

28744. The term "hazardous substance" shall not apply to any of the following:

(a) Foods, drugs, or cosmetics subject to the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040) or Chapter 2 (commencing at Section 26200) or Chapter 3 (commencing at Section 26450) of this division.

(b) Poisons as defined in Article 7 (commencing at Section 4160), Chapter 9, Division 2 of the Business and Professions Code.

(c) Substances intended for use as fuels when stored in containers and used in the heating, cooking, or refrigeration system of a house.

(d) Source material, special nuclear material, or byproduct material, as defined in the Atomic Energy Act of 1954 (68 Stat. 919), as amended, and regulations issued pursuant thereto by the Atomic Energy Commission.

(e) Fertilizing materials regulated by Article 2 (commencing with Section 1021), Chapter 7, Division 5 of the Agricultural Code.

(f) Livestock remedies regulated by Chapter 7b (commencing with Section 1095), Division 5 of the Agricultural Code.

(g) Economic poisons regulated by Article 3 (commencing with Section 1061) of Chapter 7, Division 5, of the Agricultural Code, or commercial feeding stuffs regulated by Chapter 7a (commencing with Section 1081), Division 5, of the Agricultural Code.

(h) Economic poisons subject to the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163).

(i) Injurious substances as defined and regulated by Article 85 (commencing with Section 4201), Group 9, Subchapter 7, Chapter 4, Title 8, California Administrative Code.

"Toxic"

28745. The term "toxic" shall apply to any substance, other than a radioactive susbtance, which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface.

"Highly toxic"

28746. "Highly toxic" means any substance which falls within any of the following categories:

(a) Produces death within 14 days in half or more than half of a group of 10 or more laboratory white rats each weighing between 200 and 300 grams, at a single dose of 50 milligrams or less per kilogram of body weight, when orally administered.

(b) Produces death within 14 days in half or more than half of a group of 10 or more laboratory white rats each weighing between 200 and 300 grams, when inhaled continuously for a

period of one hour or less at an atmospheric concentration of 200 parts per million by volume or less of gas or vapor or two milligrams per liter by volume or less of mist or dust, provided such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner.

(c) Produces death within 14 days in half or more than half of a group of 10 or more rabbits tested in a dosage of 200 milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for 24 hours or less.

Precedence of human data

28747. If the department finds that available data on human experience with any substance indicate results different from those obtained on animals with the dosages or concentrations stated in Section 28746, the human data shall take precedence.

"Corrosive"

28748. "Corrosive" means any substance which in contact with living tissue will cause destruction of tissue by chemical action; but shall not refer to action on inanimate surfaces.

"Irritant"

28749. "Irritant" means any substance not corrosive within the meaning of Section 28748 which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

"Strong sensitizer"

28750. "Strong sensitizer" means a substance which will cause on normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the department. Before designating any substance as a strong sensitizer, the department, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

"Extremely flammable"

28751. The term "extremely flammable" shall apply to any substance which has a flash point at or below 20 degrees Fahrenheit, as determined by the Tagliabue open cup tester, and the term "flammable" shall apply to any substance which has a flash point of above 20 degrees to and including 80 degrees Fahrenheit, as determined by the Tagliabue open cup tester; except that the flammability of solids and of the contents of self-pressurized containers shall be determined by methods found by the department to be generally applicable to such materials or containers, respectively, and established by regulations issued by it, which regulations shall also define the terms "flammable" and "extremely flammable" in accord with such methods.

"Radioactive substance"

28752. "Radioactive substance" means a substance which emits ionizing radiation.

"Label"

28753. "Label" means a display of written, printed, or graphic matter upon the immediate container of any substance and a requirement made by, or pursuant to, this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears (a) on the

outside container or wrapper, if any there be, unless it is easily legible through the outside container or wrapper and (b) on all accompanying literature where there are directions for use, written or otherwise.

"Immediate container"

28754. The term "immediate container" does not include package liners.

"Misbranded package"

28755. "Misbranded package" or "misbranded package of a hazardous substance" means a hazardous substance in a container intended or suitable for household use or storage in the home which, except as otherwise provided by, or pursuant to Section 28775, 28778 or 28779, fails to bear a label which satisfies each of the following requirements:

(a) States conspicuously (1) the name and place of business of the manufacturer, packer, distributor, or seller; (2) the common or usual name or the chemical name, if there be no common or usual name, of the hazardous substance or of each component which contributes substantially to its hazard, unless the department by regulation permits or requires the use of a recognized generic name; (3) the signal word "DANGER" on substances which are extremely flammable, corrosive, or highly toxic; (4) the signal word "WARNING" or "CAUTION" on all other hazardous substances; (5) an affirmative statement of the principal hazard or hazards, such as "Flammable," "Vapor harmful," "Causes burns," "Absorbed through skin," or similar wording descriptive of the hazard; (6) precautionary measures describing the action to be followed or avoided, except when modified by the department pursuant to Section 28775, 28778, or 28779; (7) instructions, when necessary or appropriate, for first-aid treatment; (8) the word "Poison" for any hazardous substance which is defined as "highly toxic" by Section 28748; (9) instructions for handling and storage of packages which require special care in handling or storage; and (10) the statement "Keep out of the reach of children," or its practical equivalent.

(b) On which any statements required pursuant to subdivision (a) of this section are printed as prescribed in Chapter 10 (commencing at Section 25900) of Division 20 of this code.

Article 2. Prohibitions

Misbranded packages: Manufacture, sale, etc.

28760 The manufacture, production, preparation, compounding, packing, selling, offering for sale, or keeping for sale within the State of California, or the introduction into this State from any other state, territory, or the District of Columbia, or from any foreign country, of any package of a hazardous substance which is misbranded is prohibited.

Importing, receiving, delivering, etc

28761. Any person who imports or receives from any other state or territory or the District of Columbia or from any foreign country, or who having so received delivers for pay or otherwise or offers to deliver to any other person, any hazardous substance which is misbranded, or any person who shall

manufacture or produce, prepare or compound, or pack or sell, or offer for sale, or keep for sale in the State of California any such misbranded substance, shall be guilty of a misdemeanor punishable as provided in Section 28770.

Packing, etc., in drug, food, or cosmetic container

28762. The packing, selling, offering for sale, or keeping for sale of a hazardous substance in a reused food, drug, or cosmetic container or in a container which, though not a reused container, is identifiable as a food, drug, or cosmetic container by its labeling or by other identification, is unlawful. Such an act shall result in the hazardous substance being in a misbranded package. As used in this section, the terms "drug" and "food" shall have the same meaning as in Chapter 2 (commencing with Section 26200) and in Chapter 3 (commencing with Section 26450) of this division.

Alteration, destruction, etc., of label

28763. The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a hazardous substance is unlawful if such act results in such article being misbranded.

Unlawful to refuse access to agent for investigation

28764. It shall be unlawful to refuse to permit, to attempt to prevent, or to prevent the free access of any agent of the department to any factory, warehouse, or establishment in which a hazardous substance is, or is suspected of being manufactured, processed, packed, or held for introduction into commerce, or to any vehicle being used or suspected of being used to transport or hold such hazardous substance.

Sender's guarantee, etc., a bar to prosecution

28765. No person shall be prosecuted under the provisions of this chapter if, after receipt of a hazardous substance, he can establish a guarantee or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the hazardous substance, to the effect that the hazardous substance is not in misbranded packages within the meaning of that term, as defined by this chapter.

Guarantee Effect

28766. If the guarantee is to the effect that such article is not misbranded within the meaning of the Federal Hazardous Substances Labeling Act (Public Law 86-813, 74 Stat. 372), it shall be sufficient for all the purposes of this chapter and have the same force and effect as though it referred to this chapter whether given by a person residing in the United States or elsewhere.

False guarantees

28767. The giving of a guarantee referred to in Section 28765 which is false, is prohibited, except by a person who relied upon a guarantee to the same effect signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the hazardous substance.

Exporting hazardous substances

28768. No person shall be prosecuted under the provisions of this chapter if the hazardous substance is shipped or delivered for shipment for export to any foreign country, in a package marked for export on the outside of the shipping container and labeled in accordance with the specifications of the foreign

purchaser and in accordance with the laws of the foreign country, but if such hazardous substance is sold or offered for sale in domestic commerce, this section shall not apply.

Information concerning trade secrets

28769. The use by any person to his own advantage, or revealing other than to the department or any agent of the department or to the courts when relevant in any judicial proceeding under this chapter, of any information acquired under authority of this chapter concerning any method of process which as a trade secret is entitled to protection is prohibited.

Penalties

28770. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars ($25) or more than five hundred dollars ($500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

If the violation is committed after a conviction of such person under this section has become final, such person shall be subject to imprisonment for not more than one year in the county jail, or a fine of not more than one thousand dollars ($1,000), or both such imprisonment and fine.

Applicability

28771. Carriers shall not be subject to the provisions of this chapter by reason of their receipt, carriage, holding, or delivery of hazardous substances in the usual course of business as carriers.

"Carrier"

As used in this section, "carrier" means a person engaged in transporting property from one place to another and who has no other interest in the ownership of the property.

Article 3. Administration

Regulations Promulgation, violation

28775. The department may adopt such regulations regarding hazardous substances as it determines are necessary to adequately enforce and administer the provisions of this chapter. Any violation of such regulations shall be deemed to be a violation of this chapter.

Adoption

28776. The regulations shall be adopted by the department in the manner prescribed by Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2 of the Government Code.

Radioactive substances

28777. No regulation adopted by the department regarding any radioactive substance, except an emergency regulation, shall become effective until 30 days after it has been submitted to the Co-ordinator of Atomic Energy Development and Protection for such comments, recommendations, or suggestions as he may deem necessary or desirable with respect thereto, as provided in Section 25733 of this code.

Exemptions: Minor hazards, etc.

28778. If the department finds that, because of the size of the package involved or because of the minor hazard presented by the substance contained therein, or for other good and sufficient reasons, full compliance with the labeling requirements otherwise applicable under this chapter is imprac-

ticable or is not necessary for the adequate protection of the public health and safety, the department may exempt such substance from these requirements to the extent it determines to be consistent with adequate protection of the public health and safety.

Requirements imposed by other laws adequate

28779. The department may exempt from the requirements established by, or pursuant to, this chapter any container of a hazardous substance with respect to which it finds that adequate requirements satisfying the purposes of this chapter have been established by, or pursuant to, any other law enacted by the Legislature.

Agents

28780. The department may appoint such agents as it may deem necessary.

Free access for inspection, securing samples, etc

28781. The department or its duly authorized agent shall have free access to all reasonable hours to any factory, warehouse, or establishment in which hazardous substances are manufactured, processed, packed, or held for introduction into commerce, or to enter any vehicle being used to transport or hold such hazardous substances, in commerce, for either of the following purposes:

(a) Inspecting such factory, warehouse, establishment, or vehicle to determine if any of the provisions of this chapter are being violated.

(b) To secure samples or specimens of any hazardous substances. If the agent obtains any sample, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained. If an analysis is made of the sample, a copy of the results of the analysis shall be furnished promptly to the owner, operator, or agent in charge.

Article suspected of misbranding

28782. Whenever a duly authorized agent of the department finds, or has probable cause to believe, that any hazardous substance is so misbranded as to be dangerous or fraudulent, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, misbranded and has been detained or quarantined, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by the department or the court.

Finding of misbranding Seizure quarantine

28783. Whenever the findings of the department show, after investigation and examination, that any hazardous substance found in the possession of any person is misbranded, the hazardous substance may be seized and quarantined.

Seizure or destruction

28784. A hazardous substance found to be misbranded may, by order of a court or judge, or in the absence of such order, with the written consent of the owner thereof, be seized or destroyed.

Proceeding in superior court after quarantine

28785. When an article is found to be misbranded, and is detained or quarantined under this article, the department shall commence proceedings in the name of the people of the State of California against such article in the superior court of the county or city and county in which the article is detained

Hearing: Notice, posting of petition

or quarantined by petitioning the court for a judgment to forfeit, condemn, and destroy such article. Upon the filing of such petition, the clerk of the court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in the article of the time and place of the hearing. A copy of the petition and notice shall be posted for 14 days in at least three public places in the city or city and county where the court is held, and in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon each person in possession of the article and on each owner or claimant whose name and address is known. The service may be made by personal service or by registered mail by mailing a copy of such notice and petition by registered mail to the last known address of such person. At any time prior to the date of the hearing any person in possession of the article, or owner thereof or claimant thereto, may file an answer which may include a prayer for a judgment of release of such article or relief in accordance with Sections 28787 and 28788. At the time set for the hearing, the court shall commence to hear and determine the proceeding, but may, for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented by the petition.

Service of petition and notice

Destruction of misbranded article

28786. If the court finds that a detained or quarantined article is misbranded, after entry of the decree such article shall be destroyed at the expense of the claimant thereof, under the supervision of the agent of the department. All court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent.

Correction of misbranding

28787. If the misbranding can be corrected by proper labeling or processing of the article, after entry of the decree and after costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, the court may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the department. The expense of such supervision shall be paid by the claimant.

Return of bond

28788. The bond shall be returned to the claimant of the article on representation to the court by the department that the article is no longer in violation of this chapter, and that the expenses of such supervision have been paid.

Duties of department: Publication and dissemination of information

28789. The department shall cause to be published from time to time reports summarizing any judgments, decrees, or court orders which have been rendered under this chapter, including the nature of the charge and the disposition thereof.

The department shall also cause to be disseminated information regarding hazardous substances in situations involving,

in the opinion of the department, imminent danger to health. Nothing in this section shall be construed to prohibit the department from collecting, reporting, and illustrating the results of the investigations of the department.

28790. The department shall submit to the Governor for submission to the Legislature in January of each year in which a general session of the Legislature is held, a report of the activities of the department under this chapter during the preceding 24 months, together with any recommendations for additional legislation which it may have. Reports to Governor, recommendations for additional legislation

SEC. 2. This act shall become operative on January 1, 1962. Operative date

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CHAPTER 303

An act to amend Section 8000 of the Health and Safety Code, relating to county cemeteries.

[Approved by Governor May 10, 1961. Filed with Secretary of State May 10, 1961.] In effect September 15, 1961

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

SECTION 1. Section 8000 of the Health and Safety Code is amended to read:

8000. If it appears to the board of supervisors of any county owning a county cemetery that:

(a) It is necessary that the property be used for other purposes, and

(b) The cemetery is located on a portion of the site of an existing county institution maintained for the relief of the indigent, sick and afflicted, and

(c) Adequate facilities are otherwise provided for by the county for the burial of the indigent dead;

the board may, by following the procedure contained in this article, order the disinterment and removal of all human remains interred in such cemetery.

CHAPTER 304

An act to add Section 2.5 to the Lower San Joaquin Levee District Act (Chapter 1075 of the Statutes of 1955), relating to the Lower San Joaquin Levee District.

[Approved by Governor May 10, 1961. Filed with Secretary of State May 10, 1961.] In effect September 15, 1961

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

SECTION 1. Section 2.5 is added to the Lower San Joaquin Levee District Act (Chapter 1075 of the Statutes of 1955), to read:

Sec. 2.5. For all purposes of taxation, the district is a political subdivision and a public corporation of this State.

SEC. 2. Section 1 of this act does not infer that the Lower San Joaquin Levee District was not a political subdivision for taxation or other purposes prior to this enactment.

CHAPTER 305

An act to amend Sections 3, and 16 of the Orange County Flood Control Act (Chapter 723, Statutes of 1927), relating to the Orange County Flood Control District.

In effect September 15, 1961

[Approved by Governor May 10, 1961 Filed with Secretary of State May 10, 1961]

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

SECTION 1. Section 3 of the Orange County Flood Control Act (Chapter 723 of the Statutes of 1927) is amended to read:

Supervisors

Sec. 3. The board of supervisors of Orange County shall be, and they are hereby designated as, and empowered to act as, ex officio the board of supervisors of said Orange County Flood Control District, and said board of supervisors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties herein set forth.

Officers

The county counsel, county clerk, county assessor, county tax collector, county auditor and county treasurer of the County of Orange, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Orange County, their assistants, deputies, clerks and employees shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Orange County Flood Control District, and shall respectively perform, unless otherwise provided by said board of supervisors, the same various duties for said district as for said Orange County without additional compensation in order to carry out the provisions of this act.

Chief engineer

The board of supervisors shall appoint a chief engineer for said district who shall be the principal officer thereof, shall be charged with the duty of managing and administering the affairs of said district, and who shall appoint all assistants, engineers, deputies, clerks, and other employees of the district, all in accordance with the provisions of this act and subject to the direction and control of said board

Special counsel

Said board of supervisors may in their discretion employ special counsel and appoint such other officers for said district as in their judgment may be deemed necessary, and prescribe their duties and fix their compensation, which said officers shall hold office during the pleasure of said board.

Ordinances, etc.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors,

and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Orange.

SEC. 2. Section 16 of said act is amended to read:

Additional powers

Sec. 16. The said board of supervisors of said district shall have power to make and enforce all needful rules and regulations for the administration and government of said district.

Improvements

Said board of supervisors shall have power to do all work and to construct and acquire all improvements necessary or useful for carrying out any of the purposes of this act; and said board of supervisors shall have power to acquire either within or without the boundaries of said district, by purchase, condemnation, donation or by other lawful means in the name of said district, from private persons, corporations, reclamation districts, swampland districts, protection districts, drainage districts, irrigation districts, or other public corporations or agencies or districts, all lands, rights-of-way, easements, property or materials necessary or useful for carrying out any of the purposes of this act; to make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the exercise of the powers conferred by this act, or arising out of the use, taking or damage of any property, rights-of-way or easements, for any such purposes; to compensate any reclamation district, protection district, drainage district, irrigation district or other district, public corporation or agency or district, for any right-of-way, easement or property taken over or acquired by said Orange County Flood Control District as a part of its work of flood control or conservation or protection provided for in this act, and any such reclamation district, protection district, drainage district, irrigation district or other district or public corporation or agency is hereby given power and authority to distribute such compensation in any manner that may be now or hereafter allowed by law; to maintain actions to restrain the doing of any act or thing that may be injurious to carrying out any of the purposes of this act by said district, or that may interfere with the successful execution of said work, or for damages for injury thereto; to do any and all things necessary or incident to the powers hereby granted, or to carry out any of the objects and purposes of this act; to compel by injunction the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal, so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along any such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose.

Condemnation proceedings

In case of condemnation proceedings, the said board of supervisors shall proceed in the name of said district, under the provisions of Title 7, Part 3, of the Code of Civil Procedure of the State of California, which such provisions are hereby made applicable for that purpose, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; and said board of supervisors of said district is hereby vested with full power to do all other acts or things necessary or useful for the promotion of the work of the control of the flood and storm waters of said district, and to conserve such waters for beneficial and useful purposes, and to protect from damage from such storm or floodwaters the harbors, waterways, public highways and property in said district; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons, to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless, previous compensation be first ascertained and paid therefor, under the laws of this State authorizing the taking of private property for public uses; but provided, further, no right to take by condemnation any property shall exist on behalf of said district at a greater distance than 15 miles outside the exterior boundaries thereof; and provided, further, that nothing in this act contained shall be construed as in any way affecting the plenary power of any incorporated city, city and county, or town, or municipal or county water district, to provide for a water supply of such public corporation, or as affecting the absolute control of any properties of such public corporations necessary for such water supply, and nothing herein contained shall be construed as vesting any power of control over such properties in said Orange County Flood Control District, or in any officer thereof, or in any person referred to in this act; and provided, further, that nothing in this act contained shall be deemed to authorize said board of supervisors to raise money for said district by any method or system other than that by the issuing of bonds, or the levying of a tax upon the assessed value of all the taxable property in said district in the manner in this act provided.

CHAPTER 306

An act to add Sections 55847 and 55892 to the Water Code, relating to the inclusion of land in a county waterworks district.

[Approved by Governor May 10, 1961. Filed with Secretary of State May 10, 1961]

In effect September 15, 1961

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

SECTION 1. Section 55847 is added to the Water Code, to read:

Adding territory to the district

55847. If, at the hearing or prior to the hearing, not more than 1 percent of the total number of voters residing in the territory sought to be added have filed written protests and there have been no written protests filed by or on behalf of the owners of taxable property situated within the district, or within the proposed addition thereto, the board may enter upon its minutes an order declaring the territory added to the district in lieu of calling an election pursuant to Section 55841. From and after the date of such an order, the territory shall be deemed added to and shall form a part of the district, subject to all the rights, privileges, powers and responsibilities set forth in this division, and necessarily incident thereto.

SEC. 2. Section 55892 is added to said code, to read:

Petition for annexation· Hearing

55892. After the board has determined that a petition for annexation complies with the requirements therefor, in accordance with Section 55886, the board may set a time for a hearing thereof, in accordance with Section 55820, and the clerk of the board shall give notice of said hearing in accordance with Section 55821. At the time fixed for the hearing, the board shall hear the petition together with the written protests which have been filed by or on behalf of the owners of taxable property situated within the district.

If, at the hearing or prior to the hearing, there have been no written protests filed by or on behalf of the owners of taxable property within the district, the board may enter in its minutes an order declaring the territory added to the district in lieu of calling an election pursuant to Section 55888. From and after the date of such an order, the territory shall be deemed added to and form a part of the district, subject to all the rights, privileges, powers and responsibilities set forth in this division, and necessarily incident thereto.

Written protests Special election

If, at the hearing, there are written protests filed on behalf of owners of taxable property situated within the district, the board shall call a special election in accordance with the provisions of Section 55888, or it may reject the petition.

CHAPTER 307

An act to add Sections 960.1, 960.2, 960.3, and 960.4 to the Education Code, relating to school elections.

In effect September 15, 1961

[Approved by Governor May 10, 1961 Filed with Secretary of State May 10, 1961.]

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

SECTION 1. Section 960.1 is added to the Education Code, to read:

Weight, quality of ballot paper

960 1. In any school district governing board member election, the ballot shall be printed upon paper of number 4 sulphite bond quality, tinted or colored, and of sub 20 weight, or paper of the same or like quality and weight.

SEC. 2. Section 960.2 is added to said code, to read:

Ballot packages: Binding, etc , stubs

960.2. The binding or stitching of each package of ballots shall be on the left side thereof. The ballot shall be printed on the same leaf with a stub not over 1½ inches in width and separated therefrom by a perforated line from top to bottom, one-half inch to the left of the broad printed line along the left border of the ballot. Upon this stub shall be printed the number of the ballot only.

SEC. 3. Section 960.3 is added to said code, to read:

Placement of ballot number

960.3. On each ballot a perforated line shall extend across the top of the ballot not less than one inch from the top thereof. The same number as appears on the stub shall be printed above said perforated line within two inches of the perforated line on the left-hand side of the ballot, and above this number shall be printed in parentheses, in small type, as follows: (This number shall be torn off by inspector and handed to the voter). One-half inch to the right of this ballot number there shall be a short perforated line extended from the perforated line along the top of the ballot to the top edge of the ballot.

SEC. 4. Section 960 4 is added to said code, to read:

Consecutive numbering

960.4. The number on each ballot shall be the same as that on the corresponding stub and the ballots and stubs shall be numbered consecutively within each district. All ballots used in school district governing board member elections shall have printed immediately below the perforated line along the top of the ballot, and above any instructions to voters, in capital type at least 12 point in size the words "Ballot for School District Governing Board Member Election," followed by the name of the district.

CHAPTER 308

An act to add Section 26468 to, and to amend Section 26472 of, the Health and Safety Code, relating to foods.

[Approved by Governor May 10, 1961 Filed with Secretary of State May 10, 1961]

In effect September 15, 1961

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

SECTION 1. Section 26468 is added to the Health and Safety Code, to read:

26468. The term "color additive" means a material which: "Color additive"

(a) Is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source, and

(b) When added or applied to a food is capable, alone or through reaction with other substance, of imparting color thereto; except that such term does not include any material which the board, by regulation, determines is used, or intended to be used, solely for a purpose or purposes other than coloring.

(c) The term "color" includes black, white, and intermediate grays.

(d) Nothing in subdivision (a) of this section shall be construed to apply to any pesticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect in aiding, retarding, or otherwise affecting, directly or indirectly, the growth or other natural physiological processes of produce of the soil and thereby affecting its color, whether before or after harvest.

SEC. 2. Section 26472 of said code is amended to read:

26472. A food shall be deemed to be adulterated: Adulterated food

(a) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or

(2) If any substance has been substituted wholly or in part therefor; or

(3) If damage or inferiority has been concealed in any manner; or

(4) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is.

(b) If it is confectionery and it bears or contains any alcohol or non-nutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of 1 per centum, harmless natural gum and pectin. This subsection shall not apply to any confectionery by reason of its containing less than one-half of 1 per centum by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless non-nutritive masticatory substances.

(c) If it bears or contains a color additive other than one listed or certified by the United States Department of Health, Education, and Welfare, Food and Drug Administration.

(d) If any mineral oil has been added thereto or mixed or packed therewith contrary to the provisions of this chapter.

(e) If it be fresh meat and it contains any chemical substance containing sulphites, sulphur dioxide, benzoic acid, salts of benzoic acid or any other chemical preservative, or any substance which is not approved for use in fresh meat by the United States Department of Agriculture, Agricultural Research Service, or the Division of Animal Industry of the California State Department of Agriculture, or the California State Board of Public Health.

(f) If it be chopped or ground beef, or hamburger containing any substance other than the voluntary striated muscle of fresh beef, except those substances approved by the State Department of Public Health, or if the total fat content (determined by either extract method of analysis) of chopped or ground beef, or hamburger is in excess of 30 percent.

Nothing in this subdivision shall be deemed to prohibit the use of monosodium glutamate in such chopped or ground beef and hamburger.

(g) Notwithstanding the provisions of Section 26461, nothing in this article shall be deemed to prohibit the use of common salt, sugar (cane or beet), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup, wood smoke, a vinegar, pure spices, spice oils, flavorings, saltpeter, nitrate of soda, nitrite of soda and potassium nitrite in meat food products such as sausage, corned, brined or pickled meats, hams, bacon and the like. No such substances shall increase the green or original weight by more than 10 percent of products which are not smoked or cooked, with the exception of fresh uncured beef brisket in which case the finished cured product may exceed the weight of the fresh uncured brisket by 20 percent, nor shall any such substance increase the green or original weight by more than 1 percent of the green or original weight of products which are cooked or smoked. In the case of meat food products such as sausage, 10 percent added water shall be permitted and allowed in smoked or cooked products of such nature and 3 percent in said products which are not cooked or smoked.

(h) If it be alimentary paste and contains any artificial color derived from coal tar or vegetable substances.

(i) If it contains any saccharine or other non-nutritive sweetening agent contrary to the provisions of this chapter.

(j) If it be pork sausage or breakfast sausage and the total fat content (determined by the ether extract method of analysis) is in excess of 50 percent.

CHAPTER 309

An act to add Section 26217 to, and to amend Sections 26235 and 26281 of, the Health and Safety Code, relating to drugs and devices.

[Approved by Governor May 10, 1961. Filed with Secretary of State May 10, 1961]

In effect September 15, 1961

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

SECTION 1. Section 26217 is added to the Health and Safety Code, to read:

26217. The term "color additive" means a material which: "Color additive"

(a) Is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source, and

(b) When added or applied to a drug, or to the human body or any part thereof, is capable, alone or through reaction with other substance, of imparting color thereto, except that such term does not include any material which the board, by regulation, determines is used, or intended to be used, solely for a purpose or purposes other than coloring.

(c) The term "color" includes black, white, and intermediate grays.

SEC. 2. Section 26235 of said code is amended to read:

26235. A drug shall be deemed to be adulterated (1) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; (2) if it bears or contains, for purposes of coloring only, a color additive other than one listed or certified by the United States Department of Health, Education and Welfare, Food and Drug Administration; (3) if it is not subject to the provisions of Section 26230 and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess; or (4) if any substance has been (a) mixed or packed therewith so as to reduce its quality or strength; or (b) substituted wholly or in part therefor. Adulterated drugs

SEC. 3. Section 26281 of said code is amended to read:

26281. Any person who imports or receives from any other state or territory or the District of Columbia or from any foreign country, or who having so received delivers for pay or otherwise or offers to deliver to any other person, any drug or device which is adulterated or misbranded, or which is falsely advertised in the State of California, or any person who manufactures, produces, prepares, compounds, packs, sells, offers for sale, or keeps for sale, in the State of California any such adulterated, misbranded, or falsely advertised drug or device shall be guilty of a misdemeanor punishable as provided in Section 26295. Importation, receipt, etc Misdemeanor

CHAPTER 310

An act to amend Sections 26721 and 26744 of the Government Code, relating to the fees of sheriffs and marshals.

In effect September 15, 1961

[Approved by Governor May 10, 1961. Filed with Secretary of State May 10, 1961]

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

SECTION 1. Section 26721 of the Government Code is amended to read:

Process, etc

26721. Except as provided in this article, the fee for serving or executing any process or notice required by law or the litigants to be served is two dollars ($2).

SEC. 2. Section 26744 of said code is amended to read:

Civil orders, etc

26744. The fee for serving or executing a civil order or warrant of arrest, except for civil contempts of court is two dollars ($2) and mileage. The fee provided by this section shall also be charged where the civil order or warrant arises from an order of appearances issued under Sections 545, 714, 715 or 717 of the Code of Civil Procedure.

CHAPTER 311

An act to amend Section 823.5 of the Streets and Highways Code, relating to the maintenance of streets and highways.

In effect September 15, 1961

[Approved by Governor May 10, 1961. Filed with Secretary of State May 10, 1961]

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

SECTION 1. Section 823.5 of the Streets and Highways Code is amended to read:

823.5. The department may maintain any street or highway which is not a part of the state highway system whenever all of the following facts exist:

(a) The department has performed upon such street or highway a construction or improvement project;

(b) Such project was financed in whole or in part by moneys contributed by the government of the United States;

(c) Either the governmental agency having jurisdiction over such street or highway, or in the case of annexed areas, the county prior to such annexation, has agreed either with the State of California, acting by and through the department, or with the United States to maintain such street or highway to the satisfaction of the authorized agents of the United States; and

(d) The governmental agency having jurisdiction over such street or highway has failed to so maintain such street or highway, and the authorized agents of the United States have demanded of the department that such street or highway be maintained in accordance with such agreement.

The department shall carefully segregate all items of cost of such maintenance, including not to exceed 10 percent for overhead and administration. In the event the governmental agency having jurisdiction over such street or highway is a county, or a city and county, the director shall notify the State Controller of the expenditures by the department on such street or highway. The State Controller thereupon shall deduct from the succeeding quarterly apportionments to said county from the Motor Vehicle Fuel Fund the amount certified by the director and shall place said amount in the State Highway Fund.

In the event the governmental agency having jurisdiction over such street or highway is a city, the department shall charge such expenditure against the moneys to be allocated for expenditure in said city under Section 194 of this code.

CHAPTER 312

An act to amend Sections 8220, 8306, and 8805, of, and to repeal Section 11021 of, the Fish and Game Code, relating to districts.

[Approved by Governor May 10, 1961. Filed with Secretary of State May 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 8220 of the Fish and Game Code is amended to read:

Netting salmon

8220. It shall be unlawful for any person to take by the use of any type of net, any salmon within the waters of the Pacific Ocean over which the State has jurisdiction This section does not apply to such waters within District 16.

SEC. 2. Section 8306 of said code is amended to read:

Permit for abalones

8306. Abalones may not be taken for commercial purposes except under a revocable permit issued by the department under such regulations as the commission shall prescribe.

Means of taking; Districts

Diving apparatus may be used to take abalones in water not less than 20 feet in depth in those portions of District 20 lying on the southerly side of Catalina Island between Southeast Rock and China Point, and in Districts 18, 19, and 20A, and in District 10 only in the waters lying south of Point Lobos. It is unlawful to take black abalones for commercial purposes, along the mainland coast, except as otherwise specifically authorized by this article.

SEC. 3. Section 8805 of said code is amended to read:

Beach nets prohibited

8805. In Districts 12 and 13, beach nets may not be possessed on any boat.

Repeal

SEC. 4. Section 11021 of said code is repealed.

CHAPTER 313

An act to amend Sections 8837, 8839, and 8841 of the Fish and Game Code relating to nets.

In effect September 15, 1961

[Approved by Governor May 10, 1961. Filed with Secretary of State May 10, 1961.]

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

SECTION 1. Section 8837 of the Fish and Game Code is amended to read:

Bag or cod-end

8837. It is unlawful to use or possess any trawl net to which is attached any bag or cod-end or modification thereof, other than a bag or cod-end of a single layer of webbing, except as authorized by Sections 8838 to 8841, inclusive.

SEC. 2. Section 8839 of said code is amended to read:

Double bags or cod-ends

8839. Double bags or cod-ends may be used or possessed. Any such double bag shall be so hung and tied to each rib line that the knots of each layer shall coincide, knot for knot, for the full length of the double layers. The double section shall not measure over 20 meshes in length or over 100 meshes in circumference. The individual meshes in the double section shall measure not less than four and one-half inches in length.

SEC. 3. Section 8841 of said code is amended to read:

Rib lines

8841. Not more than eight rib lines may be attached to any type bag or cod-end. No type of preservative may be used to treat bags that will impair the flexibility of the original material or restrict the aperture of the mesh.

Webbing with mesh

Except for mesh actually covering floats, no webbing with mesh that measures less than four and one-half inches in length may be possessed on any trawl boat.

CHAPTER 314

An act to amend Section 40305 of the Vehicle Code, relating to nonresident driver violations.

In effect September 15, 1961

[Approved by Governor May 10, 1961. Filed with Secretary of State May 10, 1961.]

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

SECTION 1. Section 40305 of the Vehicle Code is amended to read:

40305. Whenever a nonresident is arrested for violating any section of this code while driving a motor vehicle and does not furnish satisfactory evidence of identity and an address within this State at which he can be located, he may, in the discretion of the arresting officer, be taken immediately before a magistrate within the county where the offense charged is alleged to have been committed, and who has jurisdiction over the offense and is nearest or most accessible with reference to the place where the arrest is made. If the magistrate is not available at the time of the arrest and the arrested person is not taken before any other person authorized to receive a deposit of bail, and if the arresting officer does not have the authority or is not required to take the arrested person before a magistrate or other person authorized to receive a deposit of bail by some other provision of law, the nonresident shall be released from custody upon giving a written promise to appear as provided in Article 2 (commencing with Section 40500).

CHAPTER 315

An act to amend Section 26467 of the Health and Safety Code, relating to packaged dehydrated food.

[Approved by Governor May 10, 1961. Filed with Secretary of State May 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 26467 of the Health and Safety Code is amended to read:

26467. It is unlawful to sell packaged dehydrated food sealed and labeled as "emergency food pack," "disaster pack," or "civil defense pack," or with language of similar import, unless the label states the contents of the package; the number of items of food contained therein, stated by quantity of each product, by weight of each, and the number of servings of each; and the nutritional value of each.

The Department of Public Health shall by regulations establish the manner of stating the nutritional values upon the labels of such packages.

CHAPTER 316

An act to amend Sections 812.4, 828.62, and 829.35 of the Agricultural Code, relating to carrot containers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1961. Filed with Secretary of State May 10, 1961.]

In effect immediately

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

SECTION 1. Section 812.4 of the Agricultural Code is amended to read:

Containers

812.4. Bunched carrots and carrots with tops removed, whether in consumer packages or not, when in closed wooden, fiberboard or wirebound containers shall be in standard containers number 45N, 45O, 45P, 45Q, 45R, 45T, 45U, or 45V. Standard carrot containers number 45U and 45V shall be used only in intrastate commerce.

SEC. 2. Section 828.62 of said code is amended to read:

Same

828.62.

45N Carrot container	$14\frac{1}{4}$	$18\frac{1}{4}$	$20\frac{1}{2}$ or $21\frac{3}{4}$
45O Carrot container	$9\frac{3}{4}$	$18\frac{1}{4}$	$20\frac{1}{2}$ or $21\frac{3}{4}$
45P Carrot container	9	$14\frac{1}{4}$	$21\frac{1}{4}$ or $21\frac{1}{2}$
45Q Carrot container	$9\frac{3}{4}$	9	$17\frac{1}{2}$
45R Carrot container	13	13	25
45T Carrot container	$11\frac{15}{16}$	$11\frac{15}{16}$	$18\frac{3}{4}$
45U Carrot container	18	$11\frac{3}{8}$	$10\frac{5}{8}$
45V Carrot container	$19\frac{1}{4}$	$14\frac{1}{4}$	$9\frac{1}{4}$

SEC. 3. Section 829.35 of said code is amended to read:

Carrots

829.35. 14. Carrots, numbers 45N, 45O, 45P, 45Q, 45R, 45T, 45U, and 45V.

Cauliflower

15. Cauliflower, number 46.

Celery

15.5. Celery, numbers 45E, 45F, 45G, 45H, 45I, 45J, and 45K.

Effective period

SEC. 4. The amendments of Sections 812.4, 828.62 and 829.35 of the Agricultural Code made by this act shall be operative only until September 30, 1961, and thereafter shall have no force or effect.

Urgency

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is essential that the new containers authorized by this bill be permitted for use during the 1961 season and it is therefore necessary that this bill take effect immediately.

CHAPTER 317

An act to amend Section 27290 of the Government Code, relating to recordation of instruments.

In effect September 15, 1961

[Approved by Governor May 10, 1961. Filed with Secretary of State May 10, 1961.]

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

SECTION 1. Section 27290 of the Government Code is amended to read:

27290. An instrument proved and certified pursuant to Sections 1198 and 1199 of the Civil Code may be recorded in the proper office only if the original is at the same time

deposited therein to remain for public inspection. In those counties where the photographic or microphotographic method of recording is employed, the original instrument, after recording, shall be delivered to the party leaving it for record at his last known address or upon his order.

CHAPTER 318

An act to amend Section 270.5 of the Labor Code, relating to cash, securities or bond for payment of wages in logging or sawmill operations.

[Approved by Governor May 10, 1961. Filed with Secretary of State May 10, 1961]

In effect September 15, 1961

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

SECTION 1. Section 270.5 of the Labor Code is amended to read:

270.5. No person, agent or officer thereof, engaged in the business of logging or operating a sawmill for converting logs into lumber, except in the case of logging or saw mill operations of persons having a free and unencumbered title to the fee of real property in this State, of a market value sufficient to pay the wages of every person employed in connection with such operations in any period for which a single payment of wages is made, shall fail or neglect, before commencing work in any period for which such single payment of wages is made, (a) to have on hand or on deposit with a bank or trust company, in the county where such business is conducted, or if there is no bank or trust company in the county, then in the bank or trust company nearest such operations, cash or readily salable securities of a market value sufficient to pay the wages of every person employed in connection with such operations for such period, or (b) to deposit with the Labor Commissioner the bond of a surety company authorized to do business within the State, acceptable to him, conditioned upon the payment of all wages found by the Labor Commissioner to be due and unpaid in connection with such operations.

The cash and securities on deposit hereinbefore referred to shall not be commingled with other deposits, securities or property of the employer and shall be held in trust and shall not be used for any other purpose than paying the wages due employees. Such moneys so held in trust shall not be subject to garnishment, attachment or execution by any other creditor of the employer.

Any person, agent or officer thereof, who violates this section is guilty of a misdemeanor.

CHAPTER 319

An act to amend Section 5001 of the Vehicle Code, relating to regular series license plates for law enforcement vehicles.

In effect September 15, 1961

[Approved by Governor May 10, 1961. Filed with Secretary of State May 10, 1961.]

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

SECTION 1. Section 5001 of the Vehicle Code is amended to read:

5001. The department may issue license plates for vehicles exempt from registration fees in the same series as plates issued for nonexempt vehicles. The plates may be issued for a period not extending beyond the then current calendar year and only upon the certification of the Attorney General that the issuance of the plates has been requested by the head of a law enforcement agency of a city, county, or state or federal department, that the vehicle is assigned to the duty of investigating actual or suspected violations of the law or the supervision of persons liberated from a state prison or other institution under the jurisdiction of the Department of Corrections by parole or the supervision of persons liberated from an institution under the jurisdiction of the Department of the Youth Authority by parole, and is intended for the use in line of duty of regularly employed law enforcement officers of a city, county, or state or federal department.

CHAPTER 320

An act to amend Section 4010 of the Public Resources Code, relating to forest fires.

In effect September 15, 1961

[Approved by Governor May 10, 1961. Filed with Secretary of State May 10, 1961.]

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

SECTION 1. Section 4010 of the Public Resources Code is amended to read:

4010. The State Forester or his duly authorized agent may summon any able-bodied male to assist in suppressing any forest fire and may authorize any duly authorized officer of the State of California, charged with the prevention and suppression of fire or the enforcement of the state fire laws, to summon any able-bodied man to assist in suppressing any forest fire within their respective jurisdictions; provided, however, that no able-bodied male engaged in the harvest of perishable agricultural crops shall be summoned to assist in suppressing any forest fire until all other available manpower has been exhausted within the respective jurisdiction of the officer

issuing such summons, and provided further, that any members in good standing, of any regularly organized fire department shall not be summoned pursuant to the provisions of this section when they are available and subject to call for duty with their respective firefighting units. Any person who fails to obey such summons is guilty of a violation of this article. Every person who in obedience to such summons assists in extinguishing any forest fire shall be compensated for services actually rendered at a uniform wage rate as those determined by the federal agency establishing such rates for the Federal Forest Service and approved by the Director of the Department of Natural Resources.

CHAPTER 321

An act granting certain tidelands and submerged lands of the State of California to the County of Orange in said State upon certain trusts and conditions.

[Approved by Governor May 10, 1961. Filed with Secretary of State May 10, 1961.]

In effect September 15, 1961

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

SECTION 1. There is hereby granted to the County of Orange and to its successors all of the right, title and interest of the State of California held by said State by virtue of its sovereignty in and to all that portion of the tidelands and submerged lands of the Pacific Ocean within the County of Orange, State of California, in the following area: Grant of tidelands, etc., to County of Orange

Commencing at the intersection of the westerly line of fractional Section 22, Township 8 South, Range 8 West, San Bernardino Base and Meridian with the line of Mean High Tide of the Pacific Ocean from which point said westerly Section line bears North 0° 07′ East; thence South 45° 00′ East to the point of intersection with a line parallel to and five thousand seven hundred and fifty feet (5,750 ft.) southerly of the northerly line of said fractional Section 22; thence easterly along said last mentioned parallel line, 5,750 feet southerly of the northerly line of Section 22, and the easterly prolongation of said parallel line to the point of intersection with a meridian line passing through the intersection of the westerly line of Rancho Boca de la Playa as said line is established and shown on a map recorded in Book 4, Pages 118 and 119 of Patents, Records of Los Angeles County, June 29, 1887 and the line of Mean High Tide of the Pacific Ocean, thence northerly along said meridian line to the intersection with the line of Mean High Tide of the Pacific Ocean; thence westerly along said line of Mean High Tide to the point of beginning, the same to be forever held by said county and by its successors in trust for the uses and purposes and upon the express conditions following, to wit: Boundaries

Purposes Limitations

(a) That said lands shall be used by said county, and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and for recreational use, public park, parking, highway, playground, and business incidental thereto; and said county, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said county, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases.

(b) That said lands shall be improved by said county without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said county or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the

State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

(g) That within 10 years from the effective date of this act said lands shall be substantially improved by said county without expense to the State, and if the State Lands Commission determines that the county has failed to improve said lands as herein required, all right, title, and interest of said county in and to all lands granted by this act shall cease and said lands shall revert and vest in the State.

CHAPTER 322

An act to amend Section 689 of the Code of Civil Procedure, relating to third party claims in attachment and execution proceedings.

[Approved by Governor May 11, 1961 Filed with Secretary of State May 11, 1961]

In effect September 15, 1961

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

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

689. If tangible or intangible personal property levied on, whether or not it be in the actual possession of the levying officer, is claimed by a third person as his property by a written claim verified by his oath or that of his agent, setting out the reasonable value thereof, his title and right to the possession thereof and delivered, together with a copy thereof, to the officer making the levy, such officer must release the property and the levy unless the plaintiff, or the person in whose favor the writ runs, within five days after written demand by such officer, made by registered or certified mail within five days after being served with such verified claim, gives such officer an undertaking executed by at least two good and sufficient sureties, in a sum equal to double the value of the property levied upon.

Such undertaking shall be made in favor of and shall indemnify such third person against loss, liability, damages, costs and counsel fees, by reason of such levy or such seizing, taking, collecting, withholding, or sale of such property by such officer; provided, however, that where the property levied upon is required by law to be registered or recorded in the name of the owner and it appears that at the time of the levy the defendant or judgment debtor was the registered or record owner of such property and the plaintiff, or the person in whose favor the writ runs, caused the levy to be made and maintained in good faith, and in reliance upon such registered or record ownership, there shall be no liability thereunder to the third person by the plaintiff, or the person in whose favor the writ runs, or his sureties, or the levying officer.

Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment. If they, or others in their place, fail to justify at the time and place appointed, such officer must release the property and the levy; provided, however, that if no exception is taken within five days after notice of receipt of the undertaking, the third person shall be deemed to have waived any and all objections to the sufficiency of the sureties.

If objection be made to such undertaking, by such third person, on the ground that the amount thereof is not sufficient, or if for any reason it becomes necessary to ascertain the value of the property involved, the property involved may be appraised by one or more disinterested persons, appointed for that purpose by the court in which the action is pending or from which the writ issued, or by a judge thereof, or the court or judge may direct a hearing to determine the value of such property.

If, upon such appraisal or hearing, the court or judge finds that the undertaking given is not sufficient an order shall be made fixing the amount of such undertaking, and within five days thereafter an undertaking in the amount so fixed may be given in the same form and manner and with the same effect as the original.

The officer making the levy may demand and exact the undertaking herein provided for notwithstanding any defect, informality or insufficiency of the verified claim delivered to him. Such officer shall not be liable for damages to any such third person for the levy upon, or the collection, taking, keeping or sale of such property if no claim is delivered as herein provided, nor, in any event, shall such officer be liable for the levy upon, or the holding, release or other disposition of such property in accordance with the provisions of this section.

If such undertaking be given, the levy shall continue and such officer shall retain any property in his possession for the purposes of the levy under the writ; provided, however, that if an undertaking be given under the provisions of Section 710b of this code, such property and the levy shall be released.

Whenever a verified third party claim is delivered to the officer as herein provided, upon levy of execution or attachment (whether any undertaking hereinabove mentioned be given or not), the plaintiff, or the person in whose favor the writ runs, the third party claimant, or any one or more joint third party claimants, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining title to the property in question. Such hearing must be granted by the said court upon petition therefor, which must be filed within 15 days after the delivery of the third party claim to the officer. Such hearing must be had within 20 days from the filing of such petition, unless continued as herein provided. Ten days' notice of such hearing must be given to the officer, to the plaintiff or the person in whose favor the writ runs, and to the third party

claimant, or their attorneys, which notice must specify that the hearing is for the purpose of determining title to the property in question; provided, that no such notice need to be given to the party filing the petition. The court may continue the hearing beyond the said 20-day period, but good cause must be shown for any such continuance. Whenever the petition for such hearing is filed by the third party claimant, or by any one or more joint third party claimants, neither such petition nor proceedings pursuant thereto may be dismissed without consent of the plaintiff or the person in whose favor the writ runs. The court may order the sale of any perishable property held by such officer and direct the disposition of the proceeds of such sale. The court may, by order, stay execution sale, or forbid a transfer or other disposition of the property involved, until the proceedings for the determination of such title can be commenced and prosecuted to termination, and may require, as a condition of such order, such bond as the court may deem necessary. Such orders may be modified or vacated by the judge granting the same, or by the court in which the proceeding is pending, at any time prior to the termination of such proceedings, upon such terms as may be just. At the hearing had for the purpose of determining title, the third party claimant shall have the burden of the proof. The third party claim delivered to the officer shall be filed by him with the court and shall constitute the pleading of such third party claimant, subject to the power of the court to permit an amendment in the interest of justice, and it shall be deemed controverted by the plaintiff or other person in whose favor the writ runs. Nothing herein contained shall be construed to deprive anybody of the right to a jury trial in any case where, by the Constitution, such right is given, but a jury trial shall be waived in any such case in like manner as in the trial of an action. No findings shall be required in any proceedings under this section. At the conclusion of the hearing the court shall give judgment determining the title to the property in question, which shall be conclusive as to the right of the plaintiff, or other person in whose favor the writ runs, to have said property levied upon, taken, or held, by the officer and to subject said property to payment or other satisfaction of his judgment. In such judgment the court may make all proper orders for the disposition of such property or the proceeds thereof. If the property or levy shall have been released by the officer for want of an undertaking, and final judgment shall go for the plaintiff or other person in whose favor the writ runs, the officer shall retake or levy upon the property on such writ if the writ is still in his hands, or if the writ shall have been returned, another writ may be issued on which the officer may take or otherwise levy upon such property. An appeal lies from any judgment determining title under this section, such appeal to be taken in the manner provided for appeals from the court in which such proceeding is had.

CHAPTER 323

An act to amend Section 3255 of the Education Code, and to amend Section 1102 of the Education Code as proposed to be added by Assembly Bill No. 463 of the 1961 Regular Session, relating to school district organization.

In effect September 15, 1961

[Approved by Governor May 11, 1961. Filed with Secretary of State May 11, 1961.]

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

SECTION 1. Section 3255 of the Education Code is amended to read:

Election of governing board

3255. Except as otherwise provided in this article, and notwithstanding the provisions of Section 937, the county superintendent of schools having jurisdiction shall call and set the date for an election for the purpose of electing the governing board of the district on the same date that the election is held for adopting or rejecting the plans and recommendations for the formation of a unified district. The call for both elections shall be issued at the same time. The election shall be called, held, and conducted as are elections for members of governing boards of elementary school districts.

SEC. 2. Section 1102 of said code, as proposed to be added by Assembly Bill No. 463 of the 1961 Regular Session, is amended to read:

Same Newly formed unified school districts and junior college districts

1102. In newly formed unified school districts and junior college districts, there shall be no interim governing board, but the county superintendent of schools having jurisdiction over the district shall proceed in accordance with this section to call an election for the purpose of choosing the first governing board of the district. In junior college districts, the call shall be issued not later than 30 days after the formation of the district; in unified school districts formed pursuant to Section 1853, the call shall be not later than the fourth Friday of December next succeeding the formation of the district. The superintendent shall set the date of the election in his call; provided, that in the case of unified school districts formed pursuant to Section 1853, such date shall be not later than the third Tuesday in April next succeeding the call. In unified districts formed pursuant to Chapter 6 (commencing with Section 2401) of Division 5 of this code, the superintendent shall issue the call on the same date as the call for, and set the date of an election on the same date as, the election for the adoption or rejection of the plans and recommendations for the formation of the unified district. The newly elected members shall take office on the third Monday following their election.

Effect Assembly Bill No. 463

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 463 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 463 takes effect; at which time Section 3255 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 324

An act to provide for a study of recreational uses of the levees of the Sacramento River, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 11, 1961. Filed with Secretary of State May 11, 1961.] In effect immediately

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

SECTION 1. The Director of Natural Resources, in co-operation with the Director of Water Resources, the Director of Fish and Game, and the State Reclamation Board shall undertake a survey to identify those channel reaches and banks of the Sacramento River and Delta which might be preserved and developed as recreational and wildlife habitat areas, including boat anchorages, which areas could be so preserved and developed without in any way impairing the flood control functioning of any channel or levee of the authorized Sacramento River Flood Control Project or of any channel or levee constructed or maintained by private persons or political subdivisions of the State; provided, that such survey and report, in identifying areas which could be preserved and developed for recreational and wildlife habitat purposes except for flood control requirements, shall describe alternative methods and the costs thereof of meeting flood control needs while at the same time permitting recreational uses, such survey and report to be completed not later than October 31, 1961. Such study shall be made in co-operation with the Secretary of the Army, acting through the Corps of Engineers, insofar as it concerns flood control practices on the levee and channel systems.

Two Members of the Senate, appointed by the Senate Committee on Rules, and two Members of the Assembly, appointed by the Speaker, shall participate in the study provided for in this act to the extent that such participation is not incompatible with their positions as Members of the Legislature. The appointed Members of the Legislature shall constitute a joint interim investigating committee on the subject of this act and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

SEC. 2. There is hereby appropriated from the General Fund for the purposes of the act the sum of twenty-five thousand dollars ($25,000) to the Department of Natural Resources, and that department, through agreements with the Departments of Water Resources and Fish and Game and the State Reclamation Board, shall pay from such appropriation the costs of any surveys and studies conducted by these co-operating agencies. Appropriation

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety Urgency

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is essential that the survey required to be made by this act be completed by October 31, 1961, in order that immediate steps may be taken at both the state and federal levels to provide for preservation and development of recreation areas along the channels and levees of the lower Sacramento River and Delta. It is therefore essential, in order to provide funds necessary for such survey, that the act go into immediate effect.

CHAPTER 325

An act to add Section 1675 to the Elections Code, and Section 3786 to the Elections Code as proposed by Assembly Bill No. 8, relating to arguments for and against measures at special and district elections.

In effect September 15, 1961

[Approved by Governor May 11, 1961 Filed with Secretary of State May 11, 1961]

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

SECTION 1. Section 1675 is added to the Elections Code, to read:

Application of provisions

1675. If the board of supervisors so provides in its proclamation of or notice of any special election or district election, called by, and the returns of which are canvassed by, the said board, all of the provisions of this article shall apply to such election except that for such election:

"County measure"

(a) "County measure" shall be deemed to refer to any measure as defined in Section 42 submitted at such special or district election. Section 1670 shall not apply.

(b) Section 1670 1 and the reference to the analysis of the measure by the county counsel or district attorney in Section 1672 shall not apply unless the board of supervisors directs such officer to prepare such analysis.

NOTE The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9702 of the Government Code.

Effect Stats 1961, Ch 23

SEC. 3. Section 2 of this act shall become operative only if the Elections Code as proposed by Assembly Bill No. 8 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 8 takes effect; at which time Section 1675 of the Elections Code as added by Section 1 of this act is repealed.

CHAPTER 326

An act to repeal Chapter 1 (commencing with Section 7400) of Part 4, Division 5 of the Labor Code, relating to quartz mines.

[Approved by Governor May 11, 1961. Filed with Secretary of State May 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Chapter 1 (commencing with Section 7400) Part 4 of Division 5 of the Labor Code is repealed.

CHAPTER 327

An act to repeal Chapter 2 (commencing with Section 7450) of Part 4, Division 5 of the Labor Code, relating to coal mines.

[Approved by Governor May 11, 1961. Filed with Secretary of State May 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Chapter 2 (commencing with Section 7450) Part 4 of Division 5 of the Labor Code is repealed.

CHAPTER 328

An act conveying certain lands lying under inland navigable waters situate in the Bay of San Diego to the City of Chula Vista in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof, the construction and maintenance of improvements thereon, and the disposition and expenditure of revenue therefrom, and reserving rights to the State.

[Approved by Governor May 11, 1961. Filed with Secretary of State May 11, 1961.]

In effect September 15, 1961

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

SECTION 1. There is hereby granted and conveyed in trust to the City of Chula Vista (hereinafter referred to as the "city") in the County of San Diego, State of California, all the right, title and interest of the State of California (hereinafter referred to as the "State"), except as hereinafter reserved and upon the conditions specified herein, held by said State by virtue of its sovereignty in and to all of those certain

Grant of submerged lands to City of Chula Vista

submerged lands in and underlying San Diego Bay, whether filled or unfilled, which are described as follows and referred to herein as the "granted lands":

Boundaries

That portion of submerged lands in the City of Chula Vista, County of San Diego, State of California, described as follows:

Beginning at the intersection of the Northerly boundary line of the City of Chula Vista with the United States Pierhead Line, said intersection being North 8°02'19" West, 3146.15 feet from Station 320-A on said Pierhead line as shown on the revised U.S. Army Engineer's Map of "Harbor Lines, San Diego Bay, California," File No. 424 and approved by the Secretary of the Army on April 24, 1958, said intersection being also the northwesterly corner of the area granted to the City of Chula Vista by the State of California pursuant to Chapter 706 of the Statutes of 1959; thence South 8°02'19" East, 3146.15 feet to Station 320-A on said Pierhead Line; then South 25°54'03" East, 10,805.46 feet to Station 326-A on said Pierhead Line, being also a point on the Southerly boundary line of the City of Chula Vista; thence South 71°40'10" West, 4728.71 feet more or less to an intersection with a line forming the easterly boundary of the City of National City as described in Ordinance No. 878 of the City Council of the City of National City, adopted March 1, 1955; thence North 8°00'00" West, 14,300 feet more or less along said easterly boundary of the City of National City, to an intersection with a line which bears South 81°57'41" West from the point of beginning, said intersection being at the northwest corner of the City of Chula Vista as described in Ordinance No. 488 adopted February 10, 1954; thence North 81°57'41" East along a line which is at right angles to the Pierhead Line between Station 318 and Station 320-A, 1375 feet, more or less, to the point of beginning.

Purposes: Powers

SEC 2. The city shall have and there is hereby granted to it and its authorized agents and lessees the right to make within and upon the granted lands, or within and upon the granted lands in combination with neighboring lands of the city, all improvements, betterments and structures of every kind and character proper, needful, useful, convenient or incidental to and for the development of commerce, navigation and fisheries, including, without limiting the generality of the foregoing, the following:

(a) The establishment, improvement and conduct of a harbor, and the construction, reconstruction, repair and maintenance of works and facilities incidental to a harbor;

(b) The construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, beltline railroads and other transportation facilities or betterments incidental to a harbor;

(c) The construction, reconstruction, repair and maintenance of small boat harbors, marinas, aquatic playground and similar recreational facilities, together with structures and facilities incidental thereto;

(d) The construction, reconstruction, repair and maintenance of wharves, docks, piers, warehouses, and commercial and industrial buildings, plants and facilities.

Limitations Leases, etc.

SEC. 3. No grant, conveyance or transfer of the granted lands or any part thereof, shall be made by the city and the city shall continue to hold the granted lands in trust and the whole thereof unless the same revert or be receded to the State of California.

The city may, however, lease the granted lands, or any part thereof, and any utilities, structures, improvements or appliances thereon, for periods not to exceed 50 years, or such greater periods as may be permitted by general law, for purposes consistent with the trusts upon which the granted lands are held by the State of California. Any such lease made by the city shall contain, in addition to terms and conditions deemed desirable or necessary by the city, the following provisions:

(a) The lease may be terminated by the city upon violation of any of the provisions of the lease by the lessee; and

(b) Neither the lease nor the leased premises may be assigned, transferred or sublet without the prior written consent of the city.

Improvements

SEC. 4. The granted lands shall be improved and all improvements, betterments and structures thereon shall be made or erected by the city or its authorized agents or lessees, without expense to the State of California; provided, however, that nothing contained in this act shall preclude the city from accepting and expending any grant of funds from the State of California for the development of the granted lands for any public purpose not inconsistent with the trusts for commerce, navigation and fishery. In the management, conduct, operation and control of the granted lands or any improvements, betterments or structures thereon, the city and its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

Condition

This grant is made upon the express condition that within 10 years from the effective date of this act the granted lands shall be substantially improved by the city without expense to the State and that if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and all said right, title and interest in the granted lands shall revert and rest in the State.

Rents, revenues, etc

SEC. 5. Except as provided in Section 7 hereof, the city shall have the right hereunder to all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon,

from and after the effective date as specified in Section 4, and the city may use such rents, revenues, issues and profits for any purpose or use set forth in Section 2 hereof, including the payment, refunding or discharge of any indebtedness incurred or sustained by the city in connection with any such purpose or use.

Rights reserved to State Fishing

SEC. 6. There is hereby reserved to the people of the State of California the right to fish in the waters upon the granted lands with the right of convenient access to said waters over the granted lands for said purpose.

Reservation of mineral deposits, etc

SEC. 7. There is hereby excepted and reserved to the State of California the following:

(a) All deposits of minerals, including oil and gas in said land, together with the right of the State of California or persons authorized by the State of California to prospect for, mine and remove such deposits from the granted lands;

State vessels, etc

(b) The right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the granted lands for any vessel or other watercraft or railroad owned or operated by the State of California;

Future use for highway purposes by State

(c) The right at any time in the future to use the granted lands or any portion thereof for highway purposes without compensation to the city, its successors, or any person, firm or public corporation claiming under it, except as to improvements, betterments or structures made or erected within or upon the portions of the granted lands so used by the State for which compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures so used or the damages to such interest.

Reversion to State

SEC. 8. In the event of a violation of any of the provisions of this act, the granted lands and the whole thereof shall revert to the State of California.

Plat Recordation

SEC. 9. The State Lands Commission shall, at the expense of the city, prepare a description and plat of the granted lands and record such description and plat in the office of the County Recorder of San Diego County.

Severability

SEC. 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 329

An act to amend Section 666 of the Agricultural Code, relating to imitation milk products.

[Approved by Governor May 11, 1961. Filed with Secretary of State May 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 666 of the Agricultural Code is amended to read:

666. It is unlawful, except as to oleomargarine or margarine, imitation ice cream or imitation ice milk sold, dealt in or furnished by a retail dealer, to engage in the business or occupation of manufacturing, selling, dealing in or furnishing, or to have in possession for any purpose other than for consumption in his own family, or for transportation in case of boats, railroads, or other carriers, or for the purpose of storage in the case of a warehouse or cold storage company, (a) imitation milk, (b) oleomargarine or margarine, colored oleomargarine or colored margarine, renovated butter or a substitute for butter, (c) imitation cheese or substitute for cheese, (d) imitation ice cream or imitation ice milk, (e) imitation cream, or (f) any other imitation milk product not otherwise listed herein, without first having applied for and obtained a license so to do. To engage in any such business or occupation, other than that of a retail dealer in oleomargarine or margarine, imitation ice cream or imitation ice milk, a person shall first apply each year to the director for a license, and upon payment of the license fee mentioned in Section 667 the director shall issue a license to engage in the business for which the license is issued. Separate licenses are required for each such business or occupation, except that no license shall be required of a retail dealer in oleomargarine or margarine, imitation ice cream or imitation ice milk.

CHAPTER 330

An act conveying in trust certain tidelands and submerged lands lying under the waters of the Pacific Ocean to the City of Imperial Beach in furtherance of navigation and commerce and the fisheries and providing for the government, management and control thereof and reserving rights to the State.

[Approved by Governor May 11, 1961. Filed with Secretary of State May 11, 1961.]

In effect September 15, 1961

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

SECTION 1. There is hereby granted and conveyed in trust to the City of Imperial Beach (hereinafter referred to as the "city") in the County of San Diego, State of California, all

Grant of tidelands, etc., to City of Imperial Beach

the right, title and interest of the State of California (hereinafter referred to as the "State"), except as hereinafter reserved and upon the conditions specified herein, held by said State by virtue of its sovereignty in and to all of the certain tide and submerged lands under the waters of the Pacific Ocean, whether filled or unfilled, which are described as follows and referred to hereinafter as "granted lands":

Beginning at the point of intersection of the international boundary line between the United States and Mexico and the ordinary high water mark of the Pacific Ocean, said point being on the Southerly boundary of the City of Imperial Beach as described in the Order of Incorporation of said City; thence Westerly along the Westerly prolongation of said international boundary and the southerly boundary of said City, a distance of 3000 feet to a point; thence Northwesterly on a straight line to the intersection with the northerly corporate limits of said City at a point 3000 feet West of the intersection of said northerly corporate limits with the ordinary high water mark of the Pacific Ocean; thence East along the said northerly corporate limits 3000 feet to the intersection with the ordinary high water mark of the Pacific Ocean; thence following the ordinary high water mark of the Pacific Ocean Southerly and Southeasterly, crossing the outlet of the Tia Juana Estuary headland to headland, to the point of beginning.

Powers

SEC. 2. The city shall have and there is hereby granted to it and its authorized agents and lessees the right to make within and upon the granted lands, or within and upon the granted lands in combination with neighboring lands of the city, all improvements, betterments and structures of every kind and character proper, needful, useful, convenient or incidental to and for the development of commerce, navigation and fisheries, including, without limiting the generality of the foregoing, the following:

(a) The establishment, improvement and conduct of a harbor, and the construction, reconstruction, repair and maintenance of works and facilities incidental to a harbor;

(b) The construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, beltline railroads and other transportation facilities or betterments incidental to a harbor;

(c) The construction, reconstruction, repair and maintenance of small boat harbors, marinas, aquatic playground and similar recreational facilities, together with structures and facilities incidental thereto;

(d) The construction, reconstruction, repair and maintenance of wharves, docks, piers, warehouses, and commercial and industrial buildings, plants and facilities.

(e) The construction of jetties at or near the mouth of Tia Juana Estuary and groins at other areas for protection of the beach and for the improvement of the beach for recreational facilities not in conflict with the trusts under which this grant is made.

Limitations

SEC. 3. No grant, conveyance or transfer of the granted lands or any part thereof shall be made by the city and the city shall continue to hold the granted lands in trust and the whole thereof unless the same revert or be receded to the State of California.

The city may, however, lease the granted lands, or any part thereof, and any utilities, structures, improvements or appliances thereon, for periods not to exceed 50 years, or such greater periods as may be permitted by general law, for purposes consistent with the trusts upon which the granted lands are held by the State of California. Any such lease made by the city shall contain, in addition to terms and conditions deemed desirable or necessary by the city, the following provisions:

(a) The lease may be terminated by the city upon violation of any of the provisions of the lease by the lessee; and

(b) Neither the lease nor the leased premises may be assigned, transferred or sublet without the prior written consent of the city.

Improvements

SEC. 4. The granted lands shall be improved and all improvements, betterments and structures thereon shall be made or erected by the city or its authorized agents or lessees, without expense to the State of California; provided, however, that nothing contained in this act shall preclude the city from accepting and expending any grant of funds from the State of California for the development of the granted lands for any public purpose not inconsistent with the trusts for commerce, navigation and fishery. In the management, conduct, operation and control of the granted lands or any improvements, betterments or structures thereon, the city and its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

Condition

This grant is made upon the express condition that within 10 years from the effective date of this act the granted lands shall be substantially improved by the city without expense to the State and that if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and all said right, title and interest in the granted lands shall revert and rest in the State.

Rents, revenues, etc

SEC. 5. Except as provided in Section 7 hereof, the city shall have the right hereunder to all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon, from and after the effective date as specified in Section 4, and the city may use such rents, revenues, issues and profits for any purpose or use set forth in Section 2 hereof, including the payment, refunding or discharge of any indebtedness incurred or sustained by the city in connection with any such purpose or use.

Reservations: Fishing rights

SEC. 6. There is hereby reserved to the people of the State of California the right to fish in the waters upon the granted lands with the right of convenient access to said waters over the granted lands for said purpose.

SEC. 7. There is hereby excepted and reserved to the State of California the following:

Mineral rights

(a) All deposits of minerals, including oil and gas in said land, together with the right of the State of California or persons authorized by the State of California to prospect for, mine and remove such deposits from the granted lands;

Use of facilities without compensation

(b) The right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the granted lands for any vessel or other watercraft or railroad owned or operated by the State of California;

Use of lands without compensation

(c) The right at any time in the future to use the granted lands or any portion thereof for highway purposes without compensation to the city, its successors, or any person, firm or public corporation claiming under it, except as to improvements, betterments or structures made or erected within or upon the portions of the granted lands so used by the State for which compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures so used or the damages to such interest.

Reversion

SEC. 8. In the event of a violation of any of the provisions of this act, the granted lands and the whole thereof shall revert to the State of California.

Survey, plat, etc.

SEC. 9. The State Lands Commission shall, at the expense of the city, survey and monument the ordinary high water mark of the Pacific Ocean between the northerly and southerly corporate limits of the city, prepare a description and plat of the granted lands and record such description and plat in the office of the County Recorder of San Diego County.

Severability

SEC. 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 331

An act to amend Section 994 of the Education Code, relating to expenses of school district board members.

In effect September 15, 1961

[Approved by Governor May 11, 1961. Filed with Secretary of State May 11, 1961.]

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

SECTION 1. Section 994 of the Education Code is amended to read:

994. The governing board of each school district may select a member or members of the board to attend meetings of any society, association, or organization for which the school district has subscribed for membership, or any convention to which it may pay the expenses of any employee. The actual expenses of the member or members shall be allowed and paid out of the funds of the district.

The board may authorize an advance of funds to cover such expenses. The advance shall be repaid or adjusted upon filing of a regular claim for the actual expenses incurred.

CHAPTER 332

An act to add Section 21302.1 to the Education Code, relating to bonding of school officers.

[Approved by Governor May 11, 1961. Filed with Secretary of State May 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 21302.1 is added to the Education Code, to read:

21302.1. No bond shall be required when the revolving cash fund does not at any time exceed twenty-five dollars ($25).

CHAPTER 333

An act to add Section 2964 to the Penal Code, relating to disposition of prisoners.

[Approved by Governor May 11, 1961. Filed with Secretary of State May 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 2964 is added to the Penal Code, to read:

2964. In any case in which a prisoner is transferred to a state hospital pursuant to this article, and in any case in which a prisoner has been transferred to a state hospital pursuant to Section 2684 and it is sought to keep him in custody in a state hospital after expiration of his term of imprisonment, such prisoner or a friend in his behalf may, at the time of, or at any time after, the expiration of his term of imprisonment, file with the superior court of the county in which he is confined, demand for a hearing in the superior court by judge or jury on the issue of his being a mentally ill person, with like effect as a demand therefor made pursuant to Section 5125 of the Welfare and Institutions Code.

CHAPTER 334

An act to amend Section 903 of the Welfare and Institutions Code, relating to workmen's compensation and insurance for court wards committed to county forestry camps.

In effect September 15, 1961

[Approved by Governor May 11, 1961. Filed with Secretary of State May 11, 1961.]

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

SECTION 1. Section 903 of the Welfare and Institutions Code is amended to read:

903. The boys committed to such camps may be required to labor on buildings and grounds of the camp, on the making of forest roads for fire prevention or firefighting, on forestation or reforestation of public lands, or on the making of fire trails and fire breaks, or in fire suppression, or to perform any other work or engage in any studies or activities prescribed or permitted by the superintendent, subject to such approval as the county board of supervisors by ordinance requires. Whenever any boy committed to such camp is engaged in fire prevention work or the suppression of existing fires, he shall be subject to workmen's compensation benefits to the same extent as a county employee, and the board of supervisors shall provide and cover any such boy committed to such camp while performing such service, with accident, death and compensation insurance as is otherwise regularly provided for employees of the county.

CHAPTER 335

An act to amend Section 58501 of the Government Code, relating to the District Investigation Law of 1933.

In effect September 15, 1961

[Approved by Governor May 11, 1961. Filed with Secretary of State May 11, 1961.]

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

SECTION 1. Section 58501 of the Government Code is amended to read:

58501. This chapter applies to all districts formed under any of the following laws:

Type of district	Citation
Sanitary	Chapter 161 of the Statutes of 1891
Public museum	Government Code, Article 6, Chapter 5, Part 2, Division 3, Title 4
Highway lighting	Streets and Highways Code, Part 4, Division 14

Type of district	Citation
Library	Education Code, Chapter 4, Division 11
Boulevard	Streets and Highways Code, Part 2, Division 16
Mosquito abatement	Health and Safety Code, Chapter 5, Division 3
Local health	Health and Safety Code, Chapter 6, Part 2, Division 1
Sanitary	Chapter 480 of the Statutes of 1919
Cemetery	Health and Safety Code, Part 4, Division 8
Garbage disposal	Health and Safety Code, Chapter 1, Part 2, Division 5
Police protection	Health and Safety Code, Chapter 1, Part 1, Division 14
Public service	Labor Code, Chapter 3, Part 8, Division 2
Airport	Chapter 847 of the Statutes of 1929
Transportation	Chapter 880 of the Statutes of 1929
County fire protection	Health and Safety Code, Chapter 3, Part 3, Division 12
Memorial	Military and Veterans Code, Chapter 1, Division 6
Recreation	Public Resources Code, Article 2, Chapter 3, Division 5
Resort	Public Resources Code, Division 10
Union high school library	Education Code, Chapter 6, Division 11

CHAPTER 336

An act to add Section 8165 to the Education Code, relating to courses of instruction in the public schools.

[Approved by Governor May 11, 1961. Filed with Secretary of State May 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 8165 is added to the Education Code, to read:

8165. The board of education of any county, city and county, or city, and the governing board of any district maintaining a secondary school, may include swimming in the courses of physical education prescribed for the elementary and secondary schools.

CHAPTER 337

An act to add Article 12 (commencing with Section 429) to Chapter 2, Part 1, Division 1 of the Health and Safety Code, relating to health of seasonal agricultural and migratory workers.

In effect September 15, 1961

[Approved by Governor May 12, 1961 Filed with Secretary of State May 12, 1961]

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

SECTION 1. Article 12 (commencing with Section 429) is added to Chapter 2, Part 1, Division 1 of the Health and Safety Code, to read:

Article 12. Health of Seasonal Agricultural and Migratory Workers

Program: Scope

429 The State Department of Public Health may maintain a program for seasonal agricultural and migratory workers and their families, consisting of:

(a) Studies of the health and health services for seasonal agricultural and migratory workers and their families throughout the State.

(b) Technical and financial assistance to local agencies concerned with the health of seasonal agricultural and migratory workers and their families.

(c) Co-ordination with similar programs of the federal government, other states, and voluntary agencies.

Cooperation with local government agencies, etc.

429.1. The department may contract and co-operate with local governmental agencies and voluntary nonprofit organizations in connection with the development of local health programs for seasonal agricultural and migratory workers and their families.

CHAPTER 338

An act to amend Section 422 of the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to affidavits of registration of voters.

In effect September 15, 1961

[Approved by Governor May 12, 1961 Filed with Secretary of State May 12, 1961]

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

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9702 of the Government Code.

CHAPTER 339

An act to add Section 19573 to the Education Code, relating to state school building aid.

[Approved by Governor May 12, 1961. Filed with Secretary of State May 12, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 19573 is added to the Education Code, to read:

19573. The expenditure by a school district, prior to the filing of an application for an apportionment under this chapter, of proceeds from the sale of district bonds for the construction of a swimming pool, shall not in and of itself constitute grounds for denying an apportionment, but the board may require a contribution of district funds therefor under Section 19572.

CHAPTER 340

An act to amend Section 10017 of the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to delivery of ballots.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 13, 1961.]

In effect September 15, 1961

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

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code

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CHAPTER 341

An act to amend Section 23302 of the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to the consolidation of elections.

[Approved by Governor May 13, 1961 Filed with Secretary of State May 13, 1961.]

In effect September 15, 1961

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

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 342

An act to add Article 1.5 (commencing with Section 1620) to Chapter 1, Part 3, Division 1 of the Revenue and Taxation Code, relating to the equalization of property assessments by tax appeals boards.

In effect September 15, 1961

[Approved by Governor May 13, 1961 Filed with Secretary of State May 13, 1961.]

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

SECTION 1. Article 1.5 (commencing with Section 1620) is added to Chapter 1, Part 3, Division 1 of the Revenue and Taxation Code, to read:

Article 1.5. Equalization by Tax Appeals Boards

Application

1620. This article only applies to those counties which, pursuant to Section 9.5 of Article XIII of the Constitution, have created tax appeals boards to equalize the valuation of taxable property within the county for the purpose of taxation.

Number of appeals boards

1621. Not more than five tax appeals boards may be created within any county. Tax appeals boards shall be designated by number in the ordinance providing for their creation.

Tax appeals board members

1622. A tax appeals board shall consist of three members selected by lot by the presiding judge of the superior court of the county from among those persons nominated for that purpose by the members of the county board of supervisors. Within 60 days after the adoption of the ordinance providing for the creation of tax appeals boards, each member of the board of supervisors shall nominate not less than three nor more than five persons for appointment to the tax appeals boards.

Terms of office

1623. The term of office of members selected to serve on tax appeals boards shall be three years beginning on the first Monday in June, except that upon the original selection of members to serve on a tax appeals board, the member first selected shall serve for a term of three years beginning on the first Monday in June following the date of the creation of the board, the second member selected shall serve for a term of two years beginning on such date, and the third member selected shall serve for a term of one year beginning on such date.

In the event of a vacancy on a board, the person selected to fill the vacancy shall serve for the remainder of the unexpired term.

Not less than 60 days prior to the expiration of the term of office of any member of a tax appeals board and upon the occurrence of a vacancy on any such board, each member of the board of supervisors shall nominate one person for each

office or vacancy to be filled. The presiding judge of the superior court shall select by lot one person from among those nominated to serve for the succeeding term on such board or to fill the vacancy as the case may be.

Eligibility

1624. A person shall not be eligible for nomination for membership on a tax appeals board unless in the opinion of the member of the board of supervisors who is making the nomination the person is by experience and training qualified to perform the duties of a member of the tax appeals board.

Removal

1625. Any member of a tax appeals board may be removed for cause by the board of supervisors.

Discontinuance of boards

1626. The Legislature may by law authorize the board of supervisors of any county to discontinue the tax appeals boards in that county at such time and under such conditions as may be specified in such law.

Assessor shall attend meetings

1627. The assessor in person or through a deputy shall attend all meetings of a tax appeals board.

Clerk of board

1628. The clerk of the board of supervisors shall be clerk of the tax appeals boards and keep a record of their proceedings. He shall enter on the assessment roll changes made by such boards and perform the same duties in connection with their proceedings as he is required by law to perform in connection with the proceedings of the county board of equalization including the certification and delivery of the local roll to the auditor on the third day after the adjournment of the sessions of the tax appeals boards.

Counties Operative

1629. The provisions of this article shall be operative in the Counties of Los Angeles and Contra Costa.

Operative date Adoption of constitutional amendment

SEC. 2. The provisions of this act shall become operative only if the amendment to Section 9.5 of Article XIII of the Constitution proposed at the 1961 Regular Session of the Legislature by Assembly Constitutional Amendment No. 7 of that session is adopted by the voters, and in such case this act shall become operative at the same time that such amendment takes effect but only in such counties as the Legislature has by legislation specifically made this act applicable.

CHAPTER 343

An act to add Section 15b to the Los Angeles County Flood Control Act (Chapter 755, Statutes 1915), relating to the construction of facilities for the control of flood and storm waters.

[Approved by Governor May 13, 1961 Filed with Secretary of State May 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 15b is added to the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), to read:

Sec. 15b. The governing body of said district may, upon receiving request therefor, cause to be designed and inserted in the specifications and contract for any flood control channel or storm drain, as to any portion thereof, prior to the effective date of this section planned to be constructed under this act as an open channel, provision for the construction in conjunction therewith of facilities for the covering or crossing over of any such portion, or a part of such portion if, in the judgment of said governing body, such crossing or covering will not impair the usefulness of said flood control channel or storm drain and will not be otherwise adverse to the best interests of said district; provided, however, that as to any such requested covering or crossing facilities the costs of design and construction are to be fully borne by the requesting party or parties.

CHAPTER 344

An act to add Section 12011.7 to, and to amend Section 12107.5 of, the Business and Professions Code, relating to pallets, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 13, 1961. Filed with Secretary of State May 13, 1961.]

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

SECTION 1. Section 12011.7 is added to the Business and Professions Code, to read:

"Pallet"

12011.7. "Pallet" means any portable platform upon which containers or material is placed to facilitate handling.

SEC. 2. Section 12107.5 of said code is amended to read:

Tares for containers

12107.5. The department may establish a tare or tares for each of the several types of containers and pallets used in making deliveries of edible agricultural commodities to shippers, processors or other handlers and prescribe such tolerances as may be necessary for the proper protection of persons engaging in transactions wherein the computation of tares affects the purchase price.

Such tares shall be established in accordance with rules and regulations promulgated by the director. The director, and sealers under his supervision and direction, shall be the enforcing officers of this section.

Any person who deducts a tare for the containers or pallets herein specified shall keep a record of such deductions for one year, which record shall be subject to inspection by the director and any sealer.

Penalty

It shall be unlawful to deduct any such container or pallet tare different than a tare established by the director. A violation of this section shall constitute a misdemeanor.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act permits the Director of Agriculture to promulgate regulations for the establishment of tares for pallets used in the delivery of fresh fruits and vegetables by growers to processors. The giving of statutory authority to the director is necessary to insure the validity of the regulations to be adopted. The California harvest season for fruits and vegetables which are to be canned begins in the summer, and if these regulations are to become effective before the beginning of the current canning season, it is necessary that the act take immediate effect.

CHAPTER 345

An act to add Section 68500.5 to the Government Code, relating to the Administrative Director of the Courts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 13, 1961.] In effect immediately

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

SECTION 1. Section 68500.5 is added to the Government Code, to read:

68500.5. The annual salary of the Administrative Director of the Courts is twenty-five thousand two hundred dollars ($25,200) and shall be paid out of appropriations for the support of the Judicial Council. He shall have the same qualifications as required by Section 23 of Article VI of the Constitution for a justice of the district court of appeal.

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

At the November, 1960, general election the people approved the office of the Administrative Director of the Courts. This officer can do much to assist the Judicial Council and its chairman in the improvement of the administration of justice and in the assignment of judges on a statewide basis for the purpose of equalizing the judicial workload. In order that the Judicial Council may appoint the administrative director at the earliest possible time it is necessary to the public peace, health, and safety that this act take immediate effect.

CHAPTER 346

An act to amend Sections 11713 and 11715 of the Vehicle Code, relating to vehicle dealers.

In effect September 15, 1961

[Approved by Governor May 13, 1961. Filed with Secretary of State May 13, 1961.]

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

SECTION 1. Section 11713 of the Vehicle Code is amended to read:

Unlawful acts

11713. It shall be unlawful and a violation of this code for the holder of any license issued under this article:

(a) To intentionally publish or circulate any advertising which is misleading or inaccurate in any material particular or which misrepresents any of the products sold or furnished by a licensed dealer.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if said vehicle falls within the purview of Section 666 of this code.

(e) To knowingly purchase, sell or otherwise acquire or dispose of a stolen motor vehicle.

(f) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(g) For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(h) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the State unless such amount has in fact been paid by the dealer prior to such sale.

(i) To employ any person as a salesman who has not been licensed pursuant to Article 2 (commencing at Section 11800) of this chapter, and whose license is not displayed on the premises of the dealer as provided in Section 11804.

(j) To deliver, following sale of a new unregistered vehicle for operation on California highways, if such vehicle does not meet all of the equipment requirements of Division 12 of this code.

(k) To use or permit the use of the special plates assigned to him for any purpose other than permitted by Section 11715.

SEC. 2. Section 11715 of said code is amended to read:

Registration

11715. (a) A manufacturer or dealer owning any vehicle of a type otherwise required to be registered hereunder may operate or move the same upon the highways without registering each such vehicle upon condition that any such vehicle display thereon special plates issued to such owner as provided in this chapter, in addition to other license plates or permits already assigned and attached to the vehicle in the manner prescribed in Sections 5200 to 5203, inclusive. Such vehicles may also be moved or operated for the purpose of towing or transporting by any lawful method other vehicles when the towing or transporting vehicle is being delivered for sale only

(b) A transporter may operate or move any owned or lawfully possessed vehicle of like type by any lawful method upon the highways solely for the purpose of delivery upon condition that there be displayed upon each vehicle in contact with the highway special license plates issued to such transporter as provided in this chapter, in addition to any license plates or permits already assigned and attached to the vehicle in the manner prescribed in Sections 5200 to 5203, inclusive. Such vehicles may be used for the purpose of towing or transporting by any lawful method other vehicles when the towing or transporting vehicle is being delivered for sale or to the owner thereof.

Exceptions

(c) The provisions of this section do not apply to any manufacturer, transporter or dealer operating or moving a vehicle as provided in Section 11716.

(d) The provisions of this section do not apply to work or service vehicles owned by a manufacturer, transporter or dealer. They do not apply to vehicles owned and leased by dealers, except those vehicles rented or leased to vehicle salesmen in the course of their employment for purposes of display or demonstration, nor to any unregistered vehicles used to transport more than one load of other vehicles for the purpose of sale.

(e) The provisions of this section do not apply to vehicles currently registered in this State which are owned and operated by a licensed dealer when the notice of transfer has been forwarded to the department by the former owner of record pursuant to Section 5900 and when a copy of the notice is displayed in the same manner as is required of registration certificates.

CHAPTER 347

An act to amend Section 364.1 of the Agricultural Code, relating to public salesyard licenses.

In effect September 15, 1961

[Approved by Governor May 13, 1961 Filed with Secretary of State May 13, 1961]

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

SECTION 1. Section 364.1 of the Agricultural Code is amended to read:

364.1. The bureau shall grant to every applicant who complies with the provisions of this article and the rules and regulations promulgated for its enforcement, a separate license to operate each salesyard for the balance of the current calendar year upon the payment of a fee of one hundred dollars ($100) for each such salesyard. Stockyards posted by the United States Department of Agriculture under the Packers and Stockyards Act, agricultural fairs, 4-H Clubs, Future Farmers, Junior Farmers, and associations sponsoring purebred cattle sales for their members are exempt from the license provisions of this article.

A permit shall be granted by the bureau to change the address or location of a previously licensed salesyard. No additional license fee or bond shall be collected for issuing a permit to change the address or location.

CHAPTER 348

An act to amend Sections 4180 and 4181 of the Agricultural Code, relating to marketing of milk.

In effect September 15, 1961

[Approved by Governor May 13, 1961 Filed with Secretary of State May 13, 1961.]

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

SECTION 1. Section 4180 of the Agricultural Code is amended, to read:

Penalty

4180. The violation of any provision of this chapter is a misdemeanor punishable by a fine not less than fifty dollars ($50) and not exceeding five hundred dollars ($500) or by imprisonment in a county jail not exceeding six months or by both such fine and imprisonment. The amount of penalty assessed hereunder on each count of violation shall be based upon the nature of the violation and the seriousness of the effect of such violation upon effectuation of the purposes and provisions of this chapter.

SEC. 2. Section 4181 of said code is amended, to read:

Civil liability

4181. Any person who violates any provision of this chapter shall be liable civilly in an amount not less than fifty dol-

lars ($50) and not exceeding five hundred dollars ($500) for each and every violation, such sum to be recovered by the director in any court of competent jurisdiction. The amount of penalty assessed hereunder on each count of violation shall be based upon the nature of the violation and the seriousness of the effect of such violation upon effectuation of the purposes and provisions of this chapter. All sums recovered under this section shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund.

CHAPTER 349

An act to amend Section 1231 of the Water Code, relating to appropriation of water, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 13, 1961.] In effect immediately

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

SECTION 1. Section 1231 of the Water Code is amended to read:

1231. Upon any stream flowing across the state boundary a right of appropriation having the point of diversion and the place of use in another state and recognized by the laws of that state shall have the same force and effect as if the point of diversion and the place of use were in this State if the laws of that state give like force and effect to similar rights acquired in this State; provided, that this section shall not apply to the Walker River and its tributaries or claimed rights of appropriation therefrom in the State of Nevada, whether heretofore or hereafter initiated.

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

The question of the relative rights to the unappropriated waters in Walker River, an interstate stream flowing through California and Nevada, is at the present time being considered by a joint compact commission to the end that an equitable agreement may be reached by the two states as to an equitable distribution thereof. Despite the pendency of this question, the Walker River Irrigation District of the State of Nevada is proposing to proceed in April of this year with the financing of an irrigation project in that state, which project would severely interfere with proposed uses of the waters of the Walker River by water users in this State. This act would

terminate California's recognition of appropriative rights in the State of Nevada in connection with the Walker River. In order for this act to be effective prior to the commencement of financing and construction of the proposed irrigation project in Nevada, it is necessary that this act go into immediate effect.

CHAPTER 350

An act to amend Section 61121 of the Government Code, relating to formation elections in community services districts.

In effect September 15, 1961

[Approved by Governor May 13, 1961. Filed with Secretary of State May 13, 1961.]

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

SECTION 1. Section 61121 of the Government Code is amended to read:

61121. The election shall be held not less than 75 days nor more than 90 days from the date of the final hearing on the formation petition.

CHAPTER 351

An act to amend Section 1435 of the Education Code, relating to junior college board meetings.

In effect September 15, 1961

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

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

SECTION 1. Section 1435 of the Education Code is amended to read:

1435. Except as otherwise provided in this section, all meetings of the junior college board shall be held at the junior college building. If no junior college building exists in the district, or if the junior college consists of a single high school district, the junior college board may meet at any place in the district as it may by resolution determine.

If a junior college district consists of more than one high school district, or of more than one unified district, or of at least one high school district and one unified district, the junior college governing board may meet at any high school building in any of such districts, if a notice identifying the high school building in which the meeting will be held and the time and date of the meeting therein is posted in each junior college maintained by the district at least 30 days prior to the meeting and remains so posted to and including the time of the meeting.

CHAPTER 352

An act to amend Section 18 of the Water Conservation Act of 1931 (Ch. 1020, Stats. 1931), relating to water conservation districts.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 18 of the Water Conservation Act of 1931 (Chapter 1020 of the Statutes of 1931) is amended to read:

Sec. 18. The board of directors shall hold regular meetings in their office on the first Tuesday in March, June, September and December, and such special meetings as may be required for the proper transaction of business.

The board may by resolution change the day for holding regular meetings from the first Tuesday in March, June, September and December to any other day in such months. Notice of any such change shall be published once a week for at least two consecutive weeks before the time for a regular meeting on the new meeting date in a newspaper of general circulation circulated in the district.

Special meetings may be ordered by the president or by a majority of the members of the board, specifying in writing the business to be transacted, which call for such special meeting shall be entered in the minutes of the board. Three days' notice to any member not joining in the order must be given by the secretary, by mailing same to him at his last address, and only the business specified in the order must be transacted at such special meeting.

All meetings of the board must be public, and a majority of members shall constitute a quorum for the transaction of business. A minute of all proceedings of the board shall be kept by the secretary, and all records of the board shall be open to public inspection during business hours. The board of directors shall, annually, make and render a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Such statement shall be placed on file in the office of the district and be open to public inspection during office hours.

CHAPTER 353

An act to amend Section 1095.1 of the Agricultural Code, relating to livestock remedies.

In effect September 15, 1961

[Approved by Governor May 13, 1961 Filed with Secretary of State May 15, 1961]

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

SECTION 1. Section 1095.1 of the Agricultural Code is amended to read:

1095.1. "Livestock" includes all animals, poultry, and bees raised, kept, or used for profit and does not include those species usually kept as pets, such as dogs, cats, and pet birds.

CHAPTER 354

An act to amend Section 6898 of the Public Resources Code, relating to state lands.

In effect September 15, 1961

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961]

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

SECTION 1. Section 6898 of the Public Resources Code is amended to read:

6898. Leases under this article shall be for terms not to exceed 20 years with the preferential right in the lessee to renew the lease for successive periods not to exceed 10 years upon such reasonable terms and conditions as may be prescribed by the commission.

CHAPTER 355

An act to amend Section 6893 of the Public Resources Code, relating to state lands.

In effect September 15, 1961

[Approved by Governor May 13, 1961 Filed with Secretary of State May 15, 1961.]

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

SECTION 1. Section 6893 of the Public Resources Code is amended to read:

6893. In case of an application for a prospecting permit covering mineral deposits reserved to the State in lands sold by the State subject to such reservation by anyone other than the owner of such lands, the owner shall have six months within which to file an application for a prospecting permit, but if the

owner fails to comply with the requirements of this chapter and the rules and regulations made in pursuance hereof, his preferential rights shall thereupon cease and terminate, and the original applicant shall be permitted to proceed with his application.

CHAPTER 356

An act to amend Section 6303 of the Public Resources Code, relating to state lands.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 6303 of the Public Resources Code is amended to read:

6303. The commission may grant the privilege of depositing material upon or removing or extracting material from swamp, overflowed, marsh, tide or submerged lands, beds of navigable streams, channels, rivers, creeks, bays or inlets owned by the State, for improvement of navigation, reclamation, flood control or, for purposes connected with the erection or maintenance of structures authorized under Article 2 (commencing at Section 6321) of this chapter, upon such terms and conditions and for such consideration as will be for the best interests of this State.

When a contractor or permittee has a contract with or a permit from the federal government or any authorized public agency to dredge swamp, overflowed, marsh, tide or submerged lands, beds of navigable streams, channels, rivers, creeks, bays, or inlets for the improvement of navigation, reclamation, or flood control, the commission, may when in the best interests of the State, allow such contractor or permittee to have sand, gravel, or other spoils dredged from the sovereign lands of the State located within the areas specified in such contract or permit upon such terms and conditions and for such consideration as will be in the best interests of the State notwithstanding the provisions of Section 6900 and Section 6992 in respect to competitive bidding. The amounts of sand, gravel or other spoils so removed from sovereign lands shall not exceed those specified in the contract or permit.

CHAPTER 357

An act to amend Section 6223 of the Public Resources Code, relating to state lands.

In effect September 15, 1961

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

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

SECTION 1. Section 6223 of the Public Resources Code is amended to read:

6223. Applications for purchase, or lease of state lands shall be given the priority of time of filing; except that applications filed by any county, city, or officer of the State shall have priority over all other applications regardless of time of filing.

Priorities between cities, counties, or officers of the State shall be established by the time of filing of their respective applications.

CHAPTER 358

An act to amend Section 6816 of the Public Resources Code, relating to state lands.

In effect September 15, 1961

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

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

SECTION 1. Section 6816 of the Public Resources Code is amended to read:

6816. All moneys and remittances received by the State pursuant to this chapter, except rents, bonuses, royalties and profits accruing from the use of state school land, shall, with the exception of the amount which is appropriated by Section 898 of the Military and Veterans Code to the General Fund, be deposited in the State Treasury to the credit of the State Lands Act Fund, which fund is continued in existence. In addition thereto, such other moneys shall be deposited in such fund as may be provided by law. The moneys in the fund are hereby appropriated as follows:

(a) For the payment of refunds, as authorized by the commission and approved by the State Board of Control. Claims for refunds shall be presented to the commission within four years after the claims first arose or accrued.

(b) The remainder of the moneys shall be used by the commission, with the approval of the Director of Finance and the consent of the Governor, to carry out the provisions of this chapter, including the acquisition of real property or interests therein, the purchase of materials and supplies, and the conducting of operations by the State as provided herein, the

payment by the State of such sums as may be provided pursuant to agreements or contracts authorized herein, and the payments of the necessary expenses of the commission.

(c) Upon order of the Controller, the remaining balance shall be transferred as follows:

1. Seventy percent to the State Beach and Park Fund; provided, that the total aggregate amount transferred to said fund in any one fiscal year beginning after June 30, 1956, shall not exceed twelve million dollars ($12,000,000).

2. The remainder to the General Fund; provided, that any amounts transferred to the General Fund in excess of three million dollars ($3,000,000) during any fiscal year beginning after June 30, 1956, shall be set aside and transferred to the California Water Fund, and shall be available for expenditure only when appropriated by the Legislature.

CHAPTER 359

An act to amend Sections 337.2 and 437 of the Agricultural Code, relating to cutting of animal's ears.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 337.2 of the Agricultural Code is amended to read:

337.2. No application for the recordation of a brand accompanied by a mark shall be accepted if the use of the mark involves cutting off more than one-half of an ear. Limitation on ear-mark

SEC. 2. Section 437 of said code is amended to read:

437. Every person is guilty of a misdemeanor who marks any bovine animal by cutting off more than one-half of an ear thereof. Penalty

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CHAPTER 360

An act to amend Sections 4225 and 4227 of, to repeal Articles 4 (commencing with Section 4275) and 5 (commencing with Section 4300) of Chapter 7 of Part 4 of Division 2 of, to add Section 4003 to, and to add and Articles 4 (commencing with Section 4275) and 5 (commencing with Section 4300) to Chapter 7 of Part 4 of Division 2 of, and to repeal Sections 4352, 4353, 4354, 4355, and 4356 of, the Water Code, relating to watermaster service areas.

[Approved by Governor May 13, 1961 Filed with Secretary of State May 15, 1961]

In effect September 15, 1961

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

SECTION 1. Section 4225 of the Water Code is amended to read:

Annual statement

4225. The department shall, prior to June 15th of each year, prepare a statement for each service area. The statement shall contain a budget showing the amount of money estimated to be necessary to pay the costs of administration of the service area and the distribution of water therein for the ensuing fiscal year.

SEC. 2. Section 4227 of said code is amended to read:

Apportionment of one-half of budget

4227. The statement shall also contain an apportionment of one-half the amount of the budget among the owners of the various rights to store or divert within the service area; provided, that the statements prepared in 1962 for the 1962-1963 fiscal year shall include any unpaid apportionment and penalties for delinquency for the calendar years 1958, 1959, 1960 and 1961, and an apportionment of costs for the period from January 1, 1962 to June 30, 1962, inclusive.

Repeal

SEC. 3. Articles 4 (commencing with Section 4275) and 5 (commencing with Section 4300) of Chapter 7 of Part 4 of Division 2 of said code are repealed.

SEC. 4. Article 4 (commencing with Section 4275) is added to Chapter 7 of Part 4 of Division 2 of said code, to read:

Article 4. Payment and Collection

Certification of amount required

4275. Except as provided in Article 5, the department shall on or before the 15th day of June of each year certify to the auditor and board of supervisors of each county in which each watermaster service area, or part thereof, lies, the amount required, in order to pay the apportionments for the ensuing fiscal year, to be levied on the land used in the storage or diversion, conveyance or distribution of the water stored or diverted under the right and the land on which the water is, or is entitled to be, used.

Assessment roll

4276. The auditor shall enter the amounts of the respective apportionments against the respective parcels of land as they appear on the current assessment roll. If any parcel is part of a larger parcel, the auditor may enter the apportionment against the larger parcel.

Tax levy

4277. The board of supervisors of each county in which there lies a watermaster service area or any portion thereof shall annually, and at the time of levying county taxes, levy on the land within the county and within the watermaster service area apportionments sufficient to raise the amounts certified by the department.

Collection

4278. Apportionments levied pursuant to this article shall be collected at the same time and in the same manner as county taxes. So far as applicable, all provisions of law relating to the equalization, levy, payment, and collection of county taxes shall apply to such apportionments and all provisions of law relating to the duties of county officers in relation to county taxes shall apply to such apportionments, except as otherwise expressly provided by this chapter, so far as the same are or may be made applicable.

4279. All money raised by such apportionments shall be accounted for separately as to each watermaster service area. All such money shall be transmitted by January 1 and July 1 of each year to the department for deposit in the Water Resources Revolving Fund. Accounting

SEC. 5. Article 5 (commencing with Section 4300) is added to Chapter 7 of Part 4 of Division 2 of said code, to read:

Article 5. Payment by and Collection From State Agencies and Public Entities

4300. If the owner of the right is a county, municipality, district, political subdivision, public corporation, or state agency, or is public utility as defined in the Public Utilities Code, the department shall, on or before the 15th day of June of each year, serve each such owner named in the statement with a true copy thereof. Service on owner

4301. Service on such owners may be made personally, or by mail as provided by Section 1013 of the Code of Civil Procedure. Same

4302. Each such owner shall, on or before the 10th day of December of the year in which the apportionment was made, pay to the department the amount apportioned to such owner. Unless payment is made on or before said date, payment shall become delinquent and 10 percent thereof shall be added thereto as a penalty for delinquency. Payment

4303. If the owner of the right is a county, municipality, district, political subdivision, public corporation, or state agency, the amount apportioned, together with the penalty in case of delinquency, is a legal charge against the general fund thereof or such fund as may be provided for the maintenance and operation of its public works. Charge general fund of public entity

4304. If the owner of the right is a public utility as defined in the Public Utilities Code, the amount apportioned, together with the penalty in case of delinquency, is a lien against any money of the public utility. Lien against money of public utility

4305. At any time after 30 days after any payment due under this article becomes delinquent the department may institute in the name of the people of the State an action to compel payment of the charge against the owner and, in the case of a public utility, to foreclose the lien against any money of the public utility. Foreclosure of lien

SEC. 6. Section 4352 of said code is repealed. Repeal

SEC. 7. Section 4353 of said code is repealed. Repeal

SEC. 8. Section 4354 of said code is repealed. Repeal

SEC. 9. Section 4355 of said code is repealed. Repeal

SEC. 10. Section 4356 of said code is repealed. Repeal

SEC. 11. Section 4003 is added to said code, to read:

4003. As used in this part, "fiscal year" means the year beginning July 1 of any calendar year and ending June 30 of the following calendar year. "Fiscal year"

CHAPTER 361

An act to amend Section 11414 of the Government Code, relating to purchasing, printing, and sale of the California Administrative Code and California Administrative Register by state agencies.

In effect September 15, 1961

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

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

SECTION 1. Section 11414 of the Government Code is amended to read:

11414. Nothing in this chapter precludes any state agency from purchasing copies of the California Administrative Code or of the California Administrative Register, or of any unit of either, nor from printing special editions of any such units and distributing the same at the cost or at less than the cost to the agency if it is authorized so to do by other provisions of law.

CHAPTER 362

An act to amend Section 15622 of the Government Code, relating to the sale of Board of Equalization records.

In effect September 15, 1961

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

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

SECTION 1. Section 15622 of the Government Code is amended to read:

15622. The board may sell at prices fixed by the board copies of compilations of the revenue laws of the State, maps, and other documents.

CHAPTER 363

An act to amend Sections 2892 and 2895 of, and to add Sections 2867.5, 2892.1, 2892.2, 2892.3 and 2892.4 to, the Business and Professions Code, relating to vocational nursing.

In effect September 15, 1961

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

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

SECTION 1. Section 2867.5 is added to the Business and Professions Code, to read:

Initial license fee

2867.5. Every person to whom a license is issued after August 30, 1962, shall, as a condition precedent to its issuance,

and in addition to any other fee which may be payable, pay the initial license fee prescribed by this chapter.

SEC. 2. Section 2892 of said code is amended to read:

Expiration of licenses

2892. Licenses issued under this chapter shall expire at 12 p m. on August 30, 1962, and thereafter at 12 p.m. on July 31 of each even-numbered year, if not, in each instance, renewed. To renew an unexpired license, the licensee shall, on or before each of the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.

Notice

The board shall give written notice to a licensee 30 days in advance of the regular renewal date and, 90 days in advance of the expiration of the fifth year that a renewal fee has not been paid, shall give written notice to the licensee, informing him in general terms of the provisions of Section 2892.4.

SEC. 3. Section 2892 1 is added to said code, to read:

Renewal of expired licenses

2892.1. Except as provided in Section 2892.3, an expired license may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the last preceding regular renewal date. If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 2892 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

SEC. 4. Section 2892.2 is added to said code, to read:

Suspended licenses

2892 2. A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

SEC. 5 Section 2892.3 is added to said code, to read:

Revoked licenses

2892.3. A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 6. Section 2892 4 is added to said code, to read:

Failure to renew license

2892.4. A license which is not renewed within five years after its expiration may not be renewed, restored, reissued, or reinstated thereafter, but the holder of the license may apply for and obtain a new license if:

Conditions for a new license

(a) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension,

(b) He pays all of the fees that would be required of him if he were then applying for the license for the first time, and

(c) He takes and passes the examination which would be required of him if he were then applying for the license for the first time. No examination shall be required, however, if the expired license was issued without an examination, and the examination may be waived in any case in which the applicant establishes to the satisfaction of the board that, with due regard for the public interest, he is qualified to engage in the practice of vocational nursing.

The board may, by appropriate regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a license is issued without an examination under this section

SEC. 7. Section 2895 of said code is amended to read:

Fees

2895. The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application shall be fixed by the board, with the approval of the director, at not more than ten dollars ($10) nor less than five dollars ($5).

(b) The fee for any examination after the first is five dollars ($5)

(c) The renewal fee shall be fixed by the board with the approval of the director at no more than ten dollars ($10) nor less than two dollars ($2). No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

(d) The delinquency fee for failure to pay the renewal fee is three dollars ($3).

(e) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license is issued less than one year before the date on which it will expire, then the initial license fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

Operative date

SEC. 8. This act shall become operative on October 1, 1961.

CHAPTER 364

An act to amend Sections 1627, 1634, 1635, 1651, 1715, 1716, 1717, 1718, 1723, 1740, 1744, and 1748 of, to amend and renumber Section 1752 of, to add Sections 1718.1, 1718.2, 1718.3, and 1724 to, and to repeal Sections 1749, 1750, and 1751 of, the Business and Professions Code, relating to dentistry.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1627 of the Business and Professions Code is amended to read:

License required

1627. It is unlawful for any person to engage in the practice of dentistry in the State of California, either privately or as an employee of a governmental agent or political subdivision, unless he has obtained a license from the board. The provisions of this act, however, shall not apply to practice by personnel of the Army or Navy or employees of the United States Public Health Service, Veterans' Administration or Indian Affairs when engaged in discharge of official duties.

The license of any dentist, existing at the time of the passage of this chapter, shall continue in force until it expires or is forfeited in the manner provided by this chapter.

SEC. 2. Section 1634 of said code is amended to read:

License fee required

1634. Every person to whom a license is issued after April 30, 1962, shall, as a condition precedent to its issuance, pay the initial license fee provided in Article 6, which fee is in addition to any application, examination, or other fee payable under this chapter. On payment of the initial license fee, a person successfully passing the examination shall be registered as a licensed dentist on the board register, as provided in Section 1612 and shall be granted by the board a license to practice dentistry in the State of California.

SEC. 3. Section 1635 of said code is amended to read:

Term of license

1635. A license issued under the provisions of this chapter shall continue in effect through the date provided in Section 1715 which next occurs after its issuance, when it shall expire if it is not renewed in the manner provided in that section.

SEC. 4. Section 1651 of said code is amended to read:

Change of place of practice Registration

1651. Any dentist who removes his place of practice shall register each change made by him within one month after making said change. In the event any licensed dentist fails to notify the board of any change in the address of his place of practice within the time prescribed by this section, the board shall not renew such person's license until the penalty fixed by this chapter is paid. An applicant for renewal of a license to practice dentistry shall specify in his application whether he has changed the address of his place of practice, and if so, the date of such change, and the board may accept such statement

as evidence of such fact. When any licentiate hereunder desires to have more than one place of practice, he shall, prior to the opening of any additional office, make application therefor to the State Board of Dental Examiners on a form prescribed by the board and receive permission in writing from said board to have such additional place of practice. The board shall have power to carry out the provisions of this section by uniform rules and regulations.

SEC. 5. Section 1715 of said code is amended to read:

Expiration of licenses

1715. Licenses issued under the provisions of this chapter expire at 12 p.m. on April 30 of each even-numbered year if not renewed.

SEC. 6. Section 1716 of said code is amended to read:

Renewal fees

1716. Nothing contained in this chapter shall exempt from the payment of the renewal fee any person authorized to practice dentistry in the State of California, and every person practicing dentistry in this State shall pay the renewal fee irrespective of the time when he was licensed or first had the right to lawfully practice dentistry in this State or elsewhere.

SEC. 7. Section 1717 of said code is amended to read:

Renewal form

1717. To renew an unexpired license, the licensee shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter. The receipt of the secretary shall be indispensable evidence that payment has been made.

SEC. 8. Section 1718 of said code is amended to read:

Renewal period

1718. Except as otherwise provided in this chapter, an expired license may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the last preceding regular renewal date. If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the expiration date provided in Section 1715 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

Applicability

The provisions of this article as amended by the Legislature at its 1961 Regular Session govern the renewal after September 30, 1961, and the fees payable therefor, of all licenses issued under this chapter, regardless of when issued. A license which, under the law in effect before October 1, 1961, became forfeited because of the failure of its holder to pay the renewal fee shall be considered to have expired on the date that it became forfeited.

SEC. 9. Section 1718.1 is added to said code, to read:

Suspended licenses

1718.1. A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

SEC. 10. Section 1718.2 is added to said code, to read:

Revoked licenses

1718.2. A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 11. Section 1718.3 is added to said code, to read:

Failure to renew New license Conditions

1718.3. A license which is not renewed within five years after its expiration may not be renewed, restored, reinstated, or reissued thereafter, but the holder of the license may apply for and obtain a new license if:

(a) He is of good moral character,

(b) No fact, circumstance, or condition exists which, if the license were issued, would justify its suspension or revocation,

(c) He pays all of the fees which would be required of him if he were then applying for the license for the first time, and

(d) He takes and passes the examination, if any, which would be required of him if he were then applying for the license for the first time, or otherwise establishes to the satisfaction of the board that with due regard for the public interest, he is qualified to practice the profession or activity in which he again seeks to be licensed.

The board may by regulation provide for the waiver or refund of all or any part of the examination fee in those cases in which a license is issued without an examination under this section.

SEC. 12. Section 1723 of said code is amended to read:

Payment of fines, etc.

1723. All fines, penalties and forfeitures including the examination fee imposed or collected by the board under any provision of this chapter shall be paid to the secretary.

SEC. 13. Section 1724 is added to said code, to read:

Fee schedule

1724. The amount of charges and fees for dentists prescribed by this chapter is that fixed by the following schedule:

(a) The fee for applicants for examination shall be that fixed by the board in an amount not less than twenty-five dollars ($25) and not more than fifty dollars ($50). Applicants who are found to be ineligible to take the examination shall be entitled to a refund in an amount fixed by the board.

(b) The renewal fee shall be fixed by the board at not more than fourteen dollars ($14) nor less than six dollars ($6).

(c) The delinquency fee is ten dollars ($10).

(d) The restoration fee for a license forfeited for nonregistration is twenty-five dollars ($25).

(e) The penalty for late registration of change of place of practice is ten dollars ($10).

(f) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued except that, if the license will expire less than one year after its issuance, then the initial license fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

SEC. 14. Section 1740 of said code is amended to read:

Eligibility for license

1740. Any person of at least 18 years of age is eligible to take an examination for licensure as a dental hygienist before the board upon making application therefor and: (a) paying a fee as provided in Section 1725; (b) furnishing satisfactory testimonials of good moral character; (c) furnishing satisfactory evidence of having been graduated in a course or curricula in dental hygiene from a dental college or other institution which shall have been approved by the board.

SEC. 15. Section 1744 of said code is amended to read:

Fee requirement

1744. Every person to whom a license is issued after April 30, 1962, shall, as a condition precedent to its issuance, pay the initial license fee provided in Section 1725, which fee is in addition to any application, examination, or other fee payable under this chapter. After satisfactorily passing the examination, and on payment of the initial license fee, the applicant shall obtain a license as a dental hygienist from the Board of Dental Examiners and shall be registered as one by it.

The license shall continue in effect through the date provided in Section 1715 which next occurs after its issuance, when it shall expire if it is not renewed.

SEC. 16. Section 1748 of said code is amended to read:

Dental hygienists

1748. Every person licensed to practice as a dental hygienist in this State shall comply with all of the provisions of this chapter providing for the registration of practicing dentists, except that a separate book shall be kept by the secretary of the Board of Dental Examiners for the registration of dental hygienists and except that the fee for the restoration of a license shall be the sum provided by Section 1725.

Repeal

SEC. 17. Section 1749 of said code is repealed:

Repeal

SEC. 18. Section 1750 of said code is repealed:

Repeal

SEC. 19. Section 1751 of said code is repealed:

SEC. 20. Section 1752 of said code is amended and renumbered to read:

Fees

1725. The amount of charges and fees for dental hygienists is that fixed by the following schedule:

(a) The fee for applicants for examination for a license is twenty-five dollars ($25).

(b) The renewal fee is four dollars ($4).

(c) The delinquency fee is five dollars ($5).

(d) The restoration fee for a license forfeited for nonregistration is five dollars ($5).

(e) The initial license fee is an amount equal to the renewal fee, except that, if the license will expire less than one year after its issuance, then the initial license fee is fifty percent (50%) of the renewal fee. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

SEC. 21. This act shall become operative on October 1, 1961. Operative date

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CHAPTER 365

An act to amend Sections 6625, 6625.5, 6626, 6627, 6627.5, and 6630 of, to add Sections 6625.1, 6626.1, 6626.2, 6627.1, 6631, 6632, 6633, 6634, 6635, and 6636 to, and to repeal Section 6627.6 of, the Business and Professions Code, relating to barbering.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.] In effect September 15, 1961

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

SECTION 1. Section 6625 of the Business and Professions Code is amended to read:

6625. Certificates issued under this chapter before September 1, 1962, expire at 12 p.m. on August 31, 1962, if not renewed. Certificates renewed on or after August 31, 1962, and before October 1, 1963, and certificates issued after August 31, 1962, and before October 1, 1963, expire at 12 p.m. on September 30, 1963, if not renewed. Thereafter, certificates to operate a barber college or a facility at which barbering is taught expire at 12 p.m. on September 30 of each year, and all other certificates expire at 12 p.m. on September 30 of each odd-numbered year, if not, in each instance, renewed. Expiration of certificates

SEC. 2. Section 6625.1 is added to said code, to read:

6625.1. To renew an unexpired certificate, the certificate holder shall, on or before each of the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter. Renewal

SEC. 3. Section 6625.5 of said code is amended to read:

6625.5. The board shall give written notice to each barbershop 30 days in advance of each renewal date provided in this article for renewal of a certificate, other than a certificate relating to a barber college, issued under this chapter. Notice of expiration

SEC. 4. Section 6626 of said code is amended to read:

6626. Except as otherwise provided in this chapter, an expired certificate may be renewed at any time within five years following its expiration on filing of application for renewal Renewal

on a form prescribed by the board, and payment of the restoration fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed or on the date on which the restoration fee is paid, whichever last occurs. If so renewed, the certificate shall continue in effect through the expiration date provided in Section 6625 which next occurs following the effective date of the renewal, when it shall expire if it is not again renewed.

The provisions of this article as amended by the Legislature at its 1961 Regular Session govern the renewal after September 30, 1961, and the fees payable therefor, of certificates which expired under the law in effect before October 1, 1961, as well as certificates which expire thereafter.

SEC. 5. Section 6626.1 is added to said code, to read:

Suspended certificate

6626.1. A suspended certificate is subject to expiration and shall be renewed by its holder as provided in this chapter, but such renewal does not entitle the holder of the certificate, while it remains suspended, and until it is reinstated, to engage in the activity to which the certificate relates, or in any other activity or conduct in violation of the order or judgment by which the certificate was suspended.

SEC. 6. Section 6626.2 is added to said code, to read:

Revoked certificate

6626.2. A revoked certificate is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the certificate holder, as a condition precedent to its reinstatement, shall pay the restoration fee prescribed by this chapter.

SEC. 7. Section 6627 of said code is amended to read:

Effect of failure to renew

New certificate—Requirements

6627. A person who fails to renew his certificate within five years after its expiration may not renew it, and it shall not be reinstated, restored or reissued thereafter. Such person may apply for a new certificate, and, except as provided in Section 6627.5, a new certificate of the same class as the expired certificate shall be issued to him, if:

(1) He is of good moral character and temperate habits;

(2) No fact, circumstance or condition exists which, if the certificate were issued, would justify its suspension or revocation;

(3) He pays all of the fees in connection with the certificate for which he applies which would be required of him if he were then applying for the certificate for the first time; and

(4) He takes and passes the examination, if any, which would be required of him if he were then applying for the certificate for the first time, except that, if the expired certificate was issued without an examination, no examination shall be required.

The board may, by appropriate regulation, provide for the waiver or refund of all or any part of the examination or inspection fee, respectively, payable under this section if no examination is required, or if no inspection is made.

SEC. 8. Section 6627.1 is added to said code, to read:

Notice of expiration of renewal period

6627.1. Ninety days before the expiration of the five-year period provided in Section 6627, the board shall mail to a certificate holder to whom that section applies a written notice advising him, in general terms, of its provisions.

SEC. 9. Section 6627.5 of said code is amended to read:

Restoration fee

6627.5. A holder of an expired certificate of registration for a barber college or an expired certificate to operate a facility at which the practice of barbering is taught may renew it at any time within one year following its expiration on payment of the restoration fee prescribed by this chapter. If it is not renewed within one year after its expiration, it may not thereafter be renewed, restored, reissued, or reinstated, and its holder may become entitled to a new certificate only upon compliance with all of the provisions of this chapter relating to the original issuance of such certificate.

SEC. 10. Section 6627.6 of said code is repealed: Repeal

SEC. 11. Section 6630 of said code is amended to read:

Duplicate certificate

6630 A duplicate certificate will be issued upon the filing of a statement covering the loss of a certificate, verified by the oath of the applicant, and submitting two signed photographs, and upon the payment of a fee of one dollar ($1) for the issuance of the certificate. Each duplicate certificate shall have the word "Duplicate" stamped across the face thereof, and bear the same number as the certificate in lieu of which it is issued.

SEC. 12. Section 6631 is added to said code, to read:

Fees

6631. The fee to be paid by an applicant for an examination to determine his preliminary education is three dollars ($3).

SEC. 13. Section 6632 is added to said code, to read:

Same

6632. The amount of the fees payable in connection with certificates of registration to practice barbering is as follows:

(a) The examination fee is fifteen dollars ($15).

(b) The fee for issuance of the certificate is:

(1) For certificates issued before October 1, 1963, three dollars ($3).

(2) For certificates issued after September 30, 1963, an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate will expire less than one year after its issuance, then the fee is fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued.

(c) The renewal fee shall be fixed by the board at not more than ten dollars ($10) nor less than four dollars ($4) for the biennial renewal period ending on September 30, 1965, and not more nor less than those amounts respectively for each biennial renewal period thereafter, and at not more than five dollars ($5) nor less than two dollars ($2) for each of the renewal periods ending on August 31, 1962, and September 30, 1963.

(d) The restoration fee is an amount equal to twice the renewal fee in effect when the application for restoration is filed.

SEC. 14. Section 6633 is added to said code, to read:

Same

6633. The amount of the fees payable in connection with certificates of registration to practice as an apprentice is as follows:

(a) The examination fee is seven dollars ($7).

(b) The fee for issuance of the certificate is:

(1) For certificates issued before October 1, 1963, two dollars ($2);

(2) For certificates issued after September 30, 1963, an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate will expire less than one year after its issuance, then the fee is fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued.

(c) The renewal fee shall be fixed by the board at not more than six dollars ($6) nor less than two dollars ($2) for the biennial renewal period ending on September 30, 1965, and not more nor less than those amounts respectively for each biennial renewal period thereafter; and at not more than three dollars ($3) nor less than one dollar ($1) for each of the renewal periods ending on August 31, 1962, and September 30, 1963.

(d) The restoration fee is an amount equal to twice the renewal fee in effect when the application for restoration is filed.

SEC. 15. Section 6634 is added to said code, to read:

Same

6634. The amount of the fees payable in connection with certificates to conduct a barbershop is as follows:

(a) The inspection fee to be paid by an applicant to conduct a new barbershop or an existing shop at a new location is twenty-eight dollars ($28);

(b) The fee to be paid by an applicant to conduct an existing barbershop under new ownership is six dollars ($6);

(c) The renewal fee is six dollars ($6) for the biennial renewal period ending on September 30, 1965, and for each biennial renewal period thereafter; and three dollars ($3) for each of the renewal periods ending on August 31, 1962, and September 30, 1963;

(d) The restoration fee is an amount equal to twice the renewal fee in effect when the application for restoration is filed.

SEC. 16. Section 6635 is added to said code, to read:

Same

6635. The amount of the fees payable in connection with certificates of registration for a barber college is as follows:

(a) The fee for the issuance of a certificate is one hundred dollars ($100);

(b) The renewal fee is one hundred dollars ($100).

(c) The restoration fee is two hundred dollars ($200).

SEC. 17. Section 6636 is added to said code, to read:

6636. The amount of the fees payable in connection with certificates of registration as an instructor in a barber college is as follows: Same

(a) The examination fee is twenty-five dollars ($25);

(b) The fee for issuance of a certificate is:

(1) For certificates issued before October 1, 1963, ten dollars ($10),

(2) For certificates issued after September 30, 1963, an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate will expire less than one year after its issuance, then the fee is fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued.

(c) The renewal fee is twenty dollars ($20) for the biennial renewal period ending on September 30, 1965, and for each biennial renewal period thereafter; and ten dollars ($10) for each of the renewal periods ending on August 31, 1962, and September 30, 1963.

(d) The restoration fee is an amount equal to twice the renewal fee in effect when the application for restoration is filed.

SEC. 18. This act shall become operative on October 1, 1961. Operative date

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CHAPTER 366

An act to amend Sections 3021, 3055, 3127, 3146, 3147, 3148, and 3152 of, and to add Sections 3147.5 and 3147.6 to, the Business and Professions Code, relating to the practice of optometry.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.] In effect September 15, 1961

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

SECTION 1. Section 3021 of the Business and Professions Code is amended to read:

3021. The board shall keep a register of optometrists which shall contain the names and addresses of all persons to whom certificates of registration have been issued in the State of California. It shall also contain the date of the issuance of each certificate and the place or places of business in which each optometrist is engaged and in addition, all the renewals, revocations and suspensions of certificates. Register of optometrists

In each odd-numbered year the board shall print and circulate to all optometrists in this State a yearbook containing their names and addresses.

SEC. 2. Section 3055 of said code is amended to read:

3055. All applicants, without discrimination, who satisfactorily pass the examination, shall thereupon be registered in Certificate of registration

the board's register of optometrists and a certificate of registration shall be issued to each one under the seal and signature of the members of the board. The certificate shall continue in effect through the date provided in Section 3146 which next occurs after its issuance, when it shall expire unless it is renewed in the manner provided in that section.

Every person to whom a certificate is issued after January 31, 1963, shall, as a condition precedent to its issuance, and in addition to any other fee which may be payable, pay the initial certificate fee prescribed by this chapter.

SEC. 3. Section 3127 of said code is amended to read:

Penalty

3127 It is unlawful to practice optometry in this State without having at the time of so doing a valid, unrevoked, and unexpired certificate of registration as an optometrist.

SEC. 4 Section 3146 of said code is amended to read:

Term of certificates

3146. Certificates issued under this chapter expire at 12 p m on January 31, 1962, and thereafter at 12 p.m. on January 31 of each odd-numbered year if not renewed. To renew an unexpired certificate, the certificate holder shall, before the time at which the certificate would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.

SEC. 5 Section 3147 of said code is amended to read:

Renewal of expired certificate

3147. Except as otherwise provided in this chapter, an expired certificate may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If the certificate is renewed more than 30 days after its expiration, the certificate holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the accrued renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the certificate shall continue in effect through the date provided in Section 3146 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

A certificate which, under the law in effect before October 1, 1961, became suspended because of the failure of its holder to renew it, shall, for the purposes of this article, be considered to have expired on the date that it became suspended.

A certificate which expired before October 1, 1958, and was not renewed before October 1, 1961, may be renewed thereafter only if, within five years after its expiration, the holder of the certificate takes and passes the examination regularly given to new applicants.

SEC. 6. Section 3147.5 is added to said code, to read:

Suspended certificate

3147 5 A certificate which has been suspended is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the holder of the certificate, while it remains suspended and until it is reinstated, to en-

gage in the practice of optometry, or in any other activity or conduct in violation of the order or judgment by which the certificate was suspended.

A certificate which has been revoked is subject to expiration, but it may not be renewed. If it is reinstated after its expiration, the holder of the certificate, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 7. Section 3147.6 is added to said code, to read:

Application for new certificate

3147.6. A certificate which is not renewed within five years after its expiration may not be renewed, restored, reissued, or reinstated thereafter, but the holder of the expired certificate may apply for and obtain a new certificate if:

Qualifications

(a) He is of good moral character,

(b) No fact, circumstance, or condition exists which, if the certificate were issued, would justify its revocation or suspension,

(c) He pays all of the fees which would be required of him if he were then applying for a certificate for the first time and had not previously taken the examination for such certificate, and

(d) He takes and passes the examination which would be required of him if he were then applying for a certificate for the first time, or otherwise establishes to the satisfaction of the board that he is qualified to engage in the practice of optometry.

The board may, by regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a certificate is issued without an examination under this section.

SEC. 8. Section 3148 of said code is amended to read:

Renewal fees

3148. From each fee for the renewal of a certificate of registration for the renewal periods ending on January 31, 1962, and on January 31, 1963, respectively, there shall be paid the sum of eight dollars ($8), and from each fee for the renewal of a certificate of registration for each biennial renewal period thereafter, there shall be paid the sum of sixteen dollars ($16) by the Director of the Department of Professional and Vocational Standards to the University of California.

This sum shall be used at and by the University of California solely for the advancement of optometrical research and the maintenance and support of the department at the university in which the science of optometry is taught.

The balance of each renewal fee shall be paid into the optometry fund.

SEC. 9. Section 3152 of said code is amended to read:

Fee schedule

3152. The amount of fees and penalties prescribed by this chapter is that fixed in the following schedule:

(a) The fee for applicants applying for the first time for a certificate of registration who present credentials of gradua-

tion from optometry schools in California is twenty-five dollars ($25) which shall not be refunded, except that applicants who are found ineligible to take an examination for a certificate of registration are entitled to a refund of fifteen dollars ($15).

(b) The fee for applicants applying for the first time for a certificate of registration who present credentials of graduation from optometry schools other than those in California is thirty-five dollars ($35) which shall not be refunded, except that applicants who are found ineligible to take an examination for a certificate of registration are entitled to a refund of twenty dollars ($20).

(c) The fee for applicants for a certificate of registration who have previously taken the examination for such a certificate is twenty dollars ($20).

(d) The fee for the restoration of a certificate of registration after suspension for nonregistration is twenty-five dollars ($25).

(e) The fee for renewal of a certificate of registration shall be fixed by the board at not more than twenty-five dollars ($25) nor less than sixteen dollars ($16) for each of the annual renewal periods ending respectively on January 31, 1962, and January 31, 1963, and at not more than fifty dollars ($50) nor less than thirty-two dollars ($32) for the biennial renewal period ending on January 31, 1965, and for each biennial renewal period thereafter.

(f) The initial certificate fee is an amount equal to the fee for renewal of a certificate in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate will expire less than 16 months after its issuance, then the initial certificate fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 120 days before the date on which it will expire.

(g) The delinquency fee is twenty-five dollars ($25).

(h) The annual fee for the renewal of a branch office license is ten dollars ($10).

(i) The fee for a branch office license is ten dollars ($10).

(j) The penalty for failure to pay the annual fee for renewal of a branch office license is fifteen dollars ($15).

(k) The fee for restoration of a certificate of registration after suspension for failure to comply with the provisions of this chapter relating to branch offices is twenty-five dollars ($25).

(*l*) The fee for issuance of a duplicate certificate of registration upon loss of an original certificate of registration or upon change of name authorized by law of a person holding a certificate of registration under this chapter is five dollars ($5).

Operative date

SEC. 10. This act shall become operative on October 1, 1961.

CHAPTER 367

An act to amend Sections 4095, 4222, 4307, 4410, and 4416 of the Business and Professions Code, relating to pharmacy.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 4095 of the Business and Professions Code is amended to read:

4095. The board shall not reissue any certificate of registration or permit without the payment of the fees required by this chapter and the payment of all fees that are delinquent at the time that the application is made. Payment of fees

SEC. 2. Section 4222 of said code is amended to read:

4222. Every person who furnishes any hypnotic drug to any other person shall first obtain from the board an hypnotic license for each separate office, shop, store or other place of business, which license shall expire on the 31st day of October of each odd-numbered year, if not renewed. The fees for issuance and renewal of such license shall be set by the board as provided in subdivision (k) of Section 4416. License required

Every person who obtains an hypnotic license shall, within 15 days of its receipt, furnish the board with a dated inventory of all hypnotic drugs in his possession. A copy of such inventory shall be kept on file in the place of business of the licensee for a period of three years, subject to inspection by authorized officers of the law.

An hypnotic license is nontransferable. Any person who acquires a business wherein the former owner holds an hypnotic license and possesses any hypnotic drugs, shall file with the board at the time of his application for an hypnotic license an inventory of all hypnotic drugs which are to be acquired by such transfer of ownership. The provisions of this section do not apply when hypnotic drugs are combined or compounded with medicinal drugs which render such combination or compound unfit for hypnotic use.

SEC. 3. Section 4307 of said code is amended to read:

4307. Every license issued or renewed under this article after October 31, 1955, shall expire November 1, 1956, and annually thereafter on November 1st of each calendar year. The penalty for failure to pay the annual renewal fee may be fixed by the board at an amount not to exceed 100 percent of such renewal fee. Term of license

SEC. 4. Section 4410 of said code is amended to read:

4410. Every registered pharmacist who desires to retain his registration on the books of the board shall, on or before the first day of July of 1962, on or before October 31, 1963, and thereafter on or before October 31 of each odd-numbered year, pay to the executive secretary of the board the renewal fee, Renewal fee

fixed by the board, within the limits prescribed by this chapter. In return for the payment of the renewal fee, a renewal certificate of registration shall be issued.

SEC. 5. Section 4416 of said code is amended to read:

Fee schedule

4416. The amount of fees and penalties prescribed by this chapter, except as otherwise provided, is that fixed by the following schedule:

(a) The fee for a permit to conduct a pharmacy shall be fixed by the board at an amount not to exceed fifty dollars ($50) for each pharmacy.

(b) The annual fee for renewal of the permit to conduct a pharmacy shall be fixed by the board at an amount not to exceed twenty-five dollars ($25) for each pharmacy.

(c) The annual fee for a permit for a general dealer in a rural district shall be fixed by the board at an amount not to exceed five dollars ($5).

(d) The fee for any applicant for registration shall be fixed by the board at an amount not to exceed fifty dollars ($50).

(e) The additional fee for the issuance of a certificate to any licentiate, who is found by the board on examination to be entitled to a certificate, shall be fixed by the board at an amount not to exceed twenty-five dollars ($25), except that, if the certificate is issued less than one year before the next succeeding regular renewal date, the fee shall not exceed fifteen dollars ($15). The board may, by regulation, provide for the waiver or refund of the additional fee for the issuance of a certificate where the certificate is issued less than 45 days before the next succeeding regular renewal date.

(f) The fee for the reissuance of a certificate shall be fixed by the board at an amount not to exceed fifteen dollars ($15).

(g) Except as otherwise provided in this subdivision, the renewal fee for a registered pharmacist may be fixed by the board as follows:

(1) For the renewal period beginning on July 1, 1962, and ending on October 31, 1963, at an amount not to exceed ten dollars ($10).

(2) For the renewal period beginning on November 1, 1963, and ending on October 31, 1965, and for each biennial renewal period thereafter, at an amount not to exceed twenty dollars ($20)

(h) The fee for a wholesaler shall be fixed by the board at an amount not to exceed fifty dollars ($50).

(i) The fee for a manufacturer shall be fixed by the board at an amount not to exceed fifty dollars ($50).

(j) The fee for a hypodermic license shall be fixed by the board at an amount not to exceed five dollars ($5).

(k) The fee for renewal of a hypnotic license shall be fixed by the board at an amount not to exceed twenty dollars ($20). The fee for original issuance of the license shall be fixed by the board at an amount not to exceed twenty-five dollars ($25) if the license is issued not less than one year before the next succeeding regular renewal date, and at an amount not to

exceed fifteen dollars ($15) if the license is issued less than one year before the next succeeding regular renewal date. The board may, by regulation, provide for the waiver or refund of the fee for original issuance of the license where the license is issued less than 45 days before the next succeeding regular renewal date.

(*l*) The penalty for failure to pay any renewal fee may be fixed by the board at an amount not to exceed the sum of ten dollars ($10) for each year of delinquency.

(m) The fee for the reissuance of any permit, license, or certificate, or renewal thereof, except as provided by subdivision (f), which has been lost or destroyed or which must be reissued because of a change in the information appearing thereon is five dollars ($5).

(n) The fee for an application for exemption under Section 4050.6 shall be fixed by the board at an amount not to exceed ten dollars ($10). Such fee shall be paid at the time the application is filed and shall not be refunded. If, after investigation or examination of the person or persons upon the basis of whose qualifications the exemption is sought, the board finds that the applicant is entitled to the exemption, it shall issue to him, upon the payment of an additional fee fixed by the board at an amount not to exceed ten dollars ($10), a certificate of exemption naming the person or persons upon the basis of whose qualifications the exemption is granted. Such certificate shall be renewed annually on or before the 31st day of December upon the payment of a renewal fee fixed by the board at an amount not to exceed ten dollars ($10).

CHAPTER 368

An act to amend Section 11001 of the Health and Safety Code, relating to narcotics.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 11001 of the Health and Safety Code is amended to read:

11001. "Narcotics," as used in this division, means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(a) Opium and its derivatives and compounds, including but not limited to the following:

1. Raw, granulated, powdered, deodorized opium, tincture of opium, powdered or solid extracts of opium and opium preparations.

2. Mixed alkaloids of opium and their salts.

(b) Phenanthrene opium alkaloids, their salts, derivatives and compounds, including but not limited to the following:

1. Morphine alkaloid, morphine salts, morphine compounds and preparations.

2. Diacetylmorphine or heroin, its salts, compounds and preparations.

3. Methylmorphine (codeine) and its salts.

4. Ethylmorphine and its salts.

5. Pholcodine (betamorpholinylethylmorphine), its salts, compounds and preparations.

6. Dihydromorphine and its salts, compounds and preparations.

7. Dihydromorphinone (hydromorphone) and its salts, compounds and preparation.

8. Methyldihydromorphinone (metopon) and its salts, compounds and preparation.

9. Oxymorphine (dihydrohydroxymorphine), its salts, compounds and preparations.

10. Oxymorphone (dihydrohydroxymorphinone), its salts, compounds and preparations.

11. Dihydrocodeine and its salts, compounds and preparations.

12. Dihydrocodeinone (hydrocodone) and its salts, compounds and preparations

13. Dihydrohydroxycodeinone (oxycodone) and its salts, compounds and preparations.

14. Benzylmorphine, its salts, compounds and preparations.

15. Morphine methylbromide, its salts, compounds and preparations.

16. Morphine methylsulfonate, its salts, compounds and preparations.

17. Desoxymorphine, its salts, compounds and preparations.

18. Dihydrodesoxymorphine-D, its salts, compounds and preparations. (desomorphine)

19. Methyldesomorphine, its salts, compounds and preparations.

20. Genomorphine (morphine-N-oxide), its salts, compounds and preparations.

21. Myrophine (myristyl benzyl morphine), its salts, compounds and preparations.

22. Acetylcodone (acetyldihydrocodeine), its salts, compounds and preparations.

23. Thebacon (acedicone, acetyldhydrocodeinone), its salts, compounds and preparations.

24. Thebaine, its salts, compounds and preparations.

(c) Coca leaves, their alkaloids, derivatives, extracts or compounds, including but not limited to the following:

1. Cocaine, its salts, compounds and preparations.

2. Ecgonine, its salts, compounds and preparations.

3. Tropococaine, its salts, derivatives, compounds and preparations.

(d) Marihuana (Cannabis sativa), its derivatives or compounds.

(e) Opiates, their salts, derivatives and compounds.

(f) Pethidine group:

1. Pethidine, 1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester, (isonipecaine, meperidine) its salts, compounds and preparations.

2. Anileridine, ethyl 1-[2-(p-aminophenyl)-ethyl]-4-phenylpiperidine 4-carboxylate, its salts, compounds and preparations.

3. Ketobemidone, 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone or 1-methyl-4-metahydroxyphenyl-4-propionylpiperidine, its salts, compounds and preparations.

4. Properidine, isopropyl 1-methyl-4-phenylpiperidine-4-carboxylate, its salts, compounds and preparations.

5. Hydroxypethidin (bemidone, oxypetidin), 1-methyl-4-(3-hydroxyphenyl)-piperidine-4-carboxylic acid ethyl ester or 1-methyl-4-metahydroxyphenylpiperidine-4-carboxylic acid ethyl ester, its salts, compounds and preparations.

6. Alphaprodine, A-1, 3-dimethyl-4-phenyl-4-propionoxypiperidine, its salts, compounds and preparations.

7. Betaprodine, B-1, 3-dimethyl-4-phenyl-4-proprionoxypiperidine, its salts, compounds and preparations.

8. Alphameprodine, a-1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine, its salts, compounds and preparations.

9. Betameprodine, B-1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine, its sales, compounds and preparations.

10. Morpheridine (morpholinoethylnorpethidine), 1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester or 1-(2-morpholinoethyl)-4-carbethoxy-4-phenylpiperidine, its salts, compounds and preparations.

11. Allylprodine, 3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine, its salts, compounds and preparations.

12. Piminodine, ethyl 4-phenyl-1-[3-(phenylamino)-propyl]-4-piperidinecarboxylate, its salts, compounds and preparations.

13. Diphenoxylate, ethyl 1-(3-cyano-3,3-diphenylpropyl)-4-phenyl-4-piperidine-carboxylate, its salts, compounds and preparations.

14. Benzethidine, (ethyl 1-(2-benzyloxy-ethyl)-4-phenyl-4-piperidine carboxylate), its salts, compounds and preparations.

15. Furethidine, (ethyl 1-(2-tetrahydrofurfuryloxyethyl)-4-phenyl-4-piperidine carboxylate), its salts, compounds and preparations.

(g) Methadone group:

1. Methadone, 4,4-diphenyl-6-dimethylaminoheptanone-3 or 6-dimethylamino-4,diphenyl-3-heptanone, its salts, compounds and preparations.

2. Isomethadone, 4,4-diphenyl-5-methyl-6-dimethylaminohexanone-3 or 6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone, its salts, compounds and preparations.

3. Acetylmethadol (methadyl acetate), 4,4-diphenyl-6-dimethylamino-3-acetoxyheptane or 6-dimethylamino-4,4-diphenyl-3-acetoxyheptane, its salts, compounds preparations.

4. Alphacetylmethadol, a-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane, its salts, compounds and preparations.

5. Betacetylmethadol, B-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane, its salts, compounds and preparations.

6. Alphamethadol, a-6-dimethylamino-4,4-diphenyl-3-heptanol, its salts, compounds and preparations.

7. Dimepheptanol, 4,4-diphenyl-6-dimethylaminoheptanol-3 or 6-dimethylamino-4,4-diphenyl-3-heptanol, its salts, compounds and preparations.

8. Dipipanone, piperidylamidone, piperidylmethadone, 4,4-diphenyl-6-piperidino-3-heptanone, its salts, compounds and preparations.

9. Normethadone, 4,4-diphenyl-6-dimethylamino-3-hexanone, its salts, compounds and preparations.

10. Phenadoxone, 4,4-diphenyl-6-morpholinoheptanone-3 or 6-morpholino-4,4-diphenyl-3-heptanone, its salts, compounds and preparations.

11. Dimenoxadol, dimethylaminoethyl 1-ethoxy-1,1-diphenylacetate or dimethylaminoethyl diphenyl-a-ethoxyacetate, its salts, compounds and preparations.

12. Dioxaphetyl Butyrate, ethyl 2,2-diphenyl-4-morpholinobutyrate, its salts, compounds and preparations.

13. Racemoramide, d,l-3-methyl-2,2-diphenyl-4-morpholinobutyrylpyrrolidine, its salts, compounds and preparations.

14. Dextromoramide, d-3-methyl-2,2-diphenyl-4-morpholinobutyrylpyrrolidine or d-2,2-diphenyl-3-methyl-4-morpholinobutyrylpyrrolidine, its salts, compounds and preparations.

15. Diampromide, (N-[2-([Methyl]-phenethylamino)-propyl]-propionanilide), its salts, compounds and preparations.

16. Phenampromide (N-(1-Methyl-2-piperidinoethyl)-propionanilide), its salts, compounds and preparations.

(h) Morphinan group·

1. Racemorphan, d,l-3-hydroxy-N-methylmorphinan, its salts, compounds and preparations.

2. Levorphanol, l-3-hydroxy-N-methylmorphinan, its salts, compounds and preparations.

3. Dextrorphan, d-3-hydroxy-N-methylmorphinan, its salts, compounds and preparations.

4. Levomethorphan, l-3-methoxy-N-methylmorphinan, its salts, compounds and preparations.

5. Racemethorphan, d,l-3-methoxy-N-methylmorphinan, its salts, compounds and preparations.

6. Norlevorphanol, (-)-3-hydroxynormorphinan, its salts, compounds and preparations.

7. Levophenacylmorphan, (-)-3-hydroxy-N-phenacylmorphinan, its salts, compounds and preparations.

8. Phenomorphan, 3-hydroxy-N-phenethylmorphinan, its racemic and levorotatory forms (but excepting its dextrorotatory form), their salts, compounds and preparations.

9. Metazocine, (methobenzorphan), 2'-hydroxy-2,5,9-trimethyl-6,7-benzomorphan, its salts, compounds and preparations.

10. Phenazocine (phenobenzorphan), 2'-hydroxy-5,9-dimethyl-2-(2-phenylethyl)-6,7-benzorphan, its salts, compounds and preparations.

(i) Thiambutene group:

1. Diethylthiambutene (diethibutin, diethylambutene), 3-diethylamino-1,1-di-(2-thienyl)-1-butene, its salts, compounds and preparations.

2. Dimethylthiambutene (aminobutene, dimethibutin), 3-dimethylamino-1,1-di-(2-thienyl)-1-butene, its salts, compounds and preparations.

3. Ethylmethylthiambutene (ethylmethiambutene), 3-ethylmethylamino-1,1-di-(2-thienyl)-1-butene, its salts, compounds and preparations.

(j) Hexamethyleneimine Group:

1. Proheptazine, 1,3-dimethyl-4-phenyl-4-propionoxyhexamethyleneimine, its salts, compounds and preparations.

(k) Miscellaneous Group:

1. 2-(p-Chlorobenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole, its salts, compounds and preparations.

2. 2-(p-Ethoxybenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole, its salts, compounds and preparations.

(*l*) All parts of the plant of the genus Lophophora whether growing or otherwise; the buttons thereof, the alkaloids extracted from any such plant; and every compound, salt, derivative, mixture or preparation of such plant.

(m) Any substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in the foregoing subdivisions.

CHAPTER 369

An act to add Sections 122 and 123 to the Insurance Code, relating to underwriting authority of insurers.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 122 is added to the Insurance Code, to read:

Additional risks in fire insurance policies

122. (a) An insurer admitted for all the classes of insurance defined in Sections 102, 107, 108, 112 and 120 is authorized, in addition to the underwriting powers granted by such classes, to include any and all insurance described in paragraph (b) in a policy which contains fire coverage written on a form complying with either Section 2070 or Section 2071 and which provides insurance covering only noncommercial

risks and covering either residence properties (not more extensive than a four-family dwelling) and appurtenances, or the contents thereof other than merchandise, or both.

(b) Such insurance is any or all insurance against all risks of physical loss of, damage to, or personal liability (except workmen's compensation) for injury to person or damage to property incident to, any or all of the following:

(1) The location described and property covered by the fire insurance policy as described in subdivision (a),

(2) Personal effects,

(3) Boats not over 16 feet in length (including furnishings, equipment, outboard motors, and trailers); provided the physical loss or damage coverage does not exceed five hundred dollars ($500),

(4) Personal property intended primarily for residential or recreational use, (excluding boats except as provided above),

(5) Farm implements or self-propelled vehicles, excluding automobiles and aircraft, and,

(6) Horses, including accouterments and vehicles or implements to be drawn thereby.

SEC. 2. Section 123 is added to said code, to read:

Non-commercial or farm risks

123. An insurer admitted to transact liability insurance may extend such insurance on noncommercial or farm risks to include insurance of the legal liability of the insured for damage to property caused by use of "teams" or "vehicles" as the meaning thereof is limited by Section 115.

CHAPTER 370

An act to amend Sections 1712 and 1718 of the Insurance Code, relating to penalty fees for late filing of application for producers' licenses.

In effect September 15, 1961

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

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

SECTION 1. Section 1712 of the Insurance Code is amended to read:

Termination of right to transact insurance business

1712. The termination of the existence of the license entity as provided in Section 1711, automatically terminates the right of that entity and of any persons named on its license to transact insurance thereunder; except that a natural person, copartnership, association, or corporation licensed under this article, may continue to transact insurance under an existing license in either a different capacity or as a different organization or entity if no additional license examination qualification is required and if no substantial change in ownership and no change in control of the licensed insurance business has taken place; provided, that within 30 days following such

change the person or the successor copartnership, association or corporation files a properly completed and executed application in the form prescribed by the commissioner for an appropriate license and pays the lawful fees therefor.

Nothing herein shall be construed to nullify any provision of Section 1718 except that any fee paid as required by subdivisions (a) or (b) of Section 1718 for a license not issued may be applied towards the fee for filing an application under this section.

SEC. 2. Section 1718 of said code is amended to read:

Application for renewal of license

1718. (a) Application for renewal of a license may be filed on or before April 15th prior to the termination of the license year or term upon payment of the fee for filing specified in Section 1750.

(b) Such application for renewal of a license may be filed between April 15th and July 1st of such year upon payment of the fee specified in subdivision (a) and an additional penalty fee in the amount specified for a one-year period in Section 1750 for such filing, but in no case shall such additional penalty fee exceed twenty-five dollars ($25) for any one such application.

(c) Upon failure to file application as provided in either (a) or (b) hereof, the license shall expire on July 1st of the applicable year, but the holder may file an application for a new license. Until June 30th of the next succeeding year, the fee shall be the total fee specified in subdivision (b) for such filing. The commissioner shall mail notice of such expiration not later than June 20th of the applicable year to:

(1) The licensee.

(2) The employing insurance agent or broker, if any. Failure to mail such notice shall not continue the right to a license.

(d) The commissioner shall maintain for a reasonable time readily available for inspection of appointing insurers the names and addresses of the insurance agents and life agents to whom notices of expiration of license were mailed pursuant to subsection (c) hereof or may in lieu thereof prepare and mail to all insurers making request for the same a listing of such names and addresses.

CHAPTER 371

An act to amend Sections 504, 507, 507.1, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2253, 2255, 2256, 2257, 2258, 2259, 2260, 2264, 2266, 2267, 2271, 2274, and 2275 of the Public Resources Code, relating to changing the name of the Division of Mines to Division of Mines and Geology and the name of its chief from State Mineralogist to State Geologist.

In effect September 15, 1961

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

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

SECTION 1. Section 504 of the Public Resources Code is amended to read:

Divisions

504. The work of the department shall be divided into at least seven divisions, known as the Division of Forestry, the Division of Beaches and Parks, the Division of Mines and Geology, the Division of Oil and Gas, the Division of Soil Conservation, the Division of Small Craft Harbors, and the Division of Recreation.

SEC. 2. Section 507 of said code is amended to read:

Division of Mines and Geology

507. The Division of Mines and Geology shall be administered under the supervision and direction of the director, in accordance with the state statutes and the policies prescribed by the Mining Board, through a chief who shall be known as the State Geologist. He shall be a technically trained engineer, possessing general experience in geology, mining engineering, and metallurgy, appointed under provisions of the State Civil Service Act by the director upon nomination by the State Mining Board.

SEC. 3. Section 507.1 of said code is amended to read:

State Mining Board—Members

507.1. There shall be a State Mining Board, consisting of five members appointed by the Governor with the advice and consent of the Senate for terms of four years and until their successors are appointed and qualified. Members shall be selected from those citizens of this State associated with or having detailed knowledge of the prospecting for, production, processing or marketing of the minerals of this State.

Incumbent

The members of the incumbent Mining Board, continued in office, shall be classified by the Governor so that the term of office of one member shall expire January 15, 1950 and the terms of two members on January 15, 1951 and January 15, 1952, respectively. An appointment to fill a vacancy occurring before the expiration of a term shall be only for the remainder of that term. All appointments made when the Legislature is not in session shall be subject to confirmation at the next regular or special session of the Legislature. The board shall have power to organize itself and select its officers.

Powers, duties

The board shall represent the State's interest in the development, utilization and conservation of the mineral resources of

the State. It is empowered to establish policies conforming to the provisions of state statutes to govern the administration of the Division of Mines and Geology.

The director may authorize the State Geologist to exercise his power to appoint employees of the Division of Mines and Geology in accordance with the State Civil Service Act. The director may authorize the State Geologist or any employee of the Division of Mines and Geology to exercise any power granted or perform any duty imposed upon the director by the State Civil Service Act.

SEC. 4. Section 2201 of said code is amended to read:

2201. The State Geologist shall employ competent geologists, field assistants, qualified specialists, and office employees when necessary in the execution of the plans and operations of the division under this chapter and shall fix their compensation. Employees

SEC. 5. Section 2202 of said code is amended to read:

2202. The State Geologist shall maintain offices, and a museum, library, and laboratory in San Francisco for the purposes provided in this chapter Offices, etc., in San Francisco

SEC. 6. Section 2203 of said code is amended to read:

2203 The State Geologist shall make an annual report to the director for transmission to the Governor on or before the 15th day of September next preceding the regular session of the Legislature. Annual report

SEC. 7. Section 2204 of said code is amended to read:

2204. The State Geologist may receive on behalf of this State, for the use and benefit of the division, gifts, bequests, devises, and legacies of real or other property and may use the same in accordance with the wishes of the donors. If no instructions are given by the donors, the State Geologist shall manage, use, and dispose of the gifts, bequests, and legacies for the best interests of the division and in such manner as he may deem proper. Gifts, bequests, etc

SEC 8. Section 2205 of said code is amended to read:

2205. The State Geologist shall:

(a) Make, facilitate, and encourage special studies of the mineral resources and mineral industries of the State. Duties

(b) Collect statistics concerning the occurrence and production of the economically important minerals and the methods pursued in making their valuable constituents available for commercial use.

(c) Make a collection of typical geological and mineralogical specimens, especially those of economic and commercial importance, such collection constituting the museum of the division.

(d) Provide a library of books, reports, and drawings bearing upon the mineral industries, the sciences of mineralogy and geology, and the arts of mining and metallurgy, such library constituting the library of the division.

(e) Make a collection of models, drawings, and descriptions of the mechanical appliances used in mining and metallurgical processes.

(f) Preserve and so maintain such collections and library as to make them available for reference and examination, and open to public inspection at reasonable hours.

(g) Maintain, in effect, a bureau of information concerning the mineral industries of this State, to consist of such collections and library, and arrange, classify, catalogue, and index the data therein contained in a manner to make the information available to those desiring it.

(h) Issue from time to time such bulletins as he may deem advisable concerning the statistics and technology of the mineral industries of this State.

SEC. 9. Section 2206 of said code is amended to read:

Displays at expositions

2206. The State Geologist may prepare a special collection of ores and minerals of California to be sent to or used at any world's fair or exposition in order to display the mineral wealth of the State.

SEC. 10. Section 2207 of said code is amended to read:

Reports of mining operations

2207. The owner, lessor, lessee, agent, manager, or other person in charge of any mine of whatever kind or character within the State shall forward to the State Geologist, upon his request, at his office, not later than the 31st day of March in each year, upon forms which will be furnished, a report showing the character of the mine, the method of working the mine and the general condition thereof, and the total mineral production for the preceding calendar year. Any such person who fails to comply with the provisions of this section is guilty of a misdemeanor.

Penalty

Reports confidential

Such reports shall be confidential Other records are public records unless excepted by statute. Statistical bulletins based on these reports and published under the provisions of Section 2205 of this code shall be compiled to show, for the State as a whole and separately for each county, the total of each mineral produced therein, provided that, in order not to disclose the production of any operator, no production figure shall be published which represents the production of less than three operators; and when such production figure for any county would conflict with such provision it may be combined with such production figures for one or more other counties. Such bulletin shall be published annually by June 30th or as soon thereafter as practical.

SEC. 11. Section 2208 of said code is amended to read:

Examination of properties

2208. The State Geologist or a qualified assistant may at any time enter or examine any and all mines, quarries, walls, mills, reduction works, refining works, and other mineral properties or working plants in this State in order to gather data to comply with the provisions of this chapter.

SEC. 12. Section 2209 of said code is amended to read:

Publications

2209. The State Geologist may fix a price upon and dispose of to the public all publications of the division, including

reports, bulletins, maps, registers, or other publications. The price shall approximate the cost of publication and distribution. He may also furnish the publications of the division to public libraries without cost and may exchange publications with geological surveys, scientific societies, and other like bodies.

SEC. 13. Section 2253 of said code is amended to read:

Application for license

2253. The application for a license to carry on such business shall be made to the State Geologist, and shall contain the full names and addresses of the applicants, if natural persons, and in the case of firms and associations the full names and addresses of the members thereof, and in the case of corporations, the full names and addresses of the officers and directors thereof, and the place or places where the business is to be carried on. The application shall be sworn to by the person making it.

SEC. 14. Section 2255 of said code is amended to read:

Notice of application

2255. Every application shall be filed not less than 30 days prior to the granting of the license. Notice of the filing of the application shall be posted in the office of the State Geologist and shall be published, at the cost of the applicant, once a week for three successive weeks in a newspaper published in the county or counties where the business is to be carried on.

SEC. 15. Section 2256 of said code is amended to read:

Protests and hearings

2256. Protest may be made by any person to the issuing of a license, and when such protests are filed with the State Geologist, he shall give notice of and hold a public hearing upon the protest before issuing the license. The State Geologist may reject any application for a license after a hearing upon the protest. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Geologist shall have all the powers granted therein

SEC. 16. Section 2257 of said code is amended to read:

Revocation

2257. The State Geologist may revoke any license for failure on the part of the licensee to observe any of the provisions of this chapter, or when the licensee has violated the provisions of any law of the State relating to ore buying or of any law relating to larceny or receiving stolen property. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Geologist shall have all the powers granted therein.

SEC 17. Section 2258 of said code is amended to read.

Daily calendar

2258. A daily calendar shall be kept of all hearings by the State Geologist, which shall be posted in a conspicuous place in his office for at least three days before the date of such hearing. The State Geologist shall keep a record of all charges, protests, and hearings, and may refuse to issue and shall suspend or revoke any license for any good cause shown, within the meaning and purpose of this chapter.

SEC. 18. Section 2259 of said code is amended to read:

Action following decision

2259. When it is shown that any licensee or applicant, either before or after conviction, is guilty of any conduct in violation of this or any law relating to such business, the State Geologist shall suspend or revoke the license of the licensee, or reject the application of the applicant.

SEC. 19. Section 2260 of said code is amended to read:

Issuance of new license after revocation

2260. Whenever, for any reason, a license is revoked, the State Geologist shall not issue another license to the licensee until the expiration of at least one year from the date of revocation of the license.

SEC. 20. Section 2264 of said code is amended to read:

Fee for transcript

2264. For the making of the transcript the State Geologist shall collect from the person ordering it, twenty-five cents ($0.25) per folio of 100 words, and twenty-five cents ($0.25) for certifying it.

SEC. 21. Section 2266 of said code is amended to read:

Inspection of record

2266. Such book shall be open for inspection by the State Geologist, his deputies, officers, and agents, on every day except Sundays and legal holidays, between the hours of 9 o'clock a.m. and 5 o'clock p.m.

If any person, on his own behalf, or being duly authorized by another, makes and files an affidavit with the State Geologist, stating that, to his best knowledge and belief, he or his principals, as the case may be, has, within the three months next preceding the filing of the affidavit, sustained a loss of any of the property described in Section 2265, by theft or trespass, and that he believes that such property was delivered to a licensee under this chapter, naming the licensee, the State Geologist shall forthwith issue a permit to such person to examine the book kept by such licensee as provided in this chapter. Upon the presentation of the permit to the licensee, such person may inspect and examine the entries made in such book during said period of three months, on the same terms and conditions as the State Geologist.

SEC. 22. Section 2267 of said code is amended to read:

Reports of purchases

2267. Every licensee under this chapter shall file monthly with the State Geologist a report of all purchases made under this chapter. The reports shall be made upon forms prescribed by the State Geologist and shall contain the information required by this chapter.

Penalty

Any licensee who fails or refuses to comply with the provisions of this section is guilty of a misdemeanor.

SEC. 23 Section 2271 of said code is amended to read:

Trial and judgment

2271. Upon the trial, the court shall hear all parties who have appeared. If any party proves ownership or that he has any right or interest therein, the court shall make an order for the delivery of the property to him, or the sale thereof and a distribution of the proceeds to discharge the right or interest which he has therein, the balance of the proceeds to escheat to the State; otherwise, the court shall declare the property to have escheated to the State. Thereafter the State Geologist may sell the ores, concentrates and amalgams not theretofore

Sale of escheated ores, etc

sold by court order and shall account for and report the proceeds of the sale to the State Controller and at the same time remit the money to the State Treasury to be credited to the General Fund.

SEC. 24. Section 2274 of said code is amended to read:

2274. Any violation of Sections 2250, 2251, 2252, 2265, 2266, 2267, or 2272 is a misdemeanor punishable by a fine of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000), or by imprisonment in the county jail for not less than 30 days nor more than six months, or both such fine and imprisonment. The State Geologist shall notify the district attorney of the county in which the offense occurs of any such violation, and the district attorney shall institute criminal proceedings for the enforcement of this chapter before any court of competent jurisdiction. Penalty for violations. Enforcement.

All forfeited bail and fines received by any court under the provisions of this section shall as soon as practicable after the receipt thereof be deposited with the county treasurer of the county in which such court is situated. Amounts so deposited shall be paid at least once a month as follows: 50 percent to the State Treasurer by warrant of the county auditor drawn upon the requisition of the clerk or judge of said court, to be deposited in the State Treasury to the credit of the General Fund on order of the State Controller; and 50 percent to the city treasurer of the city, if incorporated, or to the county treasurer of the county in which the prosecution is conducted. Disposition of forfeited fines, etc.

SEC. 25. Section 2275 of said code is amended to read:

2275. All money received by the State Geologist under this chapter, shall be accounted for and reported monthly to the State Controller, to be remitted by the Controller to the State Treasury to the credit of the General Fund. All money deposited with the State Geologist for fees for licenses which have not been granted shall be retained by him in the trust fund of the division to be remitted to the State Treasurer upon the issuance of the license or returned to the applicant in case a license is refused. Deposit of moneys

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CHAPTER 372

An act to add Section 3038 to the Fish and Game Code, relating to hunting permits for disabled members of the armed forces.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 3038 is added to the Fish and Game Code, to read:

3038. Any member of the armed forces of the United States who is in a military medical facility and who is at least 70

percent disabled shall be issued a hunting permit, on application therefor, by the department, in lieu of a hunting license and appropriate tags, authorizing the taking of game birds and mammals. If the permit covers a period during which birds or mammals may only be taken or shipped with appropriate tags, the department may issue such tags with the permit or shall endorse the permit to authorize such taking and shipping without such tags.

Such a permit shall be valid only during the period of time such person is in the medical facility and so disabled. Certification by the commanding officer of the military medical facility shall be sufficient proof of this period of time and extent of disability.

CHAPTER 373

An act to amend Section 1722 of the Insurance Code, relating to military service of licensed natural persons.

In effect September 15, 1961

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

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

SECTION 1. Section 1722 of the Insurance Code is amended to read:

1722. If a natural person while licensed pursuant to the provisions of this chapter or Chapters 6 (commencing with Section 1760), 7 (commencing with Section 1800), or 8 (commencing with Section 1831) of this part, or Part 5 (commencing with Section 12140) of Division 2 enters the military service of the United States and is in such service at a time prescribed for the filing of a renewal application, the filing of such application is waived, and the license held by such licensee at the time of his entry into military service shall remain in force during the period of such military service and until the end of the license year in which he is released from such service but not for less than six months after such release. During such period such person may secure a license of the type held by him on his entry into military service upon the filing of an application and paying the fee therefor without the necessity of taking any examination or paying any penalty.

SEC. 2. The amendment of Section 1722 of the Insurance Code made by this act shall be construed as a restatement and continuation of existing statutory provisions.

CHAPTER 374

An act to amend Section 65 of the Citrous Pest District Control Act (Chapter 89, Statutes of 1939), relating to citrous pest control districts.

[Approved by Governor May 13, 1961 Filed with Secretary of State May 15, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 65 of the Citrous Pest District Control Act is amended to read:

Sec. 65. The county assessor in making the annual assessment of property in each and every year after the organization of the district, shall assess any parcel of real property with 25 or more citrous trees thereon and enter as a separate item on the assessment roll for each such parcel of real property included in the district, the value, as improvements thereon, of all citrous trees growing thereon. For the purpose of this act, the county assessor shall assess all citrous acreage at a uniform value per acre. Such assessment shall be upon an acreage basis and the number of acres shall be determined conclusively, except as hereinafter provided by the assessor by counting such trees and dividing the total number by the number per acre of average planting as the "number per acre of average planting" is fixed by subdivision (f) of Section 3 of this act. Provided that the county assessor in counting the citrous trees as hereinabove set forth shall not count any more than 200 trees on any one acre of land, and provided further that for any citrous acreage having from 70 to 100 trees per acre the number of acres to be determined by the county assessor shall be the actual acreage of the parcel. Upon completing the assessment roll of the county in each year, the assessor shall separately compute and certify to the board of supervisors, the total assessed value, as shown by said assessment roll, of all such citrous trees in the district.

CHAPTER 375

An act to amend Section 829.5 of the Agricultural Code, relating to experimental containers.

[Approved by Governor May 13, 1961 Filed with Secretary of State May 15, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 829.5 of the Agricultural Code is amended to read:

829.5. Nothing in this chapter prohibits the preparation, packing, shipment or sale under permit of the director of

fruits, nuts, or vegetables in any experimental type of containers not conforming to the standards prescribed in this chapter, if each such container is conspicuously labeled on one outside surface which bears marks intended to describe the contents of such container, in letters and figures not less than one-half inch in height, "Experimental Container," followed by the permit number assigned to the applicant by the director preceded by the designation "Permit No."

Application for such permit and permit number shall be made to the director at least 15 days before shipment, stating: (1) the name of the product, (2) the quantity intended to be shipped, (3) the description and inside dimensions of the container, expressed in inches, (4) the name of the person from whom the experimental containers are to be obtained, (5) the reason for the contemplated experiment, and (6) the quantity of such product, if any, shipped by the applicant in all types of containers during the preceding year, or if no shipments of such product were made by the applicant during the preceding year, then an estimate of the total quantity which such applicant will ship in all types of containers during the current year.

If the director finds that (1) the container is not deceptive in shape, design or capacity, (2) the applicant has complied with the permit application requirements and has established the proper reasons for the experiment, and (3) the proposed shipments are only for experimental purposes, he may issue to the applicant a permit and permit number for the shipment of a specified quantity of the product in such containers within a specified period, not exceeding one year; subject to renewal for an additional year upon a proper showing to the director, without formal hearing, that the experiment has not been completed. If the applicant has shipped products of the kind specified in the application during the preceding year, no permit shall be issued for the shipment in experimental containers of more than 5 percent of the quantity of any such product shipped in all types of containers by such person in the preceding calendar year. If no shipments of such products were made by the applicant during the preceding year, no permit shall be issued for the shipment in experimental containers of more than 5 percent of the quantity which such applicant estimates he will ship in all types of containers during the current year.

Any type of container for which a permit has been issued, which is uniformly marked as provided in this section, and which is not used for shipping fruits, nuts, and vegetables in excess of the quantities specified in the permit, shall be deemed an experimental type of container within the meaning of this section.

It is unlawful for any person to prepare, pack, transport, deliver, offer for sale or sell commodities in such experimental containers or to mark such containers with the permittee's

assigned permit number, in excess of the quantities specified in the permit. Every person to whom an experimental container permit has been issued shall keep an accurate record of all shipments of such experimental containers including the place from which such shipments are made, the date of shipment and the number of containers in each shipment. All such records shall be kept for at least one year and shall be delivered to the director or the commissioner for inspection on demand at any time within that period.

CHAPTER 376

An act to appropriate money for the support of the Judicial Council, to take effect immediately.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.] In effect immediately

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

SECTION 1. In addition to any other money appropriated therefor, the sum of sixty-two thousand two hundred sixty-seven dollars ($62,267) is appropriated for the support of the Judicial Council during the 1960-61 and 1961-62 fiscal years.

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

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CHAPTER 377

An act to amend Section 11567 of the Business and Professions Code, relating to subdivision maps.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.] In effect September 15, 1961

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

SECTION 1. Section 11567 of the Business and Professions Code is amended to read:

11567. The final map shall conform to all of the following provisions:

(a) It shall be a map legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film, including affidavits, certificates and acknowledgments, except that such certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink when recommended by

the county recorder and authorized by the local governing body by ordinance. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be 18 by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(c) It shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves, and such information as may be necessary to determine the location of the centers of curves.

(d) Each lot shall be numbered and each block may be numbered or lettered. Each street shall be named.

(e) The exterior boundary of the land included within the subdivision shall be indicated by colored border. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

(f) It shall also satisfy any additional survey and map requirements of the local ordinance.

CHAPTER 378

An act to amend Section 2762 of the Business and Professions Code, relating to nursing.

In effect September 15, 1961

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

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

SECTION 1. Section 2762 of the Business and Professions Code is amended to read:

2762. In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or chiropodist administer to himself or furnish or administer to another, any narcotic as defined in Division 10 of the Health and Safety Code or any dangerous drug as defined in Article 8 of Chapter 9 of Division 2 of the Business and Professions Code.

(b) Use any narcotic as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Article 8 of Chapter 9 of Division 2 of the Business and Professions Code, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself, any other person, or the public or to the extent that such use impairs his ability to conduct with safety to the public the practice authorized by his license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

(d) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in subdivisions (a) and (b) of this section, in which event the court order of commitment or confinement is prima facie evidence of such commitment or confinement.

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

CHAPTER 379

An act to amend Section 1645 of the Insurance Code, relating to insurance brokers' qualifying examinations.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1645 of the Insurance Code is amended to read:

1645. A person is not eligible to take the qualifying examination for a license to act as an insurance broker unless he has:

(a) Successfully completed, within the three-year period next preceding the date of application, a course or courses of study approved as to method of instruction and content by the commissioner, covering the principal branches of the insurance business and requiring not less than 90 hours of classroom work or the equivalent thereof in correspondence work; provided, that time spent in military service shall be excluded in computing such three-year period; or

(b) Successfully completed, within the three-year period next preceding the date of application, a course or courses of study approved as to method of instruction, content and number of hours by the commissioner, covering the principal

branches of the insurance business and given to members of the armed forces by the United States Armed Forces Institute; or

(c) Been regularly employed by an insurance company, insurance broker, or an insurance agent, or licensed as an insurance agent, broker, or solicitor, in any state or any province of Canada for a period or periods aggregating not less than one year during the three years next preceding the date of application, in responsible insurance duties relating to classes of insurance other than life; provided, that time spent in military service shall be excluded in computing such three-year period; and he shall submit evidence satisfactory to the commissioner stating facts which show compliance with this requirement.

Such course or courses under subdivision (a) or (b) shall either (1) be given by a degree-conferring college or university which has, when such course is taken by such individual, a curriculum or curricula approved by the commissioner whether such course be given as part of any such curriculum or separately or (2) have been given by any other institution which maintains equivalent satisfactory standards of instruction, and which shall have been approved for such purpose by the commissioner.

The commissioner shall not so approve any curriculum, whether given by a degree-conferring college or university, a correspondence school, or any other institution, unless it includes instruction in: classes of insurance except life insurance; the fundamental characteristics of each of the types of insurers admitted to transact insurance in California; the laws of the State of California relating to the transaction of insurance by insurance agents, brokers and solicitors; and such other subjects as the commissioner finds to be necessary to qualify a person to discharge his responsibilities as an insurance agent or broker or to exercise agency or brokerage powers.

CHAPTER 380

An act to amend Section 19877 of the Education Code, relating to school bonds.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 19877 of the Education Code is amended to read:

19877. Upon request of the board, supported by a statement of the apportionments made and to be made under Sections 19551 to 19689, inclusive, the committee shall determine whether or not it is necessary or desirable to issue any bonds

authorized under this chapter in order to make such apportionments, and, if so, the amount of bonds then to be issued and sold. A sufficient number of bonds authorized under this chapter shall be issued and sold so that there shall be immediately available for apportionment the sum of: twenty million dollars ($20,000,000) less any amount transferred from the General Fund pursuant to any law providing for the appropriation and transfer of moneys from the General Fund for state school building aid enacted at the 1960 First Extraordinary Session; on November 5, 1960, or as soon thereafter as such bonds can be issued and sold, the sum of two million dollars ($2,000,000); on December 5, 1960, the sum of two million dollars ($2,000,000); on January 5, 1961, the sum of nine million dollars ($9,000,000); on February 3, 1961, thirty million dollars ($30,000,000); on the fifth day of February, 1961, and on the fifth day of each month thereafter the sum of ten million dollars ($10,000,000) or, if the Legislature so provides by concurrent resolution adopted after January 1, 1961, the sum of twelve million dollars ($12,000,000) for each month after the adoption of such resolution, except that on the fifth day of any month after October 1, 1961, should the board have determined that an additional three million dollars ($3,000,000) is necessary, the sum of fifteen million dollars ($15,000,000), until a total of three hundred million dollars ($300,000,000) has become available for apportionment. Successive issues of bonds may be authorized and sold to make such apportionments progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

CHAPTER 381

An act to amend Sections 1090 and 1091.5 of the Government Code, relating to public officers' interest in contracts.

[Approved by Governor May 13, 1961 Filed with Secretary of State May 15, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1090 of the Government Code is amended to read:

Interest in contracts

1090. Members of the Legislature, state, county, special district, judicial district, and city officers shall not be interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, special district, judicial district, and city officers be purchasers at any sale or vendors at any purchase made by them in their official capacity.

SEC. 2. Section 1091.5 of said code is amended to read:

Interest in contract: Exception

1091.5. An officer shall not be deemed to be interested in a contract if his interest is:

(a) The ownership of less than 3 percent of the shares of a corporation for profit;

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

(c) That of a recipient of public services generally provided by the public body or board of which he is a member, on the same terms and conditions as if he were not a member of the board.

CHAPTER 382

An act to amend Section 19171 of, and to add Section 19175.2 to, the Government Code, relating to re-employment lists in state civil service.

In effect September 15, 1961

[Approved by Governor May 13, 1961 Filed with Secretary of State May 15, 1961.]

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

SECTION 1. Section 19171 of the Government Code is amended to read:

Appointments from re-employment lists

19171. Appointments from a subdivisional or departmental re-employment list of persons who have previously satisfied the probationary period in the class to which the appointment is made do not require an additional probationary period. Appointments from a general re-employment list require an additional probationary period unless such probationary period shall have been waived by the appointing power. Any employee certified to a position from any re-employment list for a class different from that held by him when laid off shall serve a probationary period before attaining permanent status in such position.

SEC. 2. Section 19175.2 is added to said code, to read:

Restoration of rejected probationer to list

19175.2. The board, upon the written request of a probationer who has been rejected after appointment from a general re-employment list, shall restore the name of the rejected probationer to the re-employment list from which his name was originally certified. His name shall not again be certified to the agency by which he was rejected except with the consent of the appointing power.

CHAPTER 383

An act to amend Sections 1355.1 and 1356 of the Financial Code, relating to investments of savings banks.

In effect September 15, 1961

[Approved by Governor May 13, 1961 Filed with Secretary of State May 15, 1961.]

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

SECTION 1. Section 1355.1 of the Financial Code is amended to read:

1355.1. In the bonds of any flood control and water conservation districts, or any zone thereof, having an assessed valuation on taxable real property of not less than one million dollars ($1,000,000), county, city and county, city, metropolitan water district, municipal utility district, any special district established by and within any municipal utility district, transit district, rapid transit district, flood control district, or school district of the State of California (herein referred to generally as public corporations) except the bonds of any particular such public corporation which may be declared ineligible for investment by savings banks by regulations of the superintendent; provided, an amount exceeding twenty-five (25) percent of the paid-up capital and surplus of the savings bank or exceeding two (2) percent of the bank's savings deposits, whichever is greater, may not be invested in the bonds of any one such public corporation. Public corporation bonds

SEC. 2. Section 1356 of said code is amended to read:

1356. In the bonds of any other political subdivison, public corporation, or district of the State of California (herein referred to generally as public corporations) having the power, without limit as to rate or amount, to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such public corporation, provided: Same

(a) An amount exceeding 25 percent of the paid-up capital and surplus of the savings bank or exceeding 2 percent of the bank's savings deposits, whichever is greater, may not be invested in the bonds of any one such public corporation or special district;

(b) The net direct debt of such public corporation together with its net overlapping debt does not exceed 20 percent of the assessed valuation of the taxable property within its boundaries according to the last official equalized county assessment roll.

CHAPTER 384

An act to amend Section 70141.7 of the Government Code, relating to salaries of commissioners.

[Approved by Governor May 13, 1961 Filed with Secretary of State May 15, 1961]

In effect September 15, 1961

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

SECTION 1. Section 70141.7 of the Government Code is amended to read:

70141.7. In any county with a population exceeding 503,000 and not exceeding 600,000, as determined by the 1960 federal census, the superior court may provide that the commissioner, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties pre-

scribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner authorized to perform such duties shall receive an annual salary of fourteen thousand dollars ($14,000) and shall be allowed actual traveling expenses pursuant to Section 70148.

CHAPTER 385

An act to amend Section 12205 of the Financial Code, relating to check sellers and cashers.

In effect September 15, 1961

[Approved by Governor May 13, 1961 Filed with Secretary of State May 15, 1961.]

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

SECTION 1. Section 12205 of the Financial Code is amended to read:

12205. A licensee who does not qualify to make use of agencies in the conduct of its business at all times shall maintain assets at least ten thousand dollars ($10,000) in excess of its liabilities, including liquid assets at least five thousand dollars ($5,000) in excess of its liabilities on account of moneys received in the business of selling checks or receiving money for the purpose of paying bills, invoices, or accounts. A licensee is qualified to make use of agencies in the conduct of its business if at all times it shall have paid-in capital of at least one hundred thousand dollars ($100,000) and it shall maintain assets at one hundred thousand dollars ($100,000) in excess of its liabilities, including liquid assets at least twenty-five thousand dollars ($25,000) in excess of its liabilities on account of moneys received in the business of selling checks or receiving money for the purpose of paying bills, invoices or accounts. The commissioner may determine by general rule what assets are liquid assets within the meaning of this section and may determine by specific ruling or demand that a particular asset is or is not a liquid asset within the meaning of this section.

CHAPTER 386

An act to add Section 180.1 to the Elections Code and Section 287 to the Elections Code as proposed by Assembly Bill No. 8, relating to affidavits of registration.

In effect September 15, 1961

[Approved by Governor May 13, 1961 Filed with Secretary of State May 15, 1961.]

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

SECTION 1. Section 180 1 is added to the Elections Code, to read:

180.1. In lieu of duplicate blank forms for affidavits of registration, the county clerk may provide original blank forms only, bound and prepared as required by Section 180, if the county clerk promptly prepares, upon the receipt in his office of each original affidavit of registration, a reproduction thereof in compliance with the following conditions: Original blank forms

(a) The affidavit is photographed, microphotographed or reproduced on film of a type approved for permanent photographic records by the National Bureau of Standards;

(b) The device used to reproduce such affidavit on film is one which accurately reproduces the original thereof in all details;

(c) The photographs, microphotographs, or other reproductions on film are placed in conveniently accessible files and provision is made for preserving, examining and using the same.

(d) Each photograph, microphotograph, or other reproduction on film is inserted on a punchcard, which punchcard has printed across the top the name, address, party affiliation, and precinct of the registrant.

Wherever in this code the term duplicate affidavit is used it shall be deemed to include the reproduced affidavit authorized by this section.

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

SEC. 3. Section 2 of this act shall become operative only if the Elections Code as proposed by Assembly Bill No. 8 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 8 takes effect; at which time Section 180.1 of the Elections Code as added by Section 1 of this act is repealed. Effect· Stats. 1961, Ch 23

CHAPTER 387

An act to amend Section 8 of Chapter 29 of the Statutes of 1946 (1st Ex. Sess.), relating to the availability of moneys appropriated for the acquisition of housing facilities for veterans and families of servicemen.

[Became law without Governor's signature (Section 16, Article IV, Constitution). Filed with Secretary of State May 15, 1961.] In effect September 15, 1961

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

SECTION 1. Section 8 of Chapter 29 of the Statutes of 1946 (First Extraordinary Session) is amended to read:

Sec. 8. The director shall prescribe the time and manner of payment of the State's share of the cost of construction of

a project for which a local agency has received an allotment under this act, which the local agency shall, on its request, be paid.

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

Any funds appropriated under this act may be allocated as herein provided to defray expenditures incurred by local agencies after February 15, 1946, in acquiring and establishing housing as defined in this act.

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

Except in the case of allocations to colleges operated by the State or by any state agency, title to any project constructed with funds made available by this act shall not vest in the State but shall vest in the local agency constructing the project to the extent permitted by federal law or regulation.

A sum of money equal to the amount (of the appropriation heretofore made by this act, augmented by the appropriation made by Chapter 1 of the Fifty-sixth (Second Extraordinary) Session) which reverted to the General Fund on or about April 6, 1947, is hereby appropriated out of moneys in the State Treasury not otherwise appropriated, in augmentation of the appropriation heretofore made by this act, to carry out the provisions of this act. Any portion of the moneys hereby or heretofore appropriated for allocation to local agencies which is not obligated for expenditure by the State or for which application is not made on or before December 31, 1949, shall revert to the General Fund in the State Treasury; provided, however, that encumbrances made against said money during its period of availability may be paid at any time until December 31, 1967.

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

CHAPTER 388

An act to amend Section 7174 of the Financial Code, relating to savings and loan associations.

[Approved by Governor May 13, 1961. Filed with Secretary of State May 15, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 7174 of the Financial Code is amended to read:

7174. No association, without the consent of the commissioner, shall hold at one time loans to any one borrower, or under any one transaction, or applicable to any one project, or tract, if the loans are in excess of whichever of the following is the lesser:

(a) Ten percent of its total assets.

(b) An amount equal to the sum of its capital, surplus, undivided profits, loan reserve, federal insurance reserve, and such other reserves as the commissioner may prescribe.

CHAPTER 389

An act to amend Section 31676.1 of the Government Code, relating to the retirement of county employees.

[Approved by Governor May 15, 1961. Filed with Secretary of State May 15, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 31676.1 of the Government Code is amended to read:

31676.1. This section shall apply in any county having a population in excess of 295,000 as of the ninety-first day following the adjournment of the 1953 Session of the Legislature. This section may be made applicable in any other county on the first day of the month after the board of supervisors of such county adopts, by majority vote, a resolution providing that this section shall become applicable in such county. Notwithstanding any other provisions of this chapter the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service

with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed seventy-five percent (75%) of the member's final compensation.

Age of retirement	Fraction Men	Women
50	.6852	.7091
50¼	.6945	.7183
50½	.7037	.7274
50¾	.7130	.7366
51	.7222	.7457
51¼	.7314	.7547
51½	.7406	.7637
51¾	.7498	.7726
52	.7590	.7816
52¼	.7684	.7907
52½	.7779	.7999
52¾	.7873	.8090
53	.7967	.8181
53¼	.8065	.8275
53½	.8164	.8369
53¾	.8262	.8462
54	.8360	.8556
54¼	.8465	.8656
54½	.8570	.8755
54¾	.8674	.8855
55	.8779	.8954
55¼	.8893	.9061
55½	.9006	.9168
55¾	.9119	.9275
56	.9232	.9382
56¼	.9355	.9498
56½	.9478	.9614
56¾	.9602	.9730
57	.9725	.9846
57¼	.9860	.9972
57½	.9994	1.0098
57¾	1.0129	1.0224
58	1.0264	1.0350
58¼	1.0411	1.0487
58½	1.0559	1.0625
58¾	1.0706	1.0762
59	1.0853	1.0899
59¼	1.1015	1.1049
59½	1.1176	1.1199
59¾	1.1338	1.1349
60	1.1500	1.1500
60¼	1.1610	1.1611
60½	1.1721	1.1723
60¾	1.1832	1.1835
61	1.1943	1.1947
61¼	1.2091	1.2097
61½	1.2239	1.2247

Age of retirement	Fraction Men	Women
61¾	1.2387	1.2398
62	1.2535	1.2548
62¼	1.2691	1.2707
62½	1.2848	1.2867
62¾	1.3004	1.3026
63	1.3160	1.3186
63¼	1.3326	1.3355
63½	1.3491	1.3525
63¾	1.3657	1.3695
64	1.3822	1.3865
64¼	1.3998	1.4047
64½	1.4173	1.4229
64¾	1.4349	1.4411
65 and over	1.4525	1.4593

The fractions herein set forth shall be used until adjusted by each board for its retirement system in accordance with the interest and mortality tables adopted by each such board with respect to its retirement system. Contributions shall not be made by members having credit for 30 years of continuous service.

In any county operating under this section any limitation in Section 31583 or 31624 or in any other provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

CHAPTER 390

An act to amend Section 23153 of the Revenue and Taxation Code, relating to the Bank and Corporation Tax Law.

[Approved by Governor May 15, 1961. Filed with Secretary of State May 15, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 23153 of the Revenue and Taxation Code is amended to read:

23153. Every corporation not otherwise taxed under this chapter and not expressly exempted by the provisions of this part or the Constitution of this State shall pay annually to the State a tax of one hundred dollars ($100), except that the following corporations shall pay annually to the State a tax of twenty-five dollars ($25):

(a) A credit union not otherwise taxed under this chapter whose gross income is twenty thousand dollars ($20,000) or less.

(b) A corporation formed under the laws of the State for mining purposes which is inactive and not doing business

within the limits of the State, and which, since 1950, has been inactive and has not done any business within the limits of the State.

Every such domestic corporation taxable under this section shall be subject to the said tax from the date of incorporation until the effective date of dissolution as provided in Section 23331.

For the purposes of this section, "inactive" means inactive by reason of the devaluation of gold by presidential order in 1934 pursuant to the Joint Resolution of Congress of June 5, 1933 (48 Stat. 113).

CHAPTER 391

An act to amend Section 18455 of the Health and Safety Code, relating to auto and trailer parks.

In effect September 15, 1961

[Approved by Governor May 15, 1961. Filed with Secretary of State May 16, 1961.]

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

SECTION 1. Section 18455 of the Health and Safety Code is amended to read:

18455. (a) This part does not apply to any hotel which is subject to the provisions of Part 1 of this division. A "motel" as defined in Section 18502 of this code shall not be considered subject to Part 1.

(b) This part does not apply to any apartment house which is over one story in height and which is subject to the provisions of Part 1 of this division.

(c) This part does not apply to any charitable or recreational organization, incorporated under the laws of the State of California as a nonprofit corporation, which owns acreage in fee or leases acreage in a zoned recreation area or which has sites in a state or federal forest, and the use thereof is limited to the members of such organization, and where such organization complies with rules and regulations for recreational trailer parks established by the Division of Housing for such installations to protect the health and safety of the occupants and the general public. Such rules and regulations shall be adopted, amended, repealed and enforced in accordance with the provisions of Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2, of the Government Code and shall include a schedule of fees to pay the cost of administration and enforcement of this section.

(d) Any charitable or recreational organization intending to operate under this section shall file a notice of intention with the Division of Housing, on forms provided by the division, submitting pertinent data therewith.

CHAPTER 392

An act to amend Section 201 of the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to the registration of voters.

[Approved by Governor May 15, 1961. Filed with Secretary of State May 16, 1961]

In effect September 15, 1961

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

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 393

An act to amend Section 585 of the Code of Civil Procedure, relating to default judgments.

[Approved by Governor May 15, 1961. Filed with Secretary of State May 16, 1961]

In effect September 15, 1961

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

SECTION 1. Section 585 of the Code of Civil Procedure is amended to read:

585. Judgment may be had, if the defendant fails to answer the complaint, as follows:

1. In an action arising upon contract for the recovery of money or damages only, if the defendant has, or if more than one defendant, if any of said defendants have, been personally served and no answer or demurrer or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons pursuant to Section 416.1 of this code or notice of the filing of a petition for writ of mandate as provided in Section 416.3 of this code has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there be no clerk, upon application of the plaintiff, and proof of such service of summons, must enter the default of the defendant or defendants, so served, and immediately thereafter enter judgment for the principal amount demanded in the complaint or a lesser amount if credit has been acknowledged, together with interest allowed by law or in accordance with the terms of the contract, and the costs against said defendant, or defendants, or against one or more of said defendants. If, by rule of court, a schedule of attorney fees to be allowed has been adopted, the clerk may include in the judgment an attorney fee in accordance with such schedule if the contract provides that an attorney fee be allowed in the event of an action thereon; provided, that plaintiff shall have the right, upon filing a written request at the time of

application for entry of the default of the defendant or defendants, to have the attorney fee fixed by the court, whereupon, after the entry of said default, the court shall hear the application for determination of the attorney fee and render judgment for the same and for the other relief demanded in the complaint, or a lesser amount if credit has been acknowledged, and the costs against said defendant, or defendants, or against one or more of said defendants.

2. In other actions, if the defendant has been personally served and no answer or demurrer or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons pursuant to Section 416.1 of this code or notice of the filing of a petition for writ of mandate as provided in Section 416.3 of this code has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, in courts having a clerk, must enter the default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint; in courts which have no clerk, the court must hear the evidence offered by the plaintiff, and must render judgment in his favor for such sum (not exceeding the amount stated in the complaint), as appears by such evidence to be just. If the taking of an account, or the proof of any fact, is necessary to enable the court to give judgment or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved by a reference as above provided.

3. In all actions where the service of the summons was by publication the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer or demurrer or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons pursuant to Section 416.1 of this code or notice of the filing of a petition for writ of mandate as provided in Section 416.3 of this code has been filed, apply for judgment; and the court must thereupon require proof to be made of the allegations of the complaint; and if the defendant is not a resident of the State, must require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to anyone for his use, on account of any demand mentioned in the complaint, and may render judgment for the amount which he is entitled to recover; provided that, in all cases affecting the title to or possession of real property, where the service of the summons was by publication and the defendant has failed to answer, no judgment shall be rendered upon proof of mere occupancy, unless such occupancy shall have continued for the time and shall have been of the character necessary to confer title by

prescription, and in all cases where the plaintiff bases his claim upon a paper title, the court shall require evidence establishing plaintiff's equitable right to judgment before rendering such judgment; provided further, however, that in actions involving merely the possession of real property where the complaint is verified and shows by proper allegations that no party to the action claims title to the real property involved, either by prescription, accession, transfer, will or succession but only the possession thereof, the court may render judgment upon proof of occupancy by plaintiff and ouster by defendant.

A notice of motion to strike within the meaning of this section is a notice of motion to strike the whole or any part of a pleading filed within the time within which the moving party is required otherwise to plead to said pleading. The notice of the motion to strike shall specify a hearing date not more than 15 days from the filing of said notice, plus any additional time that the moving party is otherwise required to give the adverse party. The filing of such notice of motion does not extend the time within which to demur.

4. In the cases referred to in subdivisions 2 and 3 of this section, excepting those cases which involve the dissolution or annulment of marriage or separate maintenance or the custody of children, or upon application to have an attorney's fee fixed by the court pursuant to subdivision 1 of this section, the court in its discretion may permit the use of affidavits, in lieu of personal testimony, as to all or any part of the evidence or proof required or permitted to be offered, received or heard in such cases. The facts stated in such affidavit or affidavits shall be within the personal knowledge of the affiant and shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto.

CHAPTER 394

An act to amend Section 6357 of the Public Resources Code, relating to state lands.

[Approved by Governor May 15, 1961. Filed with Secretary of State May 16, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 6357 of the Public Resources Code is amended to read:

6357. The commission may establish the ordinary high-water mark or the ordinary low-water mark of any of the swamp, overflowed, marsh, tide, or submerged lands of this

State, by agreement, arbitration, or action to quiet title, whenever it is deemed expedient or necessary. The amendment hereby made is declaratory of the existing law and any such agreements heretofore made establishing the ordinary high-water mark or the ordinary low-water mark of any of the swamp, overflowed, marsh, tide, or submerged lands of this State hereby are ratified and confirmed.

CHAPTER 395

An act to amend Section 2705 of the Public Utilities Code, relating to water companies.

In effect September 15, 1961

[Approved by Governor May 15, 1961. Filed with Secretary of State May 16, 1961.]

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

SECTION 1. Section 2705 of the Public Utilities Code is amended to read:

2705. Any corporation or association which is organized for the purpose of delivering water to its stockholders or members at cost, and which delivers water to no one except its stockholders or members, or to the State or any agency or department thereof, to any city, county, school district, or other public district, or to any other mutual water company, at cost, is not a public utility, and is not subject to the jurisdiction, control or regulation of the commission; provided, however, that a mutual water company may perform the following acts without becoming a public utility and becoming subject to the jurisdiction, control or regulation of the commission:

(a) May deliver water at cost to any lessee of its stock or shares or other evidence of membership where such lease is in writing signed by the owner of such stock or shares or other evidence of membership and the lessee thereof and approved by such mutual water company.

(b) May deliver water at cost to any land leased by a stockholder, shareholder or member of such mutual water company to a person not a stockholder, shareholder or member thereof, provided such lease is in writing signed by such stockholder, shareholder or member and such lessee of such land and approved by such mutual water company.

(c) In a bona fide water emergency, but for no longer than the existence of such emergency, may deliver water at cost to any person owning or leasing real property located within or adjacent to the service area of such mutual water company, provided that such water is delivered pursuant to a written contract signed by such mutual water company and the person to whom such water is delivered.

(d) May deliver water pursuant to any contract for water service made prior to October 1, 1961, (1) in settlement of litigation involving disputed water rights or any judgment in such litigation or (2) in consideration of the conveyance of a well, water right, or easement for water distribution purposes.

All such leases and contracts shall be preserved for a period of 10 years by a mutual water company and shall be subject to inspection by the commission.

The term "cost" as used in this section shall be construed to mean without profit.

CHAPTER 396

An act to amend Sections 26393 to 26397, inclusive, 26480 to 26484, inclusive, 27082, 29484, 29501, and 31594 of, and to repeal Section 29500 of, the Government Code, and to amend Section 27266 of the Education Code, to amend Section 7534 of the Public Resources Code, to amend Section 439.55 of the Agricultural Code, and to amend Section 6320 of the Business and Professions Code, relating to county funds and county moneys.

[Approved by Governor May 15, 1961 Filed with Secretary of State May 16, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 26393 of the Government Code is amended to read:

26393. The proceeds from the sale of all bonds authorized under the provisions of this chapter shall be paid into the county treasury to the credit of a bond fund or enterprise fund, one of which the treasurer is hereby directed to establish for the particular project for which the bonds were authorized. These moneys shall be disbursed on the order of the board in the same manner that other moneys are disbursed from the county treasury solely for the construction of the particular project for which the bonds were authorized, including preliminary reports, surveys, preparations, plans and specifications and for the payment of all other costs and expenses prior to and during construction, including the acquisition of necessary rights of way, easements, lands and other property of every kind and description and appurtenances thereto, and the payment of all expenses, engineering and administrative costs as provided by the board in the proceedings for the issuance of such bonds.

Proceeds from bond sale

SEC. 2. Section 26394 of said code is amended to read:

26394. If any surplus shall exist in a bond fund or enterprise fund, after the payment in full of all costs of acquisition, construction and completion of the project for which the

Fund surplus

revenue bonds were issued, the same may be disbursed for any of the purposes provided for in this chapter or in any agreement which may be made by the board in any indenture for the issuance of the revenue bonds.

SEC. 3. Section 26395 of said code is amended to read:

Payment of interest, etc., during construction

26395. The board may provide for the payment of the interest becoming due and payment on the principal of revenue bonds prior to and during the period of actual construction of the project for which the bonds are issued and for the period specified in the indenture for the issuance of the bonds, which period shall not exceed two years after the completion of construction and for the payment of all costs and expenses of administration during a period of one year after the completion of construction of the project out of the bond fund or enterprise fund as the need therefor may arise and moneys in the bond fund or enterprise fund are hereby made available for such purposes.

SEC. 4. Section 26396 of said code is amended to read:

Investment of fund

26396. Moneys in a bond fund or enterprise fund not required to meet acquisition or construction costs or expenses payable from the construction fund or interest on the bonds, may be invested in bonds and other obligations eligible for investment of surplus county moneys; subject to such limitations as may be provided in the proceedings authorizing the issuance of the bonds. Any income or interest thereon shall be added to and become a part of the bond fund or enterprise fund.

SEC. 5. Section 26397 of said code is amended to read:

Revenues

26397. All revenues received from the operation of the project acquired, constructed or completed by the board shall be paid into the county treasury to the credit of either an enterprise fund or a special revenue fund established for the particular project for which the bonds were authorized. The moneys shall be utilized for:

(a) Payment of the principal and interest on all bonds issued by the board for the particular project producing the revenue as and when the principal and interest become due.

(b) The creation of any reserve provided by the board in the proceedings for the issuance of the bonds.

(c) The payment of all costs and expenses incurred in connection with the project.

SEC. 6. Section 26480 of said code is amended to read:

Proceeds from bond sale

26480. The proceeds from the sale of all bonds authorized under the provisions of this chapter shall be paid into the county treasury to the credit of a bond fund or enterprise fund, one of which the treasurer is hereby directed to establish for the particular project for which the bonds were authorized. These moneys shall be disbursed on the order of the board in the same manner that other moneys are disbursed from the county treasury solely for the construction of the particular

project for which the bonds were authorized, including preliminary reports, surveys, preparations, plans and specifications and for the payment of all other costs and expenses prior to and during construction, including the acquisition of necessary rights-of-way, easements, lands and other property of every kind and description and appurtenances thereto, and the payment of all expenses, engineering and administrative costs as provided by the board in the proceedings for the issuance of such bonds.

SEC. 7. Section 26481 of said code is amended to read:

Fund surplus

26481. If any surplus shall exist in a bond fund or enterprise fund after the payment in full of all costs of acquisition, construction and completion of the project for which the revenue bonds were issued, the same may be disbursed for any of the purposes provided for in this chapter or in any agreement which may be made by the board in any indenture for the issuance of the revenue bonds.

SEC. 8. Section 26482 of said code is amended to read:

Payment of interest, etc., during construction

26482. The board may provide for the payment of the interest becoming due and payment on the principal of revenue bonds prior to and during the period of actual construction of the project for which the bonds are issued and for the period specified in the indenture for the issuance of the bonds, which period shall not exceed two years after the completion of construction and for the payment of all costs and expenses of administration during a period of one year after the completion of construction of the project out of the bond fund or enterprise fund as the need therefor may arise and moneys in the bond fund or enterprise fund are hereby made available for such purposes.

SEC. 9. Section 26483 of said code is amended to read:

Investment of fund

26483. Moneys in a bond fund or enterprise fund not required to meet acquisition or constructions costs or expenses payable from the construction fund or interest on the bonds, may be invested in bonds and other obligations eligible for investment of surplus county moneys; subject to such limitations as may be provided in the proceedings authorizing the issuance of the bonds. Any income or interest thereon shall be added to and become a part of the bond fund or enterprise fund.

SEC. 10. Section 26484 of said code is amended to read:

Revenues

26484. All revenues received from the operation of the project acquired, constructed or completed by the board shall be paid into the county treasury to the credit of either an enterprise fund or a special revenue fund established for the particular project for which the bonds were authorized. The moneys shall be utilized for:

(a) Payment of the principal and interest on all bonds issued by the board for the particular project producing the revenue as and when the principal and interest become due.

(b) The creation of any reserve provided by the board in the proceedings for the issuance of the bonds.

(c) The payment of all costs and expenses incurred in connection with the project.

SEC. 11. Section 27082 of said code is amended to read:

Money found on dead bodies

27082. Upon receiving from the coroner, or judge of the justice court acting as coroner, money found on a dead body, the treasurer shall place it to the credit of the county. The money shall be credited to a separate trust fund or trust account. If the legal representatives of the decedent demand the money in the treasury belonging to the decedent within six years, the treasurer shall pay it to them, after deducting the fees and expenses of the coroner and of the county in relation to the matter, or the money may be paid at any time thereafter upon the order of the board of supervisors.

SEC. 12. Section 29484 of said code is amended to read:

Apportionment to schools and roads

29484. The auditor of any county receiving a payment of money pursuant to this article, shall immediately apportion the money by placing 50 percent to the credit of the county school service fund of the county, and 50 percent to the credit of the road fund.

Repeal

SEC. 13. Section 29500 of said code is repealed.

SEC. 14. Section 29501 of said code is amended to read:

Payment on bonds

29501. Whenever the principal or interest on any bonds legally issued by the county or any district within the county which becomes due and there is not sufficient money in the fund established for the payment of the principal or interest to pay it, the board of supervisors may order the amount of money necessary to pay the principal or interest, or both, to be transferred from the general fund to the debt service fund provided for the payment of such principal and interest pending the collection of any taxes or ad valorem assessment which have been levied for that purpose.

The amount transferred is a loan to the fund, and the auditor shall retransfer it to the general fund not later than the apportionment of the second installment of taxes collected on the current secured roll. The board shall not advance to any debt service fund an amount greater than the amount of uncollected taxes or ad valorem assessments levied for the payment of the principal and interest on the bonds

SEC. 15. Section 31594 of said code is amended to read:

Custody of funds, etc.

31594. Subject to the approval of the board the county treasurer has control and shall safely keep the moneys of the retirement system. He shall invest and reinvest the moneys, and may from time to time sell any securities belonging to the system and shall invest and reinvest the proceeds therefrom. An investment in or sale of securities shall not be made except upon the authorization of the board.

SEC. 17. Section 27266 of the Education Code is amended to read:

Title to library property

27266. The title to all property belonging to the county free library is vested in the county. All laws applicable to the collection of county taxes shall apply to the collection of the taxes provided in Sections 27263 and 27264. All moneys of

the county free library, whether derived from taxation or otherwise, shall be in the custody of the county treasurer.

SEC. 18. Section 7534 of the Public Resources Code is amended to read:

7534. The county treasurer shall retain all money arising from the sale of swamp and overflowed lands and place it to the credit of a separate trust fund or trust account. He shall compute interest on all sales of such lands from the date of the approval of the survey or the date of the certificate of location to the first day of January following such date, or, if for lands already purchased, up to the first of January following the day upon which the interest falls due, after which time all payments of principal and interest fall due on the first day of January.

Proceeds from sale of swamp and overflowed lands

SEC. 19. Section 439.55 of the Agricultural Code is amended to read:

439.55. All fees for the issuance of dog license tags and all fines collected under the provisions of this chapter shall be paid into the county treasury and shall be used:

(a) First, to pay fees for the issuance of dog license tags.

(b) Second, to pay fees, salaries, costs, expenses, or any or all of them for the enforcement of this chapter and all ordinances made pursuant to this chapter.

(c) Third, to pay damages to owners of livestock killed by dogs.

Fees from dog licenses

SEC. 20. Section 6320 of the Business and Professions Code is amended to read:

6320. All money collected for the law library in each county, must be deposited with the treasurer of the county, who must keep the same separate and apart in a trust fund or trust account, to be disbursed by the board of law library trustees. Money may be disbursed only as in this chapter provided, and only for the purposes herein authorized.

Whenever a law library and a board of trustees to govern the same, is in existence under the provisions of any law, other than the law superseded by this chapter, in any county, or city and county, in this State, money so collected shall be paid into the hands of those, and in the manner, provided by such law.

Collections for law libraries

CHAPTER 397

An act to amend Section 3276 of the Fish and Game Code, relating to pheasants and exotic game birds.

[Approved by Governor May 15, 1961. Filed with Secretary of State May 16, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 3276 of the Fish and Game Code is amended to read:

3276. For the proper administration of this article the State is divided into two zones, Zone A and Zone B.

(a) Zone A consists of the following areas: the Imperial Valley (Imperial County); commencing at the California-Mexico international boundary at the common boundary of R. 16 E.-R. 17 E.; thence north to the All-American Canal; thence southwesterly along the All-American Canal to the East High-line Canal; thence northerly and westerly along said canal to the boundary of T. 10 S., R. 13 E. and 14 E.; thence north to Coachella Canal; thence northwesterly along said canal to the boundary between Imperial and Riverside Counties; thence west along said boundary to the sea level contour; thence south and southeasterly along said contour to the California-Mexican border; thence easterly along said border to the point of beginning, excepting therefrom those portions of Townships 9 E.-9 S.; 10 E.-9 S.; 9 E.-10 S.; 10 E.-10 S.; 11 E.-10 S.; 9 E.-11 S.; 10 E.-11 S.; 11 E.-11 S.; 9 E.-12 S.; 10 E.-12 S.; 11 E.-12 S.; 9 E.-13 S.; 10 E.-13 S.; and 11 E.-13 S., S. B. B. & M. lying within the above boundary, and excepting also that area beginning at the Riverside-Imperial County line on the Coachella Branch of the All-American Canal; thence Northwest along said Canal to the boundary of Township 7 South, Range 9 East and 10 East; thence North to sea level contour; thence Northwest and West along said contour around the town of Indio; thence South and Southeast along said contour to the Riverside-Imperial County line; thence East along said County line to the point of beginning.

Bard-Winterhaven area (Imperial County); commencing at the range line between 21 E. and 22 E. (Township 16 S.) northeasterly along the All-American Canal to Imperial Dam; thence across Imperial Dam to the common boundary of California and Arizona; thence southwesterly along said boundary to the range line between 21 E. and 22 E.; thence north following said range line to the point of beginning.

Palo Verde Valley (Riverside and Imperial Counties); those portions of T. 8 S., R 22 E., and R. 23 E.; T. 7 S., R. 23 E.; T. 6 S., R. 23 E.; and T. 5 S., R. 24 E.; and the SE. $\frac{1}{4}$ of T. 5 S., R. 23 E.; SE. $\frac{1}{4}$ of T. 6 S., R. 22 E.; all of T. 7 S., R. 22 E.; E. $\frac{1}{2}$ of T. 7 S., R. 21 E.; and E. $\frac{1}{2}$ of T. 8 S., R. 21 E. in eastern Riverside County; and those portions of the E. $\frac{1}{2}$ of T. 9 S, R. 21 E., and T. 9 S., R. 22 E. in Imperial County.

Prado Basin (San Bernardino and Riverside Counties); all of T. 3 S., R. 7 W.; S. $\frac{1}{2}$ of T. 2 S., R. 7 W.; SE. $\frac{1}{4}$ of T. 2 S., R. 8 W.

Owens Valley-Round Valley area (Inyo and Mono Counties); all of Township 6 S., R. 31 E.; and all of Owens Valley lying below the 4,500-foot contour northerly of the township line between T. 15 and 16 S.

Antelope Valley (Mono County); that portion of the SE. $\frac{1}{4}$ T. 10 N., R. 22 E. in Mono County; the E. $\frac{1}{2}$ of T. 9 N., R. 22 E.; the E. $\frac{1}{2}$ of T. 8 N., R. 22 E.; that portion of the W. $\frac{1}{2}$ of T. 9 N., R. 23 E. in Mono County; the W. $\frac{1}{2}$ of T. 8 N., R. 23 E.

Diamond Valley (Alpine County); that portion of the SE. ¼ of T. 12 N., R. 19 E. in Alpine County; the E. ½ of T. 11 N., R. 19 E.; that portion of T. 11 N., R. 20 E. in Alpine County; the N. ½ of T. 10 N., R. 20 E.

San Joaquin-Sacramento Valleys; commencing at the junction of State Highway 41 and the common boundary between Kern and Kings County northerly on Highway 41 to Kettleman City; thence due west approximately two miles to the 500 feet contour; thence northerly and westerly along said contour to range line between 10 E. and 11 E.; thence north along said range line to the Delta-Mendota Canal; thence northerly and westerly along said canal to the crossing of the Southern Pacific Railroad tracks (about five miles south of Byron); thence northwesterly along said railroad to Martinez; thence across the straits to Benicia; thence northerly along State Highway 21 to Cordelia; thence northeasterly along U. S. Highway 40 to the range line between 1 W. and 2 W.; thence north along said range line to the Pacific Gas and Electric Pit Vaca electrical transmission lines approximately six (6) miles north and east of the town of Capay; thence northwesterly along said transmission lines to the township line between 14 N. and 15 N.; thence west along said township line to the SW. corner of the E. ½ of T. 15 N., R. 4 W.; thence north along a line drawn to the NW. corner of the E. ½ of T. 20 N., R. 4 W.; thence east along the township line between 20 N. and 21 N. to the U. S. Bureau of Reclamation Shasta-Tracy westside electrical transmission lines, approximately four (4) miles northwest of the town of Artois; thence north and northwesterly along said transmission lines to the township line between T. 31 N. and T. 32 N.; thence east on said township line to the range line between R. 3 W. and R. 2 W.; thence south on said range line to U. S. Highway 99E (approximately SW. corner T. 27 N., R. 2 W.); thence southeasterly along 99E through Chico to Savona; thence southeasterly along the Oroville-Chico Highway to Oroville; thence southeasterly on the Oroville-Bangor Highway to Bangor on the section line between S. 27 and S. 28, T. 18 N., R. 5 E.; thence south on said section line to the township line between T. 18 N. and T. 17 N.; thence east on said township line to the range line between R. 5 E. and R. 6 E.; thence south on said range line to State Highway 20; thence easterly along said Highway 20 through Smartsville to the common boundary between Nevada and Yuba Counties; thence south along this boundary to Placer County; thence east along the common boundary of Nevada and Placer Counties to the range line between R. 6 E. and R. 7 E.; thence south along said range line to the township line between T. 11 N. and T. 10 N.; thence east along this township line to the common boundary between Placer and El Dorado Counties; thence south along said boundary to the common boundary between Sacramento and El Dorado Counties; thence southeasterly along said boundary between Sacramento and El Dorado Counties, Sacramento and

Amador Counties, San Joaquin and Amador Counties, San Joaquin and Calaveras Counties, Stanislaus and Calaveras Counties, Stanislaus and Tuolumne Counties, Merced and Mariposa Counties, to Madera County; thence southwest on the common boundary of Merced and Madera Counties to the Madera Canal; thence southeasterly along said canal to Fresno County; thence southwest on the common boundary of Madera and Fresno Counties to Highway 99; thence southeast along Highway 99 to the common boundary between Tulare and Kern Counties; thence west along the Kern County line to point of beginning.

Humboldt Bay Area (Humboldt County); commencing at False Cape northerly along ocean shore to Trinidad Head; thence southeasterly on a line drawn to the Town of Crannell; thence to Fieldbrook; thence to Korbel; thence to Freshwater; thence to Falk; thence to Fernbridge; thence to Carlotta; thence to Rio Dell; thence to False Cape the point of beginning.

Scott Valley (Siskiyou County); the SE. $\frac{1}{4}$ of T. 44 N., R. 10 W.; the S. $\frac{1}{2}$ of T. 44 N., R. 9 W.; all of T. 43 N., R. 9 W.; the NE. $\frac{1}{4}$ of T. 43 N., R. 10 W.; all of T. 42 N., R. 9 W.; the E. $\frac{1}{2}$ of T. 41 N., R. 9 W. This includes the Towns of Etna, Greenview, and Fort Jones.

Shasta Valley (Siskiyou County); the SW. $\frac{1}{4}$ of T. 46 N., R. 5 W.; the SE. $\frac{1}{4}$ of T. 46 N., R. 6 W.; the NW. $\frac{1}{4}$ of T. 45 N., R. 5 W.; the S. $\frac{1}{2}$ of T. 45 N., R. 5 W.; all of T. 45 N., R. 6 W.; the E. $\frac{1}{2}$ of T. 45 N., R. 7 W.; all of T. 44 N., R. 5 W., and all of T. 44 N., R 6 W.; the NE. $\frac{1}{4}$ of T. 44 N., R. 7 W.; all of T. 43 N., R. 5 W., and all of T. 43 N., R. 6 W.; all of T. 42 N., R. 5 W.; the N. $\frac{1}{2}$ of T. 42 N., R. 6 W. This includes the Towns of Edgewood, Gazelle, Yreka, and Montague.

Tulelake Area (Siskiyou and Modoc Counties); commencing at the intersection of the Mt. Diablo Meridian with the Oregon-California state line; thence easterly along said state line to the range line between R. 6 E. and R. 7 E.; thence southerly along said range line to the township line between T. 45 N. and T. 46 N.; thence westerly along said township line to the Mt. Diablo Meridian; thence north along the Mt. Diablo Meridian to the point of beginning.

Pit River Valley (Modoc and Lassen Counties); the W. $\frac{1}{2}$ of T. 45 N., R. 14 E.; all of T. 45 N., R. 13 E.; the W. $\frac{1}{2}$ of T. 44 N., R. 14 E.; all of T. 44 N , R. 13 E.; the S. $\frac{1}{2}$ of T. 44 N., R 12 E.; the E. $\frac{1}{2}$ of T. 44 N., R. 11 E.; all of T. 43 N., R. 13 E.; all of T. 43 N., R. 12 E.; all of T. 42 N., R. 13 E.; all of T. 42 N., R. 12 E., and all of T. 42 N., R. 11 E.; the S. $\frac{1}{2}$ of T. 42 N , R. 10 E ; the SE. $\frac{1}{4}$ of T. 42 N., R. 9 E ; all of T. 41 N , R. 13 E.; all of T 41 N., R. 12 E , and of T 41 N., R. 11 E.; the N. $\frac{1}{2}$ of T. 41 N., R. 10 E.; the NE. $\frac{1}{4}$ of T. 41 N., R. 9 E.; all of T. 40 N., R. 13 E.; the E. $\frac{1}{2}$ of T. 40 N., R. 12 E.; all of T. 39 N., R. 13 E.; the E. $\frac{1}{2}$ of T. 39 N., R. 12 E. This includes the Towns of Canby, Alturas, Davis Creek, and Likely.

Surprise Valley (Modoc County); all that portion of Surprise Valley lying in Modoc County below the 5,000 feet contour.

Lookout-Bieber Area (Modoc and Lassen Counties); commencing at the town of Adin (Modoc County) south on Adin-Eagle Lake County Road to the boundary of the Modoc National Forest (approximately 6 5 miles south of Adin); thence westerly and southerly along said forest boundary to the township line between T. 36 N. and T. 37 N.; thence west along said township line to the Great Northern Railroad; thence northerly along said railroad to the township line between T. 37 N. and T. 38 N.; thence westerly along said township line to the range line between R. 6 E and R. 7 E.; thence north along said range line to the township line between T. 39 N. and T. 40 N.; thence east along said township line to the range line between R. 7 E. and R 8 E.; thence south along said range line to the Lookout-Adin County Road; thence easterly along said county road to Adin, the point of beginning. This includes the Towns of Nubieber, Bieber, Lookout, and Adin.

McArthur Area (Lassen County); all of T. 38 N., R. 5 E. and T. 38 N., R. 4 E.; the E. ½ of T. 38 N., R. 3 E.; all of T. 37 N., R. 5 E.; the E. ½ of T. 37 N., R. 4 E. This includes the Towns of Dana, Pittville, McArthur, and Fall River Mills.

Honey Lake Area (Lassen County); commencing at the point where the Southern Pacific Railroad intersects the California-Nevada state line in T. 27 N., R. 17 E.; thence southerly along said state line to where the township line between T. 24 N. and T. 25 N. intersects said state line; thence westerly along the township line between T. 24 N. and T. 25 N. to the Plumas National Forest boundary; thence northerly and westerly along Plumas National Forest boundary to its intersection with the range line between R 11 E. and R. 12 E.; thence northerly along said range line to the township line between T. 30 N. and T. 31 N.; thence easterly along said township line to the range line between R. 13 E. and R. 14 E.; thence southerly along said range line to the township line between T. 29 N. and T. 30 N.; thence easterly along said township line to the Southern Pacific Railroad; thence southerly along said railroad through the Town of Wendel; thence southerly and easterly along said railroad to the point of beginning.

Indian Valley (Plumas County); the SW. ¼ of T. 27 N., R. 11 E.; the S. ½ of T. 27 N., R. 10 E.; the SE. ¼ of T. 27 N, R. 9 E.; the W. ½ of T. 26 N., R. 11 E.; T. 26 N., R. 10 E.; the E. ½ of T. 26 N., R. 9 E. This includes the Towns of Greenville, Crescent Mills and Taylorsville.

Sierra Valley (Sierra and Plumas Counties); the S. ½ of T. 23 N., R. 16 E.; the S. ½ of T. 23 N., R. 15 E.; the S. ½ of T. 23 N., R. 14 E.; the S. ½ of T. 23 N., R. 13 E.; T. 22 N., R. 16 E.; T. 22 N., R. 15 E.; T. 22 N., R. 14 E.; T. 22 N., R. 13

E.; T. 22 N., R. 12 E.; T. 21 N., R. 14 E.; T. 21 N., R. 15 E.; the W. ½ of T. 21 N., R. 16 E.; T. 20 N., R. 14 E.; the W. ½ of T. 20 N., R. 15 E. This includes the Towns of Blairsden, Portola, Vinton, Loyalton, Sierraville, and Calpine.

Clubs licensed in the above area shall be known as Zone A licensees.

(b) Zone B comprises the remainder of the State, and clubs licensed in this area shall be known as Zone B licensees.

CHAPTER 398

An act to add Section 42 to the Insurance Code, relating to representation of insurance.

In effect September 15, 1961

[Approved by Governor May 15, 1961. Filed with Secretary of State May 16, 1961.]

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

SECTION 1. Section 42 is added to the Insurance Code, to read:

42. The designation of insurance coverage as "group" in any code or law of this State other than this code does not authorize its representation as a group coverage or as a group policy, certificate or contract by any person licensed or certificated by the commissioner unless the policy providing the coverage is defined as group insurance by a specific provision of this code or of the laws of the state in which the policy, certificate or contract is issued. This section shall apply only to life, disability and workmen's compensation insurance.

CHAPTER 399

An act to amend Sections 348.6, 349, 349.2, 349.8, 350, 353, and 369 of the Agricultural Code, relating to cattle brand inspection.

In effect September 15, 1961

[Approved by Governor May 15, 1961. Filed with Secretary of State May 16, 1961.]

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

SECTION 1. Section 348.6 of the Agricultural Code is amended to read:

Inspection en route

348.6. No inspection is required prior to transportation to a point and from an area designated by the chief pursuant to this section as one in which inspection may be made en route or at destination. Whenever the chief determines that in any particular area in which there is operating a licensed slaughterhouse, public sales yard or stockyard, or other cattle sales market, the volume of shipments or other

factors render it impossible or impractical to have inspection prior to shipment he may, by order, authorize inspection en route or at point of destination. The order shall specify the point to which and the area from which such shipments may be made. All cattle so shipped shall be accompanied by a certificate of ownership or certificate of consignment, the original of which shall be surrendered to the inspector prior to the inspection of the cattle. The certificate of consignment or certificate of ownership shall show the date, loading point, address of the owner, destination of shipment, number and description of cattle including brands if any, and motor vehicle license number of the vehicle transporting the cattle. A copy of the certificate shall be kept on file in the office of the seller for a period of one year after the sale. The certificate of consignment may be attached to and become a part of the brand certificate issued by the inspector, in lieu of the information required by Section 349.4.

SEC. 2. Section 349 of said code is amended to read:

Daylight

349. It is unlawful for any inspector to issue a certificate of inspection unless such inspection was personally made between one hour before sunrise and one hour after sunset.

SEC. 3. Section 349.2 of said code is amended to read:

Proof of ownership

349.2. If, upon inspection, there is found any animal or hide which does not bear the recorded brand of the person presenting the same for inspection, such person shall show the inspector a bill of sale, certificate of inspection, or other proof of ownership of such animal or hide.

SEC. 4. Section 349.8 of said code is amended to read:

Cattle shipped for slaughter. Brand inspection

349.8. Cattle shipped for slaughter which have been inspected prior to shipment shall be given a brand inspection at destination and no charge made for such inspection when the duplicate copy of a certificate of inspection or a sales yard bill of sale is produced which was issued within five days prior to slaughter or if the cattle, owned by the slaughterer, are held in enclosures which are used exclusively by the slaughterer and located within one mile of the slaughterhouse and the cattle are driven, not transported, from said enclosure to said slaughterhouse.

SEC. 5. Section 350 of said code is amended to read:

Release

350. The chief may release, or provide for the release of, cattle, carcasses, and hides without the inspection required by Section 349.9, but inspection shall be made en route or at point of destination and the owner shall keep such cattle segregated until inspected.

SEC. 6. Section 353 of said code is amended to read:

Fees

353. All brand inspection fees are due and payable at the time of inspection and the amount due for all inspections made shall be paid to the inspector within fifteen (15) days after the issuance of the brand inspection certificates therefor unless there is on deposit with the bureau a bond in an amount and form approved by the chief or a cash deposit to cover the payment of such fees. Any fees due and payable for

brand inspections made and remaining unpaid or not having been paid as required by this section may be recovered by the director in accordance with the provisions of Section 28.6 of this code. Inspection services may be refused for nonpayment of prior services rendered.

SEC. 7. Section 369 of said code is amended to read:

Altering, defacing bill of sale, etc.

369. It shall be unlawful for any person to alter, deface or change any invoice of sale or bill of sale or brand inspection certificate. Any invoice of sale, bill of sale or brand inspection certificate which has been altered, defaced or changed is void; except that an inspector may indicate on a bill of sale any number of cattle sold by the holder of the bill of sale, or draw a line through an error on a certificate, provided the inspector initials and dates all alterations on either the bill of sale or the certificate.

CHAPTER 400

An act to amend Sections 2111, 2112, 2114, 2120, 2232, 2393, 2450, 2451, 2452, 2454, and 2458 of, to amend and renumber Section 2457.5 of, and to add Sections 2451.1, 2451.2, 2452.1, and 2459 to, the Business and Professions Code, and to amend Section 2393 of the Business and Professions Code, as amended by Senate Bill No. 481 of the 1961 Regular Session, relating to licenses, certificates, and permits issued by the Board of Medical Examiners

In effect September 15, 1961

[Approved by Governor May 15, 1961. Filed with Secretary of State May 16, 1961.]

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

SECTION 1. Section 2111 of the Business and Professions Code is amended to read:

Directory of certificate holders

2111. In each even-numbered year, the board shall compile and may thereafter publish and sell a complete directory of all persons within the State of California who hold unexpired, unforfeited and unrevoked certificates to practice under any medical practice act of this State and whose certificate in any manner authorizes the treatment of human beings for diseases, injuries, deformities, or any other physical or mental conditions.

SEC. 2. Section 2112 of said code is amended to read:

Same Contents

2112. The directory shall contain.

(a) The following information concerning each person designated in Section 2111:

(1) The name and address of such person.

(2) The names and symbols indicating his title.

(3) The school, attendance at which qualified him for examination or admission to practice.

(4) The date of the issuance of his certificate.

(5) The form of certificate that he holds.

(b) The annual report of the board for the two prior years.

(c) Information relating to other laws of this State and the United States, which the board determines to be of interest to persons licensed under this chapter.

(d) Copy of the provisions of this chapter.

SEC. 3. Section 2114 of said code is amended to read:

Same Prima facie evidence of right to practice

2114. The directory shall be prima facie evidence of the right of the persons named in it to practice, unless such right has been revoked or suspended by the board subsequent to the publication of such directory. The secretary-treasurer shall mail a copy of the directory, and all new issues and copies of all supplements of it, to the last known address of each person listed in it.

SEC. 4. Section 2120 of said code is amended to read:

Report

2120. On or before the first day of January of each year, the board shall transmit to the Governor a full and true report of all its proceedings, together with a report of all its receipts and disbursements.

The board may publish its report separately and also as a part of the directory. The costs of publication shall be chargeable against the Contingent Fund of the board.

SEC. 5. Section 2232 of said code is amended to read:

Drugless practitioners

2232. The classification of drugless practitioner is abolished but all persons holding licenses as drugless practitioners may continue to engage in practice and to renew their licenses as provided in Article 15.

SEC. 6. Section 2393 of said code is amended to read:

Fictitious, false, etc., names

2393. The use of any fictitious, false or assumed name, or any name other than his own, by the holder of any certificate, either alone or in conjunction with a partnership group, in any sign or advertisement in connection with his practice, or in any advertisement or announcement of his practice, or in any public announcement of his practice, except as hereinafter expressly permitted, constitutes unprofessional conduct within the meaning of this chapter. Holders of physicians' and surgeons' certificates and holders of certificates to practice chiropody issued under this chapter may practice, within the scope of their respective certificates, in partnerships or groups of physicians and surgeons or of chiropodists, respectively.

Any physician and surgeon or partnership or group of physicians and surgeons, or any chiropodist or partnership or group of chiropodists, engaging in practice under any name that would otherwise be a violation of this section may practice under such name if, and only if, such individual, partnership or group holds an outstanding unexpired, unsuspended, and unrevoked permit issued by the board under the provisions of this section.

Permit Requirements

The board shall issue written permits authorizing the holder to use a name specified in the permit in connection with his or their practice if, and only if, the board finds to its satisfaction that:

(a) The applicant or applicants are either duly licensed physicians and surgeons or chiropodists, as the case may be;

(b) The place or establishment, or the portion thereof, in which the applicant or applicants practice, is owned or leased by the applicant or applicants, and the practice conducted at such place or establishment, or portion thereof, is wholly owned and entirely controlled by the applicant or applicants;

(c) The name under which the applicant or applicants propose to operate contains at least one of the following designations: "Medical Group," "Medical Clinic," "Chiropodists' Group" or "Chiropodists' Clinic";

(d) All licensed persons practicing at the location designated in the application hold valid and outstanding licenses and that no charges of unprofessional conduct are pending against any person practicing at such location.

Permits issued under this section by the Board of Medical Examiners shall expire and become invalid unless renewed at the times and in the manner provided in Article 15 for the renewal of certificates issued under this chapter. Permits issued under this section by the Board of Osteopathic Examiners shall expire on December 31st of each year, and may be renewed by the board on payment of the fee equal to the annual tax and registration fee payable by licentiates of the Board of Osteopathic Examiners.

Any permit issued under this section may be revoked or suspended at any time that the board finds that any one of the requirements for original issuance of a permit is no longer being fulfilled by the individual or group to whom the permit was issued. Proceedings for revocation or suspension shall be governed by the Administrative Procedure Act.

In the event charges of unprofessional conduct are filed against the holder of a permit issued under this section, or a partnership or a member of a group to whom a permit has been issued under this section, proceedings shall not be commenced for revocation or suspension of the permit until final determination of such charges of unprofessional conduct and unless such charges have resulted in revocation of license.

The amendments to this section enacted at the 1955 Regular Session of the Legislature shall not be applicable to establishments licensed under Chapter 1 of Division 2 of the Health and Safety Code.

SEC. 7. Section 2450 of said code is amended to read:

Application of article

2450. The provisions of this article apply to, determine the expiration, and govern the renewal of each of the following certificates, licenses, and permits issued or endorsed by the Board of Medical Examiners, including reciprocity licenses, certificates, and permits: physicians and surgeons certificates, certificates to practice chiropody, certificates to practice midwifery, certificates of naturopaths, certificates of drugless practitioners, certificates of dispensing opticians, cer-

tificates of registration as a physical therapist, licenses for the practice of physical therapy, certificates as a psychologist, and permits to use a fictitious name issued under Section 2393.

As used in this article, "license" includes, "certificate" and "permit," and "licensee" includes a holder of a certificate or permit.

SEC. 8. Section 2451 of said code is amended to read:

Term of license

2451. Licenses issued before January 1, 1962, expire and become invalid at 12 p.m. on December 31, 1961, if not renewed. Licenses renewed on or after December 31, 1961, and before March 1, 1964, and licenses issued after December 31, 1961, and before March 1, 1964, expire and become invalid at 12 p m. on February 29, 1964, if not renewed. Thereafter, all licenses expire and become invalid at 12 p m. on the last day of February of each even-numbered year if not renewed.

To renew an unexpired license, the licensee shall, on or before each of the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board, and pay the prescribed renewal fee, if any.

SEC. 9. Section 2451.1 is added to said code, to read:

Initial license fee

2451.1. Every person to whom a license is issued after December 31, 1961, shall, as a condition precedent to its issuance, and in addition to any application, examination or other fee, pay the prescribed initial license fee, if any. The board may, by regulation, provide for the waiver or refund of the initial license fee, however, where the license is issued less than 45 days before the date on which it will expire.

SEC. 10. Section 2451.2 is added to said code, to read:

Renewal period

2451.2. Except as provided in Section 2452, a license which has expired may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last preceding regular renewal date. If the license is not renewed within 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the prescribed delinquency fee, if any. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the expiration date provided in Section 2451 which next occurs after the effective date of the renewal, when it shall expire and become invalid if it is not again renewed.

The provisions of this section govern the renewal, and the fees payable therefor, of licenses which expired under the law in effect before October 1, 1961, as well as licenses which expire on October 1, 1961, or thereafter. A license which was forfeited or suspended for failure to renew under the law in effect before October 1, 1961, shall be considered to have expired on the date that it became forfeited or suspended.

SEC. 11. Section 2452 of said code is amended to read:

Suspended licenses

2452. A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended, and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

A license revoked on disciplinary grounds is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition to reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 12. Section 2452.1 is added to said code, to read:

Effect of failure to renew

Obtaining new license Requirements

2452.1. A person who fails to renew his license within five years after its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter, but such person may apply for and obtain a new license if:

(a) He is of good moral character,

(b) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension,

(c) He takes and passes the examination, if any, which would be required of him if he were then applying for the license for the first time, or otherwise establishes to the satisfaction of the board or examining committee, as the case may be, with authority to pass on the qualifications of applicants for such license that, with due regard for the public interest, he is qualified to practice or engage in the profession or activity in which he again seeks to be licensed, and

(d) He pays all of the fees that would be required of him if he were then applying for the license for the first time.

The board may, by regulation, provide for the waiver or refund of all or any part of the examination fee in those cases in which a license is issued without an examination pursuant to the provisions of this section.

This section shall not be construed to authorize the issuance of a license or certificate of drugless practitioner, or a license or certificate to practice midwifery, or to practice naturopathy.

SEC. 13. Section 2454 of said code is amended to read:

Contingent fund

2454. The receipts of the initial license fees and renewal fees collected by the Board of Medical Examiners from persons licensed under this chapter shall be paid into the contingent fund of the Board of Medical Examiners of California, and shall be used to carry out the provisions of this chapter relating to the compilation, publication, and sale of a directory.

If there is any surplus in these receipts after the expenses of issuing the directories have been paid, the board may apply the surplus to any of the other expenses incurred by it under the provisions of this chapter.

SEC. 14. Section 2457.5 of said code is amended and renumbered to read:

Exemption from renewal fee

2217. Every person licensed under this chapter, including a person licensed by the Board of Osteopathic Examiners, is exempt from the payment of the renewal fee in any one of the following instances:

(a) While engaged in full-time active service in the Medical Corps of the Army, Navy, Air Force or Marines or in the United States Public Health Service.

(b) While fulfilling his full-time period of training and active service, whether as a draftee or volunteer, under the Selective Training and Service Act of 1940 and any amendments or additions thereto or acts supplementary thereof.

Every person exempted from the payment of the renewal fee by this section shall not engage in any private practice and shall become liable for such fee for the current renewal period upon the completion of his period of full-time active service and shall have a period of 60 days after becoming liable within which to pay the fee before the delinquency fee becomes applicable. Any person who completes his period of full-time active service within 60 days of the end of a renewal period is exempt from the payment of the renewal fee for that period.

The time spent in such full-time active service or full-time training and active service shall not be included in the computation of the five-year period for renewal of a license provided in Sections 2451.2 and 2452.1.

SEC. 15. Section 2458 of said code is amended to read:

Fee schedule

2458. The amount of fees and refunds prescribed by this chapter in connection with physicians and surgeons certificates, certificates to practice chiropody, certificates to practice midwifery, certificates of drugless practitioners, and certificates of naturopaths is that fixed by the following schedule:

(a) The fee for each applicant for a certificate by written examination, unless otherwise provided in this chapter, shall be fixed annually by the board at an amount not to exceed fifty dollars ($50) nor less than fifteen dollars ($15). If the applicant's credentials are insufficient or if he does desire to take the examination, the sum of ten dollars ($10) shall be retained and the remainder of the fee is returnable on application.

(b) Each applicant for a certificate based upon a national board diplomate certificate, and each applicant for a reciprocity certificate, shall pay an application fee in the sum of ten dollars ($10) at the time his application is filed. If the applicant qualifies for a certificate, he shall be notified and, in addition to the initial license fee, shall pay a fee which shall be fixed annually by the board at a sum not in excess of one hundred dollars ($100) nor less than five dollars ($5) for the issuance of the certificate.

(c) Each applicant for a certificate under Article 6 shall pay an application fee in the sum of ten dollars ($10) at the time his application is filed. If the applicant qualifies for a

certificate, he shall be notified and, in addition to the initial license fee, shall pay a fee which shall be fixed annually by the board at a sum not in excess of forty dollars ($40) nor less than five dollars ($5) for the issuance of the certificate.

(d) The renewal fee shall be fixed by the board at a sum not in excess of twenty dollars ($20) nor less than two dollars ($2).

(e) The delinquency fee is ten dollars ($10).

(f) The duplicate certificate fee is two dollars ($2).

(g) The endorsement fee is five dollars ($5).

(h) The fee for issuance of a duplicate certificate upon a change of name authorized by law of a person holding a certificate under this chapter shall be two dollars ($2).

(i) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued.

SEC. 16. Section 2459 is added to said code, to read:

Same

2459. The amount of fees payable in connection with permits issued under Section 2393 is as follows:

(a) The initial permit fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the permit is issued, except that, if the permit will expire less than one year after its issuance, then the initial permit fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the permit is issued.

(b) The renewal fee shall be fixed by the board at not more than twenty dollars ($20) nor less than two dollars ($2).

(c) The delinquency fee is ten dollars ($10).

SEC. 17. Section 2393 of the Business and Professions Code, as amended by Senate Bill No. 481, of the 1961 Regular Session, is amended to read:

Fictitious, false, etc., names

2393. The use of any fictitious, false or assumed name, or any name other than his own, by the holder of any certificate, either alone or in conjunction with a partnership group, in any sign or advertisement in connection with his practice, or in any advertisement or announcement of his practice, or in any public announcement of his practice, except as hereinafter expressly permitted, constitutes unprofessional conduct within the meaning of this chapter. Holders of physicians' and surgeons' certificates and holders of certificates to practice podiatry issued under this chapter may practice, within the scope of their respective certificates, in partnerships or groups of physicians and surgeons or of podiatrists, respectively.

Any physician and surgeon or partnership or group of physicians and surgeons, or any podiatrist or partnership or group of podiatrists, engaging in practice under any name that would otherwise be a violation of this section may practice

under such name if, and only if, such individual, partnership or group holds an outstanding unexpired, unsuspended, and unrevoked permit issued by the board under the provisions of this section.

Permit: Requirements

The board shall issue written permits authorizing the holder to use a name specified in the permit in connection with his or their practice if, and only if, the board finds to its satisfaction that:

(a) The applicant or applicants are either duly licensed physicians and surgeons or podiatrists, as the case may be;

(b) The place or establishment, or the portion thereof, in which the applicant or applicants practice, is owned or leased by the applicant or applicants, and the practice conducted at such place or establishment, or portion thereof, is wholly owned and entirely controlled by the applicant or applicants.

(c) The name under which the applicant or applicants propose to operate contains at least one of the following designations: "Medical Group," "Medical Clinic," "Podiatrists' Group" or "Podiatrists' Clinic";

(d) All licensed persons practicing at the location designated in the application hold valid and outstanding licenses and that no charges of unprofessional conduct are pending against any person practicing at such location.

Permits issued under this section by the Board of Medical Examiners shall expire and become invalid unless renewed at the times and in the manner provided in Article 15 for the renewal of certificates issued under this chapter. Permits issued under this section by the Board of Osteopathic Examiners shall expire on December 31st of each year, and may be renewed by the board on payment of the fee equal to the annual tax and registration fee payable by licentiates of the Board of Osteopathic Examiners.

Any permit issued under this section may be revoked or suspended at any time that the board finds that any one of the requirements for original issuance of a permit is no longer being fulfilled by the individual or group to whom the permit was issued. Proceedings for revocation or suspension shall be governed by the Administrative Procedure Act.

In the event charges of unprofessional conduct are filed against the holder of a permit issued under this section, or a partnership or a member of a group to whom a permit has been issued under this section, proceedings shall not be commenced for revocation or suspension of the permit until final determination of such charges of unprofessional conduct and unless such charges have resulted in revocation of license.

The amendments to this section enacted at the 1955 Regular Session of the Legislature shall not be applicable to establishments licensed under Chapter 1 of Division 2 of the Health and Safety Code.

Effect: Stats 1961, Ch 315 operative date

SEC. 18. Section 17 of this act becomes operative only if Senate Bill No. 481 is enacted by the Legislature at its 1961 Regular Session, and in such case shall become operative on October 1, 1961, at which time Section 6 of this act is repealed.

Effect: Stats 1961, Chs 1278, 1279, 1280 and 1281

SEC. 19. This act shall become operative only if Senate Bill No. 871, Senate Bill No. 872, Senate Bill No. 873, Senate Bill No. 874, and all of them are enacted by the Legislature at its 1961 Regular Session, and, in such case, shall become operative on October 1, 1961.

Operative date

CHAPTER 401

An act to amend Section 3352 of, and to add Sections 1725.1 and 3352.5 to, the Education Code, relating to school district organization.

In effect September 15, 1961

[Approved by Governor May 15, 1961. Filed with Secretary of State May 16, 1961.]

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

SECTION 1. Section 3352 of the Education Code is amended to read:

Liability for bonded indebtedness

3352. In each unified school district, each district included in whole in a unified school district formed under this chapter (commencing at Section 3001) the boundaries of which are not coterminous with the unified school district in which it is included shall be continued in existence for the purpose of retaining liability for the bonded indebtedness of such district.

SEC. 2. Section 3352.5 is added to said code, to read:

Same

3352.5. In each unified school district, each district included in whole in a unified school district formed under this chapter (commencing at Section 3001), the boundaries of which are coterminous with the unified school district in which it was included, shall cease to remain in existence and the liability for the bonded indebtedness of such district shall become the liability of the unified school district.

SEC. 3. Section 1725.1 is added to said code, to read:

Same

1725.1. Each school district wholly included in a unified school district formed pursuant to Chapter 6 (commencing with Section 2401) of this division shall be continued in existence for the purpose of retaining liability for the bonded indebtedness of such included district, if the boundaries of the included district are not coterminous with those of the unified district. Each district included in whole in such a unified district shall cease to remain in existence and the liability for the bonded indebtedness of such included district shall become the liability of the unified school district, if the boundaries of the included district are coterminous with those of the unified district.

SEC. 4. Section 3 of this act shall become operative only if the Assembly Bill 463 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill 463 takes effect; at which time Sections 3352 and 3352.5 of the Education Code as amended or added by Sections 1 and 2 of this act are repealed. Effect: Assembly Bill No 463

CHAPTER 402

An act to amend Section 30774 of the Streets and Highways Code, as added by Chapter 1784 of the Statutes of 1959, and to amend Section 30794 of the Streets and Highways Code, as proposed by Assembly Bill No. 1194 of the 1961 Regular Session, relating to San Francisco Bay area toll bridges, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1961. Filed with Secretary of State May 16, 1961.] In effect immediately

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

SECTION 1. Section 30774 of the Streets and Highways Code, as added by Chapter 1784 of the Statutes of 1959, is amended to read:

30774. As an alternative method of financing, the California Toll Bridge Authority may pay for the cost of the reconstruction and improvement work on the San Mateo-Hayward Bridge or the Dumbarton Bridge, including repayment to the State Highway Fund for funds advanced for studies, from any funds now on hand or from future revenues of the San Francisco-Oakland Bay Bridge up to and including December 31, 1962, insofar as such funds are determined by the authority to be available after providing for the payment for the work necessary to complete the reconstruction of the San Francisco-Oakland Bay Bridge as authorized by Section 30609. In the event the work is so financed the authority shall continue to assess, and the department shall collect, tolls on the San Mateo-Hayward and Dumbarton Bridges after the repayment of all bonds secured thereby either at rates then in effect or at rates equal to or in excess of those payable on the San Francisco-Oakland Bay Bridge. All revenues so collected shall be paid into the same fund as revenues of the San Francisco-Oakland Bay Bridge and shall be available for expenditure for the same purposes as the revenues from the San Francisco-Oakland Bay Bridge, including the pledging thereof as security for future issues of revenue bonds that may be authorized by the authority. Alternative method of financing

SEC. 2. Section 30794 of the Streets and Highways Code, as proposed by Assembly Bill No. 1194 of the 1961 Regular Session, is amended to read:

30794. As an alternative method of financing, the California Toll Bridge Authority may pay for the costs of the Same

reconstruction and improvement work on the San Mateo-Hayward Bridge or the Dumbarton Bridge, including repayment to the State Highway Fund for funds advanced for studies, from any funds now on hand or from future revenues of the San Francisco-Oakland Bay Bridge up to and including December 31, 1962, insofar as such funds are determined by the authority to be available after providing for the payment for the work necessary to complete the reconstruction of the San Francisco-Oakland Bay Bridge as authorized by Section 30609. In the event the work is so financed the authority shall continue to assess, and the department shall collect, tolls on the San Mateo-Hayward and Dumbarton Bridges after the repayment of all bonds secured thereby either at rates then in effect or at rates equal to or in excess of those payable on the San Francisco-Oakland Bay Bridge. All revenues so collected shall be paid into the same fund as revenues of the San Francisco-Oakland Bay Bridge and shall be available for expenditure for the same purposes as the revenues from the San Francisco-Oakland Bay Bridge, including the pledging thereof as security for future issues of revenue bonds that may be authorized by the authority.

Effect: Stats 1961, Ch 57

SEC. 3. Notwithstanding Section 4 of this act, Section 2 of this act shall become operative only if Section 30794 of the Streets and Highways Code as proposed by Assembly Bill No. 1194 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 1194 takes effect; at which time Section 30774 of the Streets and Highways Code, as added by Chapter 1784 of the Statutes of 1959 and as amended by Section 1 of this act, is repealed.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

All bonds outstanding against the revenues of the San Mateo-Hayward and Dumbarton Bridges will soon be called and redeemed, and there are now certain categories of vehicles wherein the present law would require an increase in the tolls on the San Mateo-Hayward and Dumbarton Bridges at the time the bonds are paid off and there is no necessity for such increase at this time. To prevent such increases being imposed, it is necessary that this act take effect immediately.

CHAPTER 403

An act to add Section 6607 to the Business and Professions Code, relating to the practice of barbering.

[Approved by Governor May 15, 1961. Filed with Secretary of State May 16, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 6607 is added to the Business and Professions Code, to read:

6607. It is unlawful for any barber college to render any service under the representation that the fee which is to be, or is, charged for such service is at a discount, or under the representation that the fee which is to be, or is, charged for such service is at a percentage or otherwise less than the average fee than that regularly charged under like conditions by the college so licensed or by other persons for such service.

The provisions of this section shall not be construed to modify or establish fees or to modify or affect in any manner any other provision of this chapter.

CHAPTER 404

An act to amend Section 14052 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor May 15, 1961. Filed with Secretary of State May 16, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 14052 of the Education Code is amended to read:

14052. Service shall be computed by school years and not by calendar years, portions of years served being accumulated and counted as service. All of the service rendered during any one school year in employment requisite for membership in this system shall not count for more than one year, and the service credited under this system to any member as rendered during any school year, shall not exceed the fraction of a year which makes one year of service, when added to the service credited to such member under the State Employees' Retirement System, the Retiring Annuities System of the University of California, or any locally administered retirement system in California except a local system as defined by Section 13824, as rendered during such year. No time shall be included for which, or on the basis of which a member is entitled to receive a pension in a lump sum or installment payments, for other than naval or military service from any source other than this

system or a local retirement system. If a retired member becomes entitled to such a pension, his retirement allowance shall be reduced thereafter to exclude the time upon which the pension is based, without other change in his retirement status. No time shall be included during which a member is on retirement under this system If, at retirement, there are contributions to the Permanent Fund and the Retirement Annuity Fund remaining to the credit of the member which were made with respect to time on the basis of which the member will not be entitled to receive a benefit from those funds, the board shall refund to the member such contributions as it may allocate to said time with credited interest.

In lieu of any other benefits provided by this chapter (commencing with Section 13801), any member who rendered service prior to July 1, 1956, shall receive retirement benefits for that service at least equal to the benefits which he would have received for that service under the provisions of this chapter as they existed on June 30, 1956.

CHAPTER 405

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 18, 1961 Filed with Secretary of State May 18, 1961.]

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

Definitions

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

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5, Division 7, Title 1 of the Government Code
Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
California water districts
Cemetery districts
Citrous pest control districts
Community service districts
Conservancy districts
County boards of education
County fire protection districts

County maintenance districts
County power pumping districts
County sanitation districts
County sewerage and water districts
County water agencies
County water authorities
County water districts
County waterworks districts
Drainage districts
Fire protection districts
Flood control and water conservation districts
Flood control districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Improvement districts of municipal improvement districts
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Public cemetery districts
Public utility districts
Rapid transit districts
Reclamation districts

Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
River port districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Special transit service districts
Storm water districts
Transit districts
Unified air pollution control districts
Urban renewal agencies
Vehicle parking districts
Veterans' memorial districts
Water authorities
Water conservation districts
Water districts
Water storage districts
Weed abatement districts
Zones of flood control districts
Zones of flood control and water conservation districts
Zones of county water agencies
Zones of county water authorities

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

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

Existing public bodies

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

Existing boundaries

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

SEC. 4. All acts and proceedings heretofore taken by any public body under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory. Prior acts and proceedings

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

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

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

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

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

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

Limitation

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This subsection shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

Construction

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

Definitions

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

Short title

SEC. 10. This act may be cited as the First Validating Act of 1961.

Urgency

SEC. 11. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the State require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the State can be afforded the protection of the police, fire, safety, sanitary, and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets,

hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 406

An act to add 17781 and 20820.1 to the Business and Professions Code, relating to trading stamps.

[Approved by Governor May 19, 1961 Filed with Secretary of State May 19, 1961]

In effect September 15, 1961

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

SECTION 1. Section 17781 is added to the Business and Professions Code, to read:

Advertising

17781. Nothing in this chapter, nor in this code, is intended to require or requires that the cash or merchandise value of trading stamps be stated or set forth on any sign, statement, or other advertising media which either advertises or offers such stamps, or advertises or indicates the price of gasoline or motor fuel, whether on any dispensing apparatus or elsewhere, and which is displayed at or about any place of business offering for sale or selling gasoline or other motor vehicle fuel.

SEC. 2. The addition of this section made by the 1961 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the pre-existing law.

SEC. 3. Section 20820.1 is added to the Business and Professions Code, to read:

Stamps with gasoline sales

20820.1. Any person who sells or offers for sale any gasoline or other motor vehicle fuel from any place of business in this State by use of, or through, or from any dispensing apparatus, who offers trading stamps to his customers shall display upon the dispensing apparatus a sticker, decal, or sign affixed thereto, setting forth the number of trading stamps that will be given with each ten-cent ($0.10) purchase or multiple thereof.

CHAPTER 407

An act to amend Section 21300 of the Government Code, relating to State Employees' Retirement System.

In effect September 15, 1961

[Approved by Governor May 19, 1961. Filed with Secretary of State May 19, 1961.]

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

SECTION 1. Section 21300 of the Government Code is amended to read:

21300. If, prior to attaining the minimum age for voluntary retirement for service applicable to members of his class, a recipient of a disability retirement allowance, other than a local safety member who is receiving a disability retirement allowance for industrial disability, engages in a gainful occupation not in state service, the board shall reduce his monthly disability retirement pension to an amount which, when added to the compensation earned monthly by him, shall not exceed the amount of the maximum compensation earnable by a person holding the position which he held at the time of his retirement, or if that position has been abolished, the maximum compensation earnable by a person holding it immediately prior to its abolition.

If his earnings are further altered, the board may further alter his disability retirement pension to the lower of the following amounts:

(a) The amount of the disability retirement pension upon which he was originally retired.

(b) An amount which, when added to the compensation earned by him, shall equal the amount of the maximum compensation earnable by a person holding the position which he held at the time of his retirement, or, if that position has been abolished, the maximum compensation earnable by a person holding it immediately prior to its abolition.

When he reaches the minimum age for voluntary retirement for service applicable to members of his class his retirement allowance shall be made equal to the amount it would be if not reduced under this section, and shall not again be modified for any cause.

CHAPTER 408

An act to amend Section 1194 of, and to add Sections 1193.5, 1193.6 and 1194.5 to, the Labor Code, relating to wages, hours and working conditions of women and minors.

In effect September 15, 1961

[Approved by Governor May 19, 1961. Filed with Secretary of State May 19, 1961.]

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

SECTION 1. Section 1193.5 is added to the Labor Code, to read:

1193.5. The provisions of this chapter shall be administered and enforced by the division. Any authorized representative of the division shall have authority to: Administration

(a) Investigate and ascertain the wages, hours and working conditions of women and minors employed in any occupation in the State;

(b) Supervise the payment of unpaid minimum wages or unpaid overtime compensation owing to any woman or minor under the provisions of this chapter or the orders of the commission. Acceptance of payment of sums found to be due on demand of the division shall constitute a waiver on the part of the employee of his or her cause of action under Section 1194.

SEC. 2. Section 1193.6 is added to said code, to read:

1193.6. The department or division may, with the consent of the employee or employees affected, commence and prosecute a civil action to recover unpaid minimum wages or unpaid overtime compensation owing to any woman or minor employee under the provisions of this chapter or the orders of the commission, and, in addition to such wages and compensation, shall be entitled to recover costs of suit. The consent of any woman or minor employee to the bringing of any such action shall constitute a waiver on the part of the employee of his or her cause of action under Section 1194 unless such action is dismissed without prejudice by the department or the division. Civil actions By department

SEC. 3. Section 1194 of said code is amended to read:

1194. Any woman or minor receiving less than the legal minimum wage or overtime compensation applicable to such woman or minor is entitled to recover in a civil action the unpaid balance of the full amount of such minimum wage or overtime compensation, together with costs of suit, notwithstanding any agreement to work for a lesser wage. Same: By woman or minor

SEC. 4. Section 1194.5 is added to said code, to read:

1194.5. In any case in which a person employing a woman or minor has willfully violated any of the laws, regulations, or orders governing the wages, hours of work, or working conditions of women or minors, the division may seek, in a court of competent jurisdiction, and the court may grant, an injunction against any further violations of any such laws, regulations, or orders by such person. Injunctive relief

CHAPTER 409

An act to amend Section 26303 of the Vehicle Code, relating to trailer coaches.

In effect September 15, 1961

[Approved by Governor May 19, 1961. Filed with Secretary of State May 19, 1961.]

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

SECTION 1. Section 26303 of the Vehicle Code is amended to read:

26303 Every trailer coach having a gross weight of 1,500 pounds or more, but exclusive of passengers, shall be equipped with brakes which can be controlled by the driver of the towing vehicle and which are adequate, supplemental to the brakes on the towing vehicle, to enable the combination of vehicles to comply with the stopping distance requirements of Article 2, commencing with Section 26450.

CHAPTER 410

An act to repeal Section 384 of the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to cancellation of voter registrations after primary elections.

In effect September 15, 1961

[Approved by Governor May 19, 1961. Filed with Secretary of State May 19, 1961.]

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

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 411

An act to amend Sections 5004 and 5136 of the Public Utilities Code, relating to fees for transfer of carriers operating permits.

In effect September 15, 1961

[Approved by Governor May 19, 1961. Filed with Secretary of State May 19, 1961.]

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

SECTION 1. Section 5004 of the Public Utilities Code is amended to read:

Fees

5004. The following fees shall be paid to the commission, pursuant to permits issued under the Highway Carriers' Act,

Chapter 1 (commencing with Section 3501) of Division 2 of this code, and the City Carriers' Act, Chapter 2 (commencing with Section 3901) of Division 2 of this code.

One hundred fifty dollars ($150) for filing each application for a permit.

One hundred fifty dollars ($150) for filing each application to sell, mortgage, lease, assign, transfer, or otherwise encumber any permit, except that for the transfer of each permit subsequent to the death of a permittee, and after court approval of the distribution of the estate or when it is not necessary to probate the will or distribute the estate through court, the fee is twenty-five dollars ($25).

SEC. 2. Section 5136 of said code is amended to read:

5136. Each application for issuance of a permit under this chapter shall be accompanied by a fee of one hundred dollars ($100). Same

The filing fee for an application for transfer of a permit is fifty dollars ($50), except that for the transfer of each permit subsequent to the death of a permittee, and after court approval of the distribution of the estate or when it is not necessary to probate the will or distribute the estate through court, the fee is twenty-five dollars ($25).

All fees paid to the commission under this chapter shall be deposited in the Transportation Rate Fund.

CHAPTER 412

An act to amend Section 2835 of the Elections Code, and Section 8403 of the Elections Code as proposed by Assembly Bill No. 8, relating to county central committees.

[Approved by Governor May 19, 1961. Filed with Secretary of State May 19, 1961.] In effect September 15, 1961

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

SECTION 1. Section 2835 of the Elections Code is amended to read:

2835. In any county containing more than four and less than 20 assembly districts, the county central committee of each party shall be elected by each assembly district and shall consist of six members from each assembly district therein. Counties of five to 19 assembly districts

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

SEC. 3. Section 2 of this act shall become operative only if the Elections Code as proposed by Assembly Bill No. 8 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 8 takes effect; at which time Section 2835 of the Elections Code as amended by Section 1 of this act is repealed. Effect· Stats. 1961, Ch 23

CHAPTER 413

An act to amend Sections 19270 and 19274 of the Streets and Highways Code, relating to the inclusion of highway lighting districts within incorporated cities.

In effect September 15, 1961

[Approved by Governor May 19, 1961. Filed with Secretary of State May 19, 1961.]

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

SECTION 1. Section 19270 of the Streets and Highways Code is amended to read as follows:

Dissolution of highway lighting district

19270. Upon the inclusion of all of the territory embraced in any highway lighting district within one or more incorporated cities, either by annexation proceedings or by the incorporation of the cities, the district may be dissolved. Such dissolution shall be effective upon the filing with the State Board of Equalization, the governing body of the district, and the county assessor of a copy of a resolution of the legislative body of the city, or of a joint resolution of the legislative bodies of all the cities, declaring the district dissolved. The remaining unencumbered funds of the district shall be distributed and administered as provided in this chapter. No tax shall be levied after dissolution.

Any one city may withdraw its territory from the district in the manner provided by Section 19290.

SEC. 2. Section 19274 of said code is amended to read:

Termination of powers and duties

19274. After all of its territory has been included in one or more cities, and the district has been dissolved, upon the expenditure of its funds and the discharge of the district's obligations by the city or cities, the powers and duties of the city or cities set forth in Sections 19271, 19272, and 19273 shall terminate.

CHAPTER 414

An act to amend Section 1821 of the Insurance Code, relating to bail licenses.

In effect September 15, 1961

[Approved by Governor May 19, 1961. Filed with Secretary of State May 19, 1961.]

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

SECTION 1. Section 1821 of the Insurance Code is amended to read:

1821. A license shall not be refused by the commissioner without proceedings in accordance with Chapter 5 of Part 1 of

Division 3 of Title 2 of the Government Code, being initiated within 60 days from the date of filing the complete application.

The provisions of Sections 1724.5, 1733, 1734, 1735 and Articles 6 and 13 of Chapter 5 of this part are applicable to persons licensed under this chapter and the words "insurance agent" used in those provisions include persons licensed under this chapter.

CHAPTER 415

An act to amend Section 8361 of the Water Code, relating to the Sacramento River Flood Control Project.

[Approved by Governor May 19, 1961. Filed with Secretary of State May 19, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 8361 of the Water Code is amended to read:

8361. The department shall maintain and operate on behalf of the State the following units or portions of the works of the Sacramento River Flood Control Project, and the cost of such maintenance and operation shall be defrayed by the State.

(a) The east levee of the Sutter Bypass north of Nelson Slough.

(b) The levees and channels of the Wadsworth Canal, Willow Slough Channel downstream from the Southern Pacific Railroad from Davis to Woodland except that portion of the north levee thereof lying within Reclamation District No. 2035, Putah Creek downstream from Winters, the intercepting canals draining into them, and all structures incidental thereto.

(c) The collecting canals, sumps, pumps and structures of the drainage system of Project No. 6 east of the Sutter Bypass.

(d) The bypass channels of the Butte Slough Bypass, the Sutter Bypass, the Tisdale Bypass, the Yolo Bypass and the Sacramento Bypass with all cuts, canals, bridges, dams, and other structures and improvements contained therein and in the borrow pits thereof.

(e) The levees of the Sacramento Bypass.

(f) The channels and overflow channels of the Sacramento River and its tributaries within the Sacramento and San Joaquin Drainage District.

(g) The Knights Landing ridge cut flowage area.

(h) The flood relief channels controlled by the Moulton and Colusa Weirs and the training levees thereof.

(i) The levee on the left bank of the Sacramento River adjoining Butte Basin, from the Butte Slough outfall gates upstream to a point four miles northerly from the Moulton Weir, after completion.

(j) All weirs and relief structures.

(k) The west levee of the Yolo Bypass, extending from the west end of the Fremont Weir southerly to the Cache Creek

Settling Basin and from Willow Slough Channel to Putah Creek and the east levee of the Yolo Bypass from Fremont Weir southerly two miles.

(*l*) The levee on the west bank of Feather River extending a distance of about two miles southerly from the Sutter-Butte Canal headgate.

(m) The levees of Cache Creek and the easterly and westerly levees of Cache Creek Settling Basin; excepting the portion of the southerly levee of Cache Creek lying upstream from State Highway Route 7 (U.S. 99W).

(n) The flowage area of Western Pacific Intercepting Canal extending northerly for a distance of five miles from Bear River.

(o) The levees of Tisdale Bypass from Tisdale Weir 4.5 miles easterly to Sutter Bypass.

CHAPTER 416

An act to add Section 30105.5 to the Revenue and Taxation Code, relating to cigarette taxes.

In effect September 15, 1961

[Approved by Governor May 19, 1961. Filed with Secretary of State May 19, 1961.]

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

SECTION 1. Section 30105.5 is added to the Revenue and Taxation Code, to read:

30105.5. The taxes imposed by this part shall not apply to the sale or gift of federally tax-free cigarettes when the cigarettes are delivered directly from the manufacturer under Internal Revenue bond to a veterans' home of the State of California or a hospital or domiciliary facility of the United States Veterans Administration for gratuitous issue to veterans receiving hospitalization or domiciliary care. The tax shall not be imposed with respect to the use or consumption of such cigarettes by the institution or by the veteran patients or domiciliaries.

CHAPTER 417

An act to amend Section 41102 of the Vehicle Code, relating to display of vehicle registration.

In effect September 15, 1961

[Approved by Governor May 19, 1961. Filed with Secretary of State May 19, 1961.]

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

SECTION 1. Section 41102 of the Vehicle Code is amended to read:

41102. (a) In any prosecution charging a violation of any regulation governing the standing or parking of a vehicle un-

der this code or any ordinance enacted by local authorities, proof by the people of the State of California that the particular vehicle described in the complaint was parked in violation of any provision of this code or such ordinance, together with proof that the defendant named in the complaint was at the time of parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred, but for the purposes of this subdivision proof that a person is the registered owner of a vehicle does not create a presumption that the registered owner has violated any other provision of law. The above provisions shall apply only when the procedure required by Section 41103 is complied with.

(b) In any prosecution charging a violation of any provision of this code requiring the display of any evidence of registration, with respect to an unattended vehicle, proof by the people of the State of California that the particular vehicle described in the complaint failed to properly display such evidence of registration, together with proof that the defendant named in the complaint was at the time the registered owner of the vehicle, shall constitute a prima facie presumption that the registered owner of the vehicle was in control of, or responsible for, the vehicle at the time the violation occurred. No other presumption shall be created by this subdivision. The above provisions shall apply only when the procedure required by Section 41103 is complied with.

CHAPTER 418

An act to add Sections 2191.3, 2191.4 and 2191.5 to the Revenue and Taxation Code, relating to personal property taxes.

[Approved by Governor May 19, 1961. Filed with Secretary of State May 19, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 2191.3 is added to the Revenue and Taxation Code, to read:

Recordation of delinquent tax

2191.3 Where there is a tax in an amount in excess of one hundred fifty dollars ($150) on personal property not secured by a lien on any real property and such tax has become delinquent, the tax collector or assessor collecting the tax on personal property may file for record in the office of the county recorder a certificate specifying the amount of the personal property tax due, interest and penalties due, the name and last known address of the taxpayer liable for the amount, and the fact, if such be the fact, that such tax collector or assessor has complied with all provisions of this division in the computation and levy of the tax.

SEC. 2. Section 2191.4 is added to said code, to read:

Interest and penalties as a lien

2191.4. From the time of filing the certificate for record pursuant to Section 2191.3, the amount required to be paid together with interest and penalty constitutes a lien upon all personal property in the county owned by the taxpayer or acquired by him before the lien expires, except that the lien shall not be valid against a purchaser for value or encumbrancer without actual knowledge of the lien when he acquires his interest in the property. The lien has the force, effect, and priority of a judgment lien and continues for three years from the time of the recording of the certificate unless sooner released or otherwise discharged.

Within three years from the date of the recording of the certificate or within three years from the date of the last extension of the lien, the lien may be extended by filing for record a new certificate in the office of the county recorder and from the time of such filing the lien shall be extended to all personal property in the county owned by the taxpayer for three years unless sooner released or otherwise discharged.

SEC. 3. Section 2191.5 is added to said code, to read:

Prior liens

2191.5. Section 2191.4 does not give the county a preference over any other lien which attached prior to the date when the certificate of delinquency of personal property tax was recorded, and the lien set forth in Section 2191.4 is subordinate to the preferences given to claims for personal services by Sections 1204 and 1206 of the Code of Civil Procedure.

CHAPTER 419

An act to add Section 6530.1 to the Health and Safety Code, relating to sanitary districts.

In effect September 15, 1961

[Approved by Governor May 19, 1961. Filed with Secretary of State May 19, 1961.]

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

SECTION 1. Section 6530.1 is added to the Health and Safety Code, to read:

6530.1. Whenever any portion of a district has been included within a city by annexation, incorporation, or otherwise, the governing body of such city may elect, upon agreement by the district, to construct new storm water drains and storm water collection, outfall and disposal facilities within the city limits, and acquire title to and reconstruct, alter, enlarge, renew, replace, maintain and operate existing storm water drains and storm water collection, outfall and disposal facilities, lying within the city and may enter into an agreement with the board to do so.

From the date fixed in the agreement the city shall have exclusive jurisdiction to perform the functions described in

the first paragraph of this section and in the agreement in that portion of the district lying within the city, and the board is not required to exercise any functions pertaining to such storm water drains and storm water collection, outfall and disposal facilities, and is relieved of all liability in connection therewith.

If the city elects to perform such functions within the city, the property within the corporate limits of the city shall not be taxed by the district for any costs necessary to construct, maintain, and keep in repair such storm drains and storm water collection, outfall and disposal facilities lying within the city which are taxed by the city for those functions, other than storm drains and storm water collection, outfall and disposal facilities within the city which continue to be owned, maintained and operated by the district pursuant to Section 6512 of this code.

CHAPTER 420

An act to amend Sections 128 and 129 of the Streets and Highways Code, relating to state highway construction plans, records, and maps.

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 128 of the Streets and Highways Code is amended to read:

File of final construction plans and right-of-way maps

128. The department shall maintain, in each district office of the Division of Highways, a file of its final construction plans and right-of-way record maps for all completed state highway projects located within the district. Such plans and records are public writings. The department may file for record, in the office of the recorder of the county in which any state highway is located, such plans, maps, or drawings of each state highway as the department deems necessary in the public interest, which the county recorders of the several counties shall accept and file for record without fee. No certificate need be attached thereto other than the usual title of the department showing the approval of such plans, maps, or drawings by the proper officer or engineer of the department.

SEC. 2. Section 129 of said code is amended to read:

Same. County recorder

129. Each county recorder shall keep all such state highway plans, maps, or drawings filed in separate map books provided by the department for that purpose and each designated "State Highway Map Book No. ___, _____ County." Each such plan, map, or drawing shall be numbered in the order of filing and indexed in a separate index showing the number and the date of filing.

CHAPTER 421

An act to amend Section 9511 of the Business and Professions Code, relating to cleaning, dyeing and pressing.

In effect September 15, 1961

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 9511 of the Business and Professions Code is amended to read:

9511. "Dry cleaning agency" means any premises, business, building, room, shop, store, or establishment, including an establishment commonly known to the trade as a pickup shop, tailor shop, or secondhand clothing shop, service inlet, or service outlet, upon, in, or through which is operated a service for receiving and delivering wearing apparel, feathers, furs, hats, fabrics, or textiles as to which a spotting, sponging, dry cleaning, dyeing, renovating, or pressing or other finishing service is to be performed.

A person does not conduct a dry cleaning agency within the meaning of this chapter if no charge is made for the services rendered and the only compensation received is a gratuity.

Nothing herein contained shall be deemed to be applicable to any salaried or commission driver using the firm name and address, and the sales tags and billheads of a regularly licensed dry cleaning plant, cleaning and dyeing plant, cleaning and dyeing shop or store, or a spotting, sponging or pressing establishment.

CHAPTER 422

An act to amend Section 30007 of the Corporations Code, relating to fiduciary security transfers.

In effect September 15, 1961

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 30007 of the Corporations Code is amended to read:

30007. The rights and duties of a corporation and its transfer agents in registering a security in the name of a fiduciary or in making a transfer of a security pursuant to an assignment by a fiduciary are governed by the law of the jurisdiction under whose laws the corporation is organized or, in the case of a national bank, by the law of the state in which the bank has its principal place of business.

This division applies to the rights and duties of a person other than the corporation and its transfer agents with regard to acts and omissions in this State in connection with the acquisition, disposition, assignment or transfer of a security by or to a fiduciary and of a person who guarantees in this State the signature of a fiduciary in connection with such a transaction.

CHAPTER 423

An act to add Section 23428.10 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 20, 1961 Filed with Secretary of State May 20, 1961]

In effect September 15, 1961

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

SECTION 1. Section 23428.10 is added to the Business and Professions Code, to read:

23428.10. For the purposes of this article "club" also means any peace officers association which is composed entirely of active and retired peace officers, which has a membership of not less than 250 bona fide members and has been in existence for a period of more than 10 years, which holds regular meetings and has regular dues, and which owns, leases, operates, or maintains an establishment for association purposes and has operated such establishment for not less than one year.

CHAPTER 424

An act to repeal Sections 350.2 and 351.8 of the Agricultural Code, relating to cattle and hide inspection.

[Approved by Governor May 20, 1961 Filed with Secretary of State May 20, 1961]

In effect September 15, 1961

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

SECTION 1. Section 350.2 of the Agricultural Code is repealed.

SEC. 2. Section 351.8 of said code is repealed.

CHAPTER 425

An act to amend Section 2251 of the Vehicle Code, relating to the California Highway Patrol.

In effect September 15, 1961

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 2251 of the Vehicle Code is amended to read:

2251. All appointments to the classes of assistant commissioner, inspector, captain, lieutenant, and sergeant shall be made from promotional eligible lists resulting from promotional examination of persons in the next lower class. For the purposes of examinations for captain, the classes of lieutenant and, until January 1, 1963, sergeants who are on an active lieutenant's promotional list, shall be eligible.

CHAPTER 426

An act to add Section 8225 to the Fish and Game Code, relating to salmon.

In effect September 15, 1961

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 8225 is added to the Fish and Game Code, to read:

8225. Salmon may not be taken for commercial purposes except in the areas and during the period of time authorized by this code.

CHAPTER 427

An act to amend Section 11543.5 of the Business and Professions Code, relating to subdivision maps.

In effect September 15, 1961

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 11543.5 of the Business and Professions Code is amended to read:

11543.5. A local ordinance may require the payment of a fee as a condition of approval of a final subdivision map for

purposes of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas.

Such local ordinances may require payment of fees pursuant to this section if:

(1) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of any subdivision for which payment of a fee is required;

(2) The ordinance refers to a drainage element of a general plan adopted pursuant to Section 65469 of the Government Code, which contains an estimate of the total costs of constructing the local drainage facilities required by the plan;

(3) The drainage plan, in the case of a city, situated in a county having a countywide general drainage plan, has been determined by resolution of the governing body of the county to be in conformity with the county drainage plan, or in the case of a city situated in a county not having a countywide general drainage plan but in a district having a general drainage plan, has been determined by resolution of the governing body of the district to be in conformity with the district general plan, or in the case of a city situated in a county having a countywide general drainage plan and in a district having a general drainage plan, has been determined by resolution of the governing body of the county to be in conformity with the county drainage plan and by resolution of the governing body of the district to be in conformity with the district general plan;

(4) The costs, whether actual or estimated, are based upon findings by the governing body that subdivision and development of property within the planned local drainage area will require construction of the facilities described in the drainage plan, and that the fees are fairly apportioned within the local drainage area either on the basis of benefits conferred on property proposed for subdivision or on the need for local drainage facilities created by the proposed subdivision and development of other property within the local drainage area;

(5) The fee as to any property proposed for subdivision within a local drainage area does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within the local drainage area which would be assessable on such property if such costs were apportioned uniformly on a per acre basis.

(6) The drainage facilities planned are in addition to existing local drainage facilities serving the area at the time of the adoption of the drainage plan for the area.

Fees required by an ordinance adopted pursuant to this section shall be paid into a "planned local drainage facilities fund." A separate fund shall be established for each local drainage area. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of local drainage facilities within the planned local drainage area from

which the fees comprising the fund were collected. An ordinance adopted pursuant to this section may provide for the acceptance of cash or other consideration in lieu of the payment of fees.

A county or city imposing fees pursuant to this section may advance money from its general fund to pay the costs of constructing drainage facilities within a local drainage area and reimburse the general fund for such advances from the planned local drainage facilities fund for the local drainage area in which the drainage facilities were constructed.

A county or city imposing fees pursuant to this section may incur an indebtedness for the construction of drainage facilities within a local drainage area; provided that the sole security for repayment of such indebtedness shall be moneys in the planned local drainage facilities fund.

CHAPTER 428

An act to add Section 2545 to the Business and Professions Code, relating to prescription lenses.

In effect September 15, 1961

[Approved by Governor May 20, 1961 Filed with Secretary of State May 20, 1961]

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

SECTION 1. Section 2545 is added to the Business and Professions Code, to read:

2545. Whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, an offense against this chapter, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of the State Board of Optometry, the Board of Medical Examiners of the State of California, the Board of Osteopathic Examiners of the State of California, the Attorney General, or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that no undertaking shall be required in any action commenced by such boards, the Attorney General, or a district attorney.

CHAPTER 429

An act to amend Sections 11043, 11066 and 11136 of the Insurance Code, relating to fraternal benefit societies.

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 11043 of the Insurance Code is amended to read:

11043. A society may grant nonforfeiture benefits, cash surrender values, certificate loans and such other options as its laws may permit. Nonforfeiture benefits

In the case of certificates issued after September 21, 1952, other than those for which reserves are computed on the Commissioners 1941 Standard Ordinary Mortality Table, the 1941 Standard Industrial Table or the Commissioners 1958 Standard Ordinary Mortality Table, the value of any nonforfeiture benefit granted and the amount of any cash surrender value granted shall not be less than the excess, if any, of (a) over (b) as follows:

(a) The reserve under the certificate determined on the basis specified in the certificate; and

(b) The sum of any indebtedness to the society on the certificate, including interest due and accrued, and a surrender charge of not more than two and one-half per centum of the face amount of the certificate, which, in the case of insurance on the lives of children, shall be the ultimate face amount of the certificate, if death benefits provided therein are graded.

However, in the case of certificates issued on a substandard basis or in the case of certificates, the reserves for which are computed upon the American Men Ultimate Table of Mortality, the term of any extended insurance benefit including accompanying pure endowment, if any, may be computed upon the rates of mortality not greater than 130 per centum of those shown by the mortality table specified in the certificate for the computation of the reserve

In the case of certificates issued after September 21, 1952, for which reserves are computed on the Commissioners 1941 Standard Ordinary Mortality Table, the 1941 Standard Industrial Table or the Commissioners 1958 Standard Ordinary Mortality Table, the value of any nonforfeiture benefit granted and the amount of any cash surrender value granted shall not be less than the corresponding amount ascertained in accordance with the provisions of Sections 10161, 10162, 10163, 10163.5, 10164, and 10165 applicable to life insurance companies.

SEC. 2. Section 11066 of said code is amended to read:

11066. After September 21, 1952, no life insurance benefit certificate shall be delivered or issued for delivery in this State unless a copy of the form, the application therefor and Filing and approval of form

any endorsements or riders attached thereto shall have been filed with and approved by the commissioner and unless the certificate shall have a title clearly and correctly describing its form on the face and filing back and contain in substance the following standard provisions; provided, however, that the commissioner may approve and thereby authorize the delivery or issuance for delivery in this State of any such form which in his opinion contains provisions relating to any one or more of the several requirements hereinafter set forth which are more favorable to insured members than the one or ones herein required.

(a) A provision stating the amount of premiums which are payable by the insured under the certificate, and a provision that the member shall be obligated to pay, as a condition of the continuance in force of the certificate, additional premiums imposed in accordance with the constitution or laws of the society then in force or thereafter lawfully enacted.

(b) A provision that the member is entitled to a grace of not less than a full month (or 30 days at the option of the society) in which the payment of any premium, after the first, may be made, and that during such grace period the certificate shall continue in full force. However such certificate may provide that in case a loss occurs during the grace period before the overdue premium is paid, the amount of such overdue premium or premiums may be deducted in any settlement under the certificate.

(c) A provision that the member shall be entitled to have the certificate reinstated at any time within three years from the date of default in payment of premiums, unless the certificate has been completely terminated through the application of a nonforfeiture benefit, upon the production of evidence of insurability and good health satisfactory to the society and the payment of all overdue premiums and any other indebtedness to the society upon the certificate, together with interest on such premiums and such indebtedness, if any, at a rate not exceeding 6 per centum per annum compounded annually; but a society may provide for a minimum interest payment of not exceeding ten cents ($0.10) for each month's premium in arrears at the date of reinstatement, if such premiums do not exceed 12 in number.

(d) Except in the case of pure endowment, annuity or reversionary annuity contracts, or term certificates of uniform amount, or renewal thereof, of 15 years or less expiring before age 66, for which uniform premiums are payable during the entire term of the certificate, or term certificates of decreasing amount on which the granting of a nonforfeiture benefit is not required in order to comply with the minimum values specified in this chapter, a provision that, in the event of default in payment of any premium after three full years' premiums have been paid, or after premiums for a lesser period have been paid if the contract so provides, the society will grant, upon proper

request not later than 60 days after the due date of the premium in default, a nonforfeiture benefit on the plan stipulated in the certificate, effective as of such due date, of such value as specified in this chapter.

(e) A provision that one nonforfeiture benefit as specified in the certificate in accordance with the requirements of paragraph (d) above shall become effective automatically unless the member elects another available nonforfeiture benefit or, if society makes available a cash surrender value, such cash surrender value, not later than 60 days after the due date of the premium in default.

(f) A statement of the mortality table and rate of interest used in determining all nonforfeiture benefits and cash surrender values available under the certificate, and after September 21, 1954, a brief general statement of the method used in calculating such benefits and values available under the certificate on any certificate anniversary beyond the last anniversary for which such benefits and values are consecutively shown in the certificate with an explanation of the manner in which such benefits and values are altered by the existence of paid-up additions credited to the certificate or by any indebtedness to the society on the certificate.

(g) A table showing in figures every nonforfeiture benefit and cash surrender value available under the certificate for each certificate anniversary either during the first 20 certificate years or during the term of the certificate, whichever is shorter, such benefits and values to be calculated upon the assumption that there are no dividends or paid-up additions credited to the certificate and that there is no indebtedness to the society on account of or secured by the certificate.

(h) A provision that the certificate shall be incontestable after it has been in force during the lifetime of the member for a period of two years from its date of issue except for nonpayment of premiums, risks limited or not assumed, violation of the provisions of the certificate relating to military, aviation, or naval service, and violation of the provisions relating to suspension or expulsion as substantially set forth in the certificate. At the option of the society, supplemental provisions relating to benefits in the event of temporary or permanent disability or hospitalization and provisions which grant additional insurance specifically against death by accident or accidental means, may also be excepted. The certificate shall be incontestable on the ground of suicide after it has been in force during the lifetime of the member for a period of two years from date of issue. The certificate may provide, as to statements made to procure reinstatement, that the society shall have the right to contest a reinstated certificate within a period of two years from date of reinstatement with the same exceptions as herein provided.

(i) A provision that if it shall be found at any time before final settlement under the certificate that the age or sex of the insured (or the age or sex of any other person, if considered

in determining the premium) has been misstated, and the discrepancy and the premium payment involved have not been adjusted, the amount payable under the certificate shall be such as the premium would have purchased at the correct age and sex, except that if the correct age was not an insurable age under the society's charter, constitution or bylaws, only the premiums paid to the society, less any payments previously made to the member, shall be returned or, at the option of the society, the amount payable under the certificate shall be such as the premiums would have purchased at the correct age and sex according to the society's promulgated rates and any extension thereof based upon actuarial principles.

(j) A provision or provisions which recite fully, or which set forth the substance of, all sections of the charter, constitution, laws, rules or regulations of the society, in force at the time of issuance of the certificate, the violation of which will result in the termination of, or in the reduction of, the benefit or benefits payable under the certificate.

Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the certificate. The word "premiums" as used in this section means premiums, rates, or other required contributions by whatever name known.

SEC. 3. Section 11136 of said code is amended to read:

Certified valuation

11136. Such valuation shall be certified by a competent actuary or, at the expense of the society, verified by the actuary of the insurance supervisory official of the state of domicile of the society, and the legal minimum standard of valuation shall be as follows:

(a) All benefits promised by certificates issued prior to September 22, 1952, and the rates therefor shall be valued in accordance with the provisions of law applicable thereto as of the date of issuance, but not lower than the standards and interest assumptions used in the calculation of rates for such benefits.

(b) In the case of certificates issued after September 21, 1952, the minimum standard for the valuation of all such certificates shall be 3 percent interest and the following tables:

(i) For all ordinary certificates of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such certificates—the American Men Ultimate Table of Mortality, with Bowerman's or Davis' Extension thereof, or, at the option of the society, the Commissioners 1941 Standard Ordinary Mortality Table or the Commissioners 1958 Standard Ordinary Mortality Table, using actual age of the insured for male risks and an age not more than three years younger than the actual age of the insured for female risks.

(ii) For all industrial life insurance certificates issued on the standard basis, excluding any disability and accidental death benefits in such certificates—the 1941 Standard Industrial Mortality Table.

(iii) For annuity and pure endowment certificates, excluding any disability and accidental death benefits in such certificates—the 1937 Standard Annuity Mortality Table or the Annuity Mortality Table for 1949 Ultimate, or any modification of either of these tables approved by the commissioner.

(iv) For disability benefits in or supplementary to ordinary certificates—Hunter's Disability Table or the Class 3 Disability Table (1926), modified to conform to the contractual waiting period, or the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries with due regard to the type of benefit. Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance certificates.

(v) For accidental death benefits in or supplementary to certificates—the Inter-Company Double Indemnity Mortality Table or the 1959 Accidental Death Benefits Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance certificates.

(vi) For temporary accident and health benefits in or supplementary to certificates—Class 3 Disability Table (1926) with Conference Modifications.

(vii) For life insurance issued upon the substandard basis and other special benefits—such tables as may be approved by the commissioner.

(c) The commissioner may, in his discretion, accept other standards for valuation if he finds that the reserves produced thereby will not be less in the aggregate than reserves computed in accordance with the minimum valuation standard prescribed. Whenever the mortality experience under the certificates valued on the same mortality table is in excess of the expected mortality according to such table for a period of three consecutive years, the commissioner may require additional reserves when in his judgment deemed necessary on account of such certificates.

(d) Notwithstanding the provisions of subsections (a) and (b) of this section, any society, with the consent of the insurance supervisory official of the state of domicile of the society, and under such conditions, if any, which he may impose, may establish and maintain reserves on its certificates in excess of the reserves required thereunder, but the contractual rights of any insured member shall not be affected thereby.

CHAPTER 430

An act to amend Sections 11102, 11103 and 11104 of, and add Section 11105.5 to, the Vehicle Code, relating to driving schools and instructors.

In effect September 15, 1961

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 11102 of the Vehicle Code is amended to read:

Requirements to operate driving school

11102. (a) Every person, in order to qualify to operate a driving school shall meet the following requirements:

(1) Be of good moral character.

(2) Maintain an established place of business open to the public. No office or place of business shall be established within 200 feet of any building used by the department as an office after September 8, 1953.

(3) Have the equipment necessary to the giving of proper instruction in the operation of motor vehicles

(4) Pay to the department an examination fee of one hundred dollars ($100) which shall entitle the applicant to three examinations within a period of one year, and a license fee of twenty-five dollars ($25).

(5) Be 21 years of age or older.

(b) If the application for a license is for the purpose of operating a school in which the person making application will be the sole instructor, the applicant shall have worked for an established licensed driver training school for a period of not less than one year, except that this subdivision does not apply to any person who holds a general secondary credential or a special secondary credential in public safety, including driver education and driver training.

(c) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license or a new application, examination and fee shall be required.

SEC. 2. Section 11103 of said code is amended to read:

Insurance

11103. A driving school operator and an independent instructor licensed under Section 11105 5 of this code shall maintain bodily injury and property damage liability insurance on motor vehicles while being used in driving instruction, insuring the liability of the driving school, the driving instructor and any person taking instruction in at least the following amounts: twenty thousand dollars ($20,000) for bodily injury to or death of one person in any one accident and, subject to the limit for one person, forty thousand dollars ($40,000) for bodily injury to or death of two or more persons in any one accident, and the amount of ten thousand dollars ($10,000) for damage to property of others in any one accident.

Evidence of such insurance coverage in the form of a certificate from the insurance carrier shall be filed with the department and the certificate shall stipulate that the insurance shall not be canceled except upon 10 days prior written notice to the department.

SEC. 3. Section 11104 of said code is amended to read:

Requirements for instructors

11104. Every person in order to qualify as an instructor for a driving school or as an independent instructor as provided for in Section 11105.5 of this code shall meet the following requirements:

(a) Be of good moral character.

(b) Pass such examination as the department shall require on traffic laws, safe driving practices, operation of motor vehicles, and qualifications of teacher.

(c) Be physically able to safely operate a motor vehicle and to train others in the operation of motor vehicles.

(d) Hold a valid California driver's license, and not be on probation to the department as a negligent operator.

(e) Pay to the department an application fee of ten dollars ($10).

(f) On and after January 1, 1960, be 21 years of age or older.

(g) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license or a new application, examination, and fee shall be required.

SEC. 4. Section 11105.5 is added to said code, to read:

Independent driving instructor's license

11105.5. The department shall issue an independent driving instructor's license to permit instruction in any city with a population of less than 50,000, which does not have within it an established licensed driving school, to any person who meets the requirements of this chapter relating to instructor's and independent instructor's licenses, even though such person is not an employee of, or otherwise associated with or instructing through, a driving school, except that no independent driving instructor's license shall be issued to a person to instruct in counties with a population in excess of 400,000. In addition, an independent instructor must at all times be employed as an accredited teacher of automobile driver education or automobile driver training under the provisions of Article 6 (commencing with Section 8101) of Chapter 3, Division 7, Part 2 of the Education Code.

CHAPTER 431

An act to add Sections 20710, 20711, 20894, and 20895 to the Business and Professions Code, relating to petroleum products.

In effect September 15, 1961

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 20710 is added to the Business and Professions Code, to read:

"Octane number" or "octane rating"

20710. "Octane number" or "octane rating," when used in this chapter, means the American Society for Testing Materials research octane number of the fuel, which is:

(a) If below 100, the nearest whole number that matches the knock characteristics of the fuel when compared by the method described in the latest published Standard Method D 908 adopted by the American Society for Testing Materials.

(b) If above 100, the nearest whole number, corresponding to the engine rating determined in milliliters of tetraethyl lead and iso-octane in conformance with the latest published Standard Method D-1656 adopted by the American Society for Testing Materials.

(c) Antiknock values ending in five-tenths octane numbers, as determined by subdivisions (a) and (b) of this section, shall be rounded off to the nearest even whole number.

SEC. 2. Section 20711 is added to said code, to read:

Rules and regulations

20711. The department may adopt, amend, and repeal such rules and regulations as may be necessary to enable it to carry into effect the provisions of this chapter. The rules and regulations shall be adopted, amended, and repealed in accordance with Chapter 4 (commencing with Section 11370) of Part 1 or Division 3 of Title 2 of the Government Code.

SEC. 3. Section 20894 is added to said code, to read:

Use of numerals with name

20894. If a petroleum product is offered for sale or advertised for sale as gasoline or motor fuel, no numerals shall be used in connection with the trade name or the brand name, or the words "no brand," or in connection with the merits of the product, unless such numerals relate to the actual octane rating of the fuel. Nothing in this section prohibits:

(a) The use of numerals to indicate the price of the product.

(b) The use of numerals when the octane rating of the gasoline exceeds such numerals.

(c) The use of any numeral or combination thereof in such a manner that it cannot reasonably be confused with the octane rating of the product.

"Petroleum product"

"Petroleum product" as used in this section does not include any product which is sold for the use of generation of power in an airplane.

SEC. 4. Section 20895 is added to said code, to read:

20895. It is unlawful for any person, firm, corporation, or association, or any employee thereof, to make or disseminate or cause to be made or disseminated before the public in this State, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, any statement relative to quality, quantity, or performance of any commodity which comes under the provisions of this chapter, which is false, deceptive or misleading in any particular and which is known, or which by the exercise of reasonable care should be known, to be untrue, false, or misleading. False statements

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CHAPTER 432

An act to amend Sections 13911 and 13912 of the Public Utilities Code, relating to the annexation of territory to a municipal utility district.

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.] In effect September 15, 1961

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

SECTION 1. Section 13911 of the Public Utilities Code is amended to read:

13911. Upon the completion of the annexation of any territory in accordance with law to any city included in the district the city clerk shall file with the secretary of the district a certified copy of the ordinance, resolution or other document completing said annexation, containing a description of the territory so annexed. Unless the district within 90 days after such filing shall file with the city clerk the district's written objections to the annexation of said territory, or to a specified portion or portions thereof, to the district, said territory, or such portion or portions thereof to which the district does not object as aforesaid, shall upon the termination of said period be deemed incorporated into and annexed to the district, and thereafter is subject to taxation, along with the entire territory of the district in accordance with the assessable valuation of the property thereof, for general district purposes, and for the payment of any indebtedness theretofore or thereafter incurred by the district. Any such objection filed with the city clerk by the district as to a portion or portions of said territory shall describe such portion or portions Filing copy of annexation ordinance, resolution, etc.

SEC. 2. Section 13912 of said code is amended to read:

13912. If the district shall file its objections in the manner aforesaid to the annexation of said territory or any specified portion or portions thereof to the district, said territory, or the portion or portions thereof so objected to, shall not be annexed to the district except in the manner provided in Chapter 10 (commencing with Section 14051) of this division. The district Filing of objections

may from time to time withdraw such objections to the annexation of said territory or any specified portion or portions thereof by filing with the city clerk a certified copy of a resolution or resolutions of the board stating that such objections to the annexation of said territory or any specified portion or portions thereof are withdrawn. Thereupon said territory, or the portion or portions as to which such objections are so withdrawn, shall be deemed incorporated into and annexed to the district as provided in Section 13911. Any such resolution or resolutions filed with the city clerk withdrawing the district's objections to the annexation of a portion or portions of said territory shall describe such portion or portions.

CHAPTER 433

An act to amend Section 35564 of the Streets and Highways Code, relating to the Parking District Law of 1951.

In effect September 15, 1961

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 35564 of the Streets and Highways Code is amended to read:

35564. All employees required for the proper operation, management, and control of the parking places acquired and constructed under this part shall be city employees selected as other city employees are selected. The number of such employees and their salaries shall be determined by the legislative body unless, by ordinance, which may be adopted or repealed at any time, the power to make such determination is granted to the board. Any salary or wage so fixed shall in each instance be at least equal to the prevailing salary or wage for the same quality of services rendered to private persons, firms or corporations in the city under similar employment, in case such prevailing salary or wage can be ascertained.

CHAPTER 434

An act to amend Section 31785 of the Streets and Highways Code, relating to the Vehicle Parking District Law of 1943.

In effect September 15, 1961

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 31785 of the Streets and Highways Code is amended to read:

31785. The board shall appoint in the same manner as other city employees are selected, such employees as it deems

necessary. The number of such employees and their salaries shall be determined by the legislative body unless, by ordinance, which may be adopted or repealed at any time, the power to make such determination is granted to the board. Any salary or wage so fixed shall in each instance be at least equal to the prevailing salary or wage for the same quality of services rendered to private persons, firms or corporations in the city under similar employment, in case such prevailing salary or wage can be ascertained.

CHAPTER 435

An act to amend Section 373.5 of the Code of Civil Procedure, relating to guardians ad litem.

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 373.5 of the Code of Civil Procedure is amended to read:

373.5. If under the terms of a written instrument, or otherwise, a person or persons of a designated class who are not ascertained or who are not in being, or a person or persons who are unknown, may be or may become legally or equitably interested in any property, real or personal, the court in which any action, petition or proceeding of any kind relative to or affecting the property is pending, may, upon the representation of any party thereto, or of any person interested, appoint a suitable person to appear and act therein as guardian ad litem of the person or persons not ascertained, not in being, or who are unknown; and the judgment, order or decree in the proceedings, made after the appointment, shall be conclusive upon all persons for whom the guardian ad litem was appointed.

The guardian ad litem shall have power, with the approval of the court in which the action, petition or proceeding is pending, to compromise the same, to agree to the order or judgment to be entered therein for or against the persons for whom the guardian ad litem was appointed, and to satisfy any judgment or order in favor of the persons, or release, or discharge any claim of the persons pursuant to the compromise. The court shall have the same power with respect to the money or other property to be paid or delivered under such order or judgment as is provided in Section 372 of this code.

The reasonable expenses of the guardian ad litem, including compensation and counsel fees, shall be determined by the court and paid as it may order, either out of the property or by plaintiff or petitioner. If the expenses are to be paid by the plaintiff or petitioner, execution therefor may issue in the name of the guardian ad litem.

CHAPTER 436

An act to amend Sections 5102, 5132, 5241, 5256, 5360 and 5374 of, and to add Sections 5023.1, 5132.1 and 5193.1 to, and to add Chapter 19 1 (commencing with Section 5520) to Part 3 of Division 7 of, the Streets and Highways Code, relating to the Improvement Act of 1911.

In effect September 15, 1961

[Approved by Governor May 20, 1961 Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 5102 of the Streets and Highways Code is amended to read as follows:

Assessment proceedings

5102. In any proceeding for the making of any work or improvement authorized under Section 5101 of this code, the legislative body may order any acquisition as defined in Section 5023.1 necessary or appropriate in connection with such work or improvement and assess the cost of such acquisition, as a part of the incidental expenses of such work or improvement. Any such acquisition shall be described in the resolution of intention in general terms and refer to plans, profiles, detailed drawings and specifications or such of them as may be suitable and proper for the full detailed description of the acquisition proposed. The city initiating such proceedings is authorized to advance the cost of any such acquisition from its general funds, and thereafter reimburse such general funds as a part of the incidental expenses of such improvement.

No assessment for the cost of any acquisition under the authority of this section shall be levied in any proceeding for an amount greater than 20 percent of the engineer's estimate of the cost of the improvement, excluding any such acquisition; provided, however, that if the proceeding includes the acquisition of lands, rights-of-way or easements for the widening of streets or alleys, or for the installation of sewers, or includes the acquisition of sewage disposal facilities or the capacity in or right to use sewage disposal facilities, the assessment for the cost of all acquisitions in the proceeding may be levied for the amount necessary but not greater than 50 percent of the engineer's estimate of the cost of the improvement, excluding all acquisitions, if the legislative body adopts the resolution of intention by the affirmative vote of four-fifths of its members and therein provides that the assessment for the cost of all acquisitions involved may be levied for the amount necessary but not greater than 50 percent of said engineer's estimate of the cost of the improvement, excluding all acquisitions.

SEC. 2. Section 5132 of said code is amended to read:

Contents of resolution

5132. The resolution of intention shall be sufficient if it states in general terms the class or kinds of work contemplated, such as grading, paving, sewering and other work, and gives in general the location of the proposed work and refers to plans, profiles, detailed drawings and specifications or such of

them as may be suitable or proper for the full and detailed description of the proposed work, and if it refers to any agreement entered into pursuant to Section 5103. The resolution of intention shall contain also a notice of the day, hour and place when and where any and all persons having any objections to the proposed work or work and acquisition may appear before the legislative body and show cause why the proposed work or work and acquisition should not be carried out in accordance with the resolution of intention The hearing of objections shall not be less than 15 nor more than 60 days from the date of the passage of the resolution.

SEC 3. Section 5241 of said code is amended to read:

Notice inviting bids

5241. Notice shall be posted inviting sealed proposals or bids for doing the work ordered, or for furnishing materials, supplies and equipment or any portion thereof. Notice inviting such proposals, and referring to the specifications on file, shall be published, but if there is no newspaper published in the city, then it shall only be posted. The time fixed for the opening of the bids shall be not less than 10 days from the time of the first publication or posting of the notice.

Said notices shall state the estimated cost of any acquisition, which estimated cost is required to be advanced as a part of the incidental expenses referred to in Section 5256 of this code, at the time of entering into the contract.

SEC. 4. Section 5256 of said code is amended to read:

Advancement of expenses

5256. Before being entitled to a contract, the bidder to whom the award was made, or the owners who have elected to take the contract, must advance to the superintendent of streets, for payment by him, the cost of publication of the notices, resolutions, orders and matters required under the proceedings prescribed in this division, and of such other notices as may be deemed requisite by the legislative body, together with all other incidental expenses incurred up to the time of entering into the contract, including the estimated cost of any acquisition which the legislative body may determine to be payable at said time, but limited to the amount specified in the notice inviting bids pursuant to Section 5241 of this code All other acquisition costs shall be payable at the time of the delivery to the contractor, or his agent, or assigns, of the warrant, assessment and diagram as provided in Section 5374

SEC. 5. Section 5360 of said code is amended to read:

Assessment

5360. After the contractor has fulfilled his contract to the satisfaction of the street superintendent, or the engineer if such power has been delegated to him, the superintendent or engineer, as the case may be, shall forthwith make an assessment to cover the sum due for the work performed and specified in the contract, including all incidental expenses, in conformity with the provisions of this part according to the character of the work done, and in the event an acquisition is included in the proceeding, including the amount then estimated by the street superintendent or engineer as the case may be, as the cost of the acquisition.

SEC. 6. Section 5374 of said code is amended to read:

Delivery to contractor

5374. After the warrant, assessment and diagram are recorded, the same shall be delivered to the contractor, or his agent or assigns, on demand, but not until after the payment to the superintendent of streets of the incidental expenses not previously paid by the contractor, his agent or his assigns, including the amount by which the amount included in the assessment as the cost of any acquisition exceeds the amount previously demanded of the contractor therefor, but with proper credit to the contractor in the event there was included in the assessment as the cost of any acquisition, an amount less than the amount demanded of the contractor therefor at the time of the execution of the contract pursuant to Section 5256; provided, however, that when the superintendent of streets has, by ordinance, been authorized and directed to receive payments pursuant to Section 5396 of this division said warrant shall not be delivered to said contractor or assigns nor shall such contractor or assigns be entitled to receive payment of assessments by virtue of said warrant within 30 days from the recordation of said warrant.

SEC. 7. Section 5023.1 is added to said code, to read:

"Acquisition"

5023.1. "Acquisition" shall mean and include any acquisition necessary or appropriate in connection with any work or improvement authorized to be made under Section 5101 of this code, by gift, purchase, or eminent domain proceedings limited however to the following:

(a) Land, rights-of-way or easements.

(b) Sewage disposal facilities or capacity in or right to use sewage disposal facilities

"Acquisition cost"

"Acquisition cost" or words of similar import when used in this division shall be deemed to include all incidental expenses in connection with such acquisition.

SEC. 8. Section 5132.1 is added to said code, to read:

Excess funds

5132.1. In the event that the proceedings include any acquisition and the actual cost of the acquisition as finally determined is less than the amount included in the assessment as the cost of such acquisition, such excess may be spent as the legislative body may thereafter determine, either for the maintenance or repair of the work or improvement, or such excess shall be refunded or credited in proportion to the amount of the assessments that were levied for such acquisition cost, as follows:

(a) Where the assessment and all installments thereof and all interest and penalties due thereon have been paid, such refund shall be made to the owner of the land upon which the assessment was levied, as such owner appears from the last equalized assessment roll at the time the refund is made.

(b) Where the assessment or any installment thereof is unpaid, the credit shall be applied upon such assessment or upon the earliest unpaid installment of principal and interest.

In the event the legislative body determines that such excess shall be used for maintenance or repair, the legislative body

shall establish a separate fund of such excess and shall use the same solely for said purpose.

SEC. 9. Section 5193.1 is added to said code, to read:

Notice requirement

5193.1. In the event that the proceedings include an acquisition, said notices shall make reference to such acquisition and shall set forth the estimate of the cost of such acquisition.

SEC. 10. Chapter 19.1 (commencing with Section 5520), is added to Part 3, Division 7 of said code, to read:

CHAPTER 19.1. SUPPLEMENTAL ASSESSMENT

Deficits

5520. In the event that the proceedings include an acquisition and it is ascertained after the filing of the original assessment, that the acquisition cost exceeds the acquisition cost as set forth in the original assessment, the legislative body may pay this deficit out of the general fund, or may order a supplemental assessment to pay the deficit.

Supplemental assessment

5521. The supplemental assessment shall be made and collected, and notice thereof shall be given in the same manner, as nearly as may be, as in the case of the original assessment. The superintendent of streets shall prepare and file with the supplemental assessment, a diagram showing the lots or parcels of land deemed by him to have been benefited by the acquisition. The superintendent of streets shall assess upon the said several lots or parcels of land shown in said diagram, the additional acquisition cost, in proportion to the estimated benefits to be received by each of said several lots or parcels of land.

Applicable law

5522. Sections 5366, 5367, 5368 5369 and 5372 of this code shall apply to the supplemental assessment except that the objections, appeals or protests referred to in said Section 5366 shall be limited to the matter of the acquisition and not relate to the work or improvement.

Bonds

5523. At the time of ordering a supplemental assessment, the legislative body shall have the power to determine that bonds shall be issued to represent unpaid assessments of fifty dollars ($50) or more

Lien

5524. The lien of a supplemental assessment, whether bonds issue to represent the supplemental assessment or otherwise, shall be subordinate to all special assessment liens previously imposed upon the said property, but it shall have priority over all special assessment liens which may thereafter be created against the property; and from and after the date of the recording of any warrant, special assessment and diagram, all persons shall be deemed to have notice of the contents thereof.

Power to sell bonds

5525. The city shall have the power to sell the supplemental assessment and any bonds issued to represent the unpaid supplemental assessments (if the legislative body orders the issuance of said bonds) in such manner as the legislative body directs; provided, however, that the interest rate on the bonds (if ordered to be issued) shall not exceed 6 percent per year. The city shall also have the power to hold said unpaid supplemental assessments or bonds, and enforce the lien

thereof, in the same manner as a private owner. Said supplemental assessments, bonds or the proceeds of the sale thereof may be used for the repayment of advances theretofore made by the city in the matter of the acquisition.

CHAPTER 437

An act to amend Section 2206 of the Health and Safety Code, relating to mosquito abatement districts.

In effect September 15, 1961

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 2206 of the Health and Safety Code is amended to read:

2206. No district formed or proposed to be formed under this chapter shall be subject to any of the provisions of the District Investigation Law of 1933 (commencing with Section 58500 of the Government Code). This section shall remain in effect until the 91st day after final adjournment of the 1963 Regular Session of the Legislature and thereafter shall be of no force or effect

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CHAPTER 438

An act to amend Section 1300.13 of the Agricultural Code, relating to marketing of agricultural products.

In effect September 15, 1961

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 1300.13 of the Agricultural Code is amended to read:

1300.13. (a) The Director of Agriculture shall administer and enforce the provisions of this act and shall have and may exercise any or all of the administrative powers conferred by Sections 11180 to 11191, inclusive, of the Government Code upon the head of a department of the State. In order to effectuate the declared purposes of this act, the Director of Agriculture is hereby authorized to issue, administer and enforce the provisions of marketing orders hereunder regulating producer marketing or the handling of agricultural commodities within this State.

(b) Whenever the director has reason to believe that the issuance of a marketing order, or amendments to an existing marketing order, will tend to effectuate the declared policy of this act with respect to any agricultural commodity, he shall, either upon his own motion or upon application of any pro-

ducer or handler of such commodity, or any organization of such persons, give due notice of, and an opportunity for, a public hearing upon a proposed marketing order or such amendments to such existing marketing order.

(c) (1) Notice of any hearing called for such purpose shall be given by the director by publishing a notice of such hearing for a period of not less than five (5) days in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may prescribe. No such public hearing shall be held prior to five (5) days after the last day of such period of publication.

(2) The director shall also mail a copy of such notice of hearing and a copy of such proposed marketing order, or proposed amendments, to all producers or handlers of such agricultural commodity whose names and addresses appear upon lists of such persons, on file in the Department of Agriculture, who may be directly affected by the provisions of such proposed marketing order or such proposed amendments.

(3) Such notice of hearing shall set forth the date and place of said hearing, the agricultural commodity, and the area, covered by such proposed marketing order or such proposed amendments and a statement that the director will receive, at such hearing, in addition to testimony and evidence as to other necessary and relevant matters set forth in Section 1300.14 hereof, testimony and evidence with respect to the accuracy and sufficiency of lists on file with the director which show the names and addresses of producers or handlers of such agricultural commodity directly affected by such proposed marketing order or proposed amendments, and the quantities of such commodity delivered by such producers to handlers or handled by such handlers in the marketing season next preceding such hearing.

(4) Such hearing shall be public and all testimony shall be received under oath. A full and complete record of all proceedings at such hearing shall be made and maintained on file in the office of the director. At such hearing the director shall receive, in addition to other necessary or relevant matters, testimony and evidence upon the matters set forth in Section 1300.14 hereof, and testimony and evidence with respect to the accuracy and sufficiency of the lists on file with the director which show the names of the producers or handlers of such agricultural commodity, directly affected by the provisions of such proposed marketing order or proposed amendments, and with respect to the quantities of such agricultural commodity delivered by such producers or handled by such handlers in the marketing season next preceding such hearing.

(d) (1) In order to provide the director with accurate and reliable information, in the event such information is not then on file in the Department of Agriculture, with respect to the persons who may be directly affected by the provisions of any proposed marketing order for any agricultural commodity, the

director is hereby authorized and directed, whenever said director has reason to believe that the issuance of a marketing order will tend to effectuate the declared policy of this act or upon receipt of a written application for a hearing pursuant to subsection (b) of this Section 1300 13, to notify all handlers of such agricultural commodity, by publication of a notice as hereinafter required, to file with the director within ten (10) days from the last date of such publication a report, properly certified, showing:

(a) The correct name and address of such handler,

(b) The quantities of the agricultural commodity, affected by such proposed marketing order, handled by such handler in the marketing season next preceding the filing of such report;

(c) The correct names and addresses of all producers of such agricultural commodity, who may be directly affected by the provisions of such proposed marketing order, from whom such handler received such agricultural commodity in the marketing season next preceding the filing of such report;

(d) The quantities of such agricultural commodity received by such handler from each such producer in the marketing season next preceding the filing of such report.

(2) Said notice to handlers requiring them to file said report shall be published by the director for a period of not less than five (5) days in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may prescribe

The director shall also mail a copy of such notice to file such report to all handlers of such agricultural commodity whose names and addresses appear upon the lists on file in the Department of Agriculture who may be directly affected by the provisions of such proposed marketing order.

Each handler of such agricultural commodity, directly affected by the provisions of such proposed marketing order shall file such verified report with the director within the time specified herein. Failure or refusal of any handler to file such report as herein specified shall not invalidate any proceeding taken or marketing order issued hereunder. The director is authorized and directed to proceed upon the basis of such information and reports as may otherwise be available.

(3) From such reports so filed and the information so received or available to the director, including any proper corrections, the director shall prepare a list of the names and addresses of such producers and the volume of such commodity produced or marketed by all such producers and a list of the names and addresses of such handlers and the volume of such commodity handled by all such handlers, directly affected by the provisions of such proposed marketing order, or amendments thereto, in the preceding marketing season. Such lists shall constitute complete and conclusive lists for use in any finding made by the director pursuant to the provisions of Section 1300 16 (a) hereof and such findings shall be conclusive.

The information contained in the individual reports of handlers filed with the director pursuant to the provisions of this section shall not be made public by the director in such form but the information contained in such reports may be prepared in combined form for use by the director, his agents, or other interested persons, in the formulation, administration and enforcement of a marketing order, or may be made available pursuant to court order, but shall not be made available to any one for private purposes.

(e) In order to effectuate the declared policy of this act, the director shall have the power, after due notice and opportunity for hearing, to enter into marketing agreements with processors, distributors, producers and others engaged in the handling of any agricultural commodity, regulating the preparation for market and handling of such agricultural commodity. Such marketing agreements shall be binding upon the signatories thereto exclusively. The purposes and provisions of the chapter relating to marketing orders shall be applicable to marketing agreements except as follows:

(1) The provisions of paragraph 3 of subdivision (d) of this section requiring the preparation of an official list of the names and addresses of all producers and the volume of such commodity produced or marketed by all such producers in the preceding marketing season and a list of the names and addresses of all handlers and the volume of such commodity handled by all such handlers, during the preceding marketing season, shall not be applicable to marketing agreements.

(2) The provisions of paragraphs (1) and (2) of subdivision (a) of Section 1300 16, and the provisions of subdivision (c) of Section 1300 16 insofar as the provisions of said subdivision (c) prescribe requirements for termination by request in writing, shall not be applicable to marketing agreements; provided, however, that prior to the issuance of any marketing agreement, or amendment thereto, the director shall find, in addition to the findings set forth in subdivision (c) of Section 1300.14 hereof, that said marketing agreement or any amendment thereto has been assented to by a sufficient number of signatories who handle a sufficient volume of the commodity affected to accomplish the objectives of such agreement or amendment thereto and provide sufficient moneys from assessments levied to defray the necessary expenses of formulation, issuance, administration and enforcement.

(3) The provisions of subdivision (a) of Section 1300.19 shall not be applicable to marketing agreements.

(f) In the preparation of the list of producers to be used in the formulation or amendment of any marketing order or marketing agreement pursuant to this section, the director may omit from such list the names of persons who make only casual sales of the product involved or whose sales or marketings of such product are incidental to urban home ownership or the result of activity other than a commercial farm business venture. Any person or class of persons who are excluded from

such lists shall not be subject to the provisions, including the payment of any assessments, applicable upon producers, as prescribed in any such marketing order or marketing agreement. At any public hearing held in connection with the formulation or amendment of a marketing order or marketing agreement, the director shall receive testimony with respect to the establishment of the official producer list applicable, and may thereafter issue rules and regulations to effectuate the provisions of this subdivision and of this chapter.

The Legislature hereby declares that the addition of this subdivision (f) is made for the purpose of clarification of the existing law.

(g) Notwithstanding the provisions of subdivision (c) of Section 1300 12 of this chapter, the director is authorized to issue and make effective marketing agreements or marketing orders affecting handlers only which include only provisions authorized in paragraphs (8), (9), (11), (12), and (13) of subdivision (b) of Section 1300 15 of this chapter, or any of such provisions, but no others, as may be applicable to the agricultural commodity regulated which is handled within this State, without regard to whether or not such agricultural commodity is produced within this State.

CHAPTER 439

An act to add Section 1096 to the Education Code, and to add Section 1313 to Article 1 of Chapter 6 of Division 4 of the Education Code as enacted by Assembly Bill No. 463 of the 1961 Regular Session, relating to school district elections

In effect September 15, 1961

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 1096 is added to the Education Code, to read:

Contracting for election duties

1096. Whenever by this code the governing board of any school district is authorized or required to prepare for, hold or conduct any election in any school district governed by it, such governing board may contract with the county clerk, or with the registrar of voters if such office has been established in the county, for the performance of any or all of the duties incident to the preparation for and holding of such election.

SEC. 2. Section 1313 is added to Article 1 of Chapter 6 of Division 4 of the Education Code as enacted by Assembly Bill No. 463 of the 1961 Regular Session, to read:

Same

1313. Whenever by this code the governing board of any school district is authorized or required to prepare for, hold or conduct any election in any school district governed by it, such governing board may contract with the county clerk, or with the registrar of voters if such office has been established in the

county, for the performance of any or all of the duties incident to the preparation for and holding of such election.

Effect Assembly Bill No. 463

SEC. 3. Section 2 of this act shall become effective only if Assembly Bill No. 463 of the 1961 Regular Session is enacted into law, in which case Section 1096 of the Education Code as added by Section 1 of this act shall be repealed and of no force or effect

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CHAPTER 440

An act to amend Section 5227 of the Business and Professions Code, relating to advertising displays.

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5227 of the Business and Professions Code is amended to read:

5227. It is the intention of the Legislature to occupy the whole field of regulation by the provisions of this chapter except that nothing in this chapter prohibits enforcement of any or all of its provisions by persons designated so to act by appropriate ordinances duly adopted by any county of this State nor does anything prohibit the passage by any county of reasonable land use or zoning regulations affecting the placing of advertising displays in accordance with the provisions of the Planning Law, Chapter 1 (commencing with Section 65000) of Title 7 of the Government Code, relating to zoning, or, with reference to signs or structures pertaining to the business conducted or services rendered or goods produced or sold upon the property upon which such advertising signs or structures are placed, ordinances subjecting such signs or structures to building requirements

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CHAPTER 441

An act to add Chapter 5 (commencing with Section 5940) to Part 2, Division 8 of the Harbors and Navigation Code, relating to the power of a harbor improvement district to acquire, improve, or maintain lands within the district for public beaches.

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

In effect September 15, 1961

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

SECTION 1. Chapter 5 (commencing with Section 5940) is added to Part 2, Division 8 of the Harbors and Navigation Code, to read:

CHAPTER 5. ACQUISITION, IMPROVEMENT OR MAINTENANCE OF LANDS FOR PUBLIC BEACHES

Lands for public beaches

5940. Any harbor improvement district organized and existing pursuant to this part may purchase, lease or obtain by gift lands for public beaches located within the boundaries of the district and may hold, improve or maintain such lands. Any and all such acquisition, improvement or maintenance as is authorized herein shall be accomplished and carried out in accordance with the procedure and in the manner hereinafter provided in this chapter, except that nothing in this chapter shall affect state-owned tidelands and submerged lands or the jurisdiction of the State Lands Commission over tidelands and submerged lands.

Same: Surveys, etc

5941. The board of supervisors of any county in which a district is situated may direct the harbor commission, appointed pursuant to Section 5902, to prepare surveys for the acquisition, improvement or maintenance of such lands as is herein authorized, prepare plans therefor and estimates of cost thereof, and to report to the board of supervisors thereon, with its recommendations covering the necessity, advantages and benefits to be derived by the acquisition, improvement or maintenance of such lands as public beaches

Hearing

5942. Upon receiving the report and recommendation of the harbor commission, the board shall fix a date for hearing on the report to consider and determine the feasibility of the project or projects submitted The hearing shall be held not more than 30 days nor less than 20 days after the filing of the report, and the board shall cause notice of the fact that the report has been filed and of the date fixed for the hearing to be published by at least two publications in a newspaper published within the district.

Applicable law

5943. The hearing, investigation, determination and findings of the board of supervisors shall be conducted and made in accordance with the provisions of Sections 5835 to 5841, inclusive, of the Harbors and Navigations Code which sections are incorporated herein to the extent that they are not inconsistent with the provisions of this chapter.

Order

5944. Upon final hearing, if the board finds that the lands considered in the commission's report can be acquired, improved or maintained as generally described in the report and recommendation of the harbor commission at a cost not disproportionate to the benefits to be derived from the proposed project, the board may order the acquisition, improvement or maintenance of the lands considered in the commission's report in accordance with the board's findings.

Financing

5945. For the purpose of financing the acquisition, improvement or maintenance of such lands as is authorized herein, the board may issue bonds, borrow money, incur indebtedness and levy taxes, all in the same manner and to the same extent as in the improvement, development, protection or maintenance of the harbor for which the district was originally

formed, and shall in all other respects have the same general powers and duties with respect to the acquisition, improvement or maintenance of such lands as it has with respect to the original harbor for which the district was formed.

The board may issue no bonds hereunder unless the incurring of the bonded indebtedness for the acquisition, improvement or maintenance of such lands shall first have been approved at an election held in the manner provided in Article 3, (commencing with Section 5859) Chapter 1, Part 2, Division 8 of this code, and pursuant to the provisions of that article with reference to the incurring of bonded indebtedness.

CHAPTER 442

An act to amend Section 1428b of the Penal Code and Section 68085 of the Government Code, relating to criminal records of justice and municipal courts.

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1428b of the Penal Code is amended to read:

Destruction of certain papers

1428b. All papers and records filed or kept in criminal proceedings in municipal and justice courts other than the docket and minutes, may, upon the order of the presiding judge of any such court, be destroyed after the lapse of five years following the final determination of the proceeding or the forfeiture of bail in cases in which no other proceedings are had during a like period following such forfeiture.

For the purposes of this section, "docket" shall be deemed to exclude traffic bail dockets maintained solely for the entry of bail deposits and forfeitures, including sums deposited as penalty assessments under the provisions of Section 42050, Vehicle Code, and Section 13521, Penal Code, in cases involving the violation of traffic laws or ordinances for which no personal appearance of defendants was required.

SEC. 2. Section 68085 of the Government Code is amended to read:

Same

68085. After seven years from the date when a judgment in a case becomes final, or, if the case has not been prosecuted to judgment, after five years from the date of filing the complaint, the judge or clerk of any justice court may destroy all records, papers, and exhibits in any civil case. For the purposes of this section "destroy" means destroy or dispose of for the purpose of destruction.

Minute book entries, dockets, and judgment dockets shall not be destroyed and shall constitute for all purposes the record in lieu of the records, papers, and exhibits destroyed.

CHAPTER 443

An act to amend Sections 10177.6, 10302.6, and 10562.6 of, and to add Sections 10148, 10264, 10307, 10514.9, and 10567 to, the Business and Professions Code, relating to real estate, business opportunity, and mineral, oil and gas licenses.

In effect September 15, 1961

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 10148 is added to the Business and Professions Code, to read:

Copies of listings, etc Period of retention

10148. A licensed real estate broker shall retain for three years copies of all listings, deposit receipts, canceled checks, trust records, and other documents executed by him or obtained by him in connection with any transactions for which a real estate broker license is required. The retention period shall run from the date of the closing of the transaction or from the date of the listing if the transaction is not consummated.

SEC. 2. Section 10177.6 of said code is amended to read:

Revocation or suspension of license

10177.6. The commissioner may revoke or suspend the license of a real estate licensee, or deny the issuance of a license to an applicant, who is committed or adjudged insane, mentally ill, or incompetent by any court of competent jurisdiction, at any time until a subsequent adjudication of competence or restoration to capacity.

SEC. 3. Section 10264 is added to said code, to read:

Copies of listings, etc Period of retention

10264. A licensed business opportunity broker shall retain for three years copies of all listings, deposit receipts, canceled checks, trust records, and other documents executed by him or obtained by him in connection with any transactions for which a business opportunity broker license is required. The retention period shall run from the date of the closing of the transaction or from the date of the listing if the transaction is not consummated.

SEC. 4. Section 10302.6 of said code is amended to read:

Revocation or suspension of license

10302.6. The commissioner may revoke or suspend the license of a business opportunity licensee, or deny the issuance of a license to an applicant, who is committed or adjudged insane, mentally ill, or incompetent by any court of competent jurisdiction, at any time until a subsequent adjudication of competence or restoration to capacity.

SEC. 5. Section 10514.9 is added to said code, to read:

Copies of listings, etc Period of retention

10514.9. A licensed mineral, oil and gas broker shall retain for three years copies of all listings, deposit receipts, canceled checks, trust records, and other documents executed by him or obtained by him in connection with any transactions for which a mineral, oil and gas broker license is required. The retention period shall run from the date of the closing of the transaction or from the date of the listing if the transaction is not consummated.

SEC. 6. Section 10562.6 of said code is amended to read:

10562.6. The commissioner may revoke or suspend the license of a mineral, oil and gas licensee, or deny the issuance of a license to an applicant, who is committed or adjudged insane, mentally ill, or incompetent by any court of competent jurisdiction, at any time until a subsequent adjudication of competence or restoration to capacity. Revocation or suspension of license

SEC. 7. Section 10307 is added to said code, to read:

10307. All records, books and accounts of a business opportunity broker or salesman as defined in this part whether or not actually so licensed shall, upon the appearance of sufficient cause, be subject to inspection and audit by the commissioner or his designated representative. Inspection of records, etc.

SEC. 8. Section 10567 is added to said code, to read:

10567. All records, books and accounts of a mineral, oil and gas broker or salesman as defined in this part whether or not actually so licensed shall, upon the appearance of sufficient cause, be subject to inspection and audit by the commissioner or his designated representative. Same

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CHAPTER 444

An act to amend Section 1956 of the Government Code, relating to insurance for public personnel.

[Approved by Governor May 20, 1961 Filed with Secretary of State May 20, 1961] In effect September 15, 1961

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

SECTION 1. Section 1956 of the Government Code is amended to read:

1956. (a) The State, a county, city, district, or any other public agency or public corporation may insure its officers, deputies, assistants, agents, and employees against any liability, other than a liability which may be insured against under the provisions of Division 4 (commencing with Section 3201) of the Labor Code, for injuries or damages resulting from their negligence or carelessness during the course of their service or employment and for the injuries or damages resulting from the dangerous or defective condition of public property, including public property as defined in subdivision (b) of this section, and due to their alleged negligence or carelessness, and for injuries or damages resulting from false arrest or false imprisonment, either by self-insurance, or in any insurer authorized to transact such insurance in the State (except in the case of school district governing boards to the extent they are authorized to place insurance in nonadmitted insurers by Sections 1044 and 15802 of the Education Code). The premium for the insurance is a proper charge against the Treasury of the State, county, city, district, public agency or public corporation.

(b) In addition to the definition of public property as contained in Section 1951, "public property" includes any vehicle, implement or machinery whether owned by the State, a county, city, district, or any other public agency or public corporation, or operated by or under the direction, authority or at the request of any public officer.

(c) "Officers" includes any deputy, assistant, agent or employee of the State, a county, city, district, or any other public agency or public corporation acting within the scope of his office, agency or employment.

CHAPTER 445

An act to add Sections 4113 and 4178.5 to the Health and Safety Code, relating to garbage and refuse disposal.

In effect September 15, 1961

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 4113 is added to the Health and Safety Code, to read:

Formation of district

4113. A district may be formed for the exclusive purpose of providing, maintaining and operating a garbage and refuse disposal site. In forming such a district the determination of the board of supervisors required by Section 4106 shall be that such is the exclusive purpose of the district. In all other matters such a district shall be formed in the same manner as other districts under this chapter. On formation the district shall have only such powers granted to districts by this chapter as are reasonably necessary to carry out such exclusive purpose.

A district formed for the exclusive purpose of providing, maintaining and operating a garbage and refuse disposal site may issue bonds and levy taxes therefor in the same manner as provided for bonds of garbage and refuse disposal districts pursuant to Article 6 (commencing with Section 4186) of Chapter 1.5, Part 2, Division 9 of this code, and may issue revenue bonds pursuant to the Revenue Bond Law of 1941.

SEC. 2. Section 4178.5 is added to said code, to read:

Final date for formation

4178.5. No district shall be formed under this chapter after October 1, 1961.

CHAPTER 446

An act to amend Section 21460 of the Vehicle Code, relating to distinctive roadway markings.

In effect September 15, 1961

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 21460 of the Vehicle Code is amended to read:

21460. (a) When double parallel solid white or yellow lines are in place, no person driving a vehicle shall drive to the left thereof, except as permitted in this section.

A double parallel solid line consists of two parallel solid white or yellow lines, each four inches in width, separated by a black line three inches in width or a corresponding width of pavement.

(b) When the double line described in this subdivision is in place, no person driving a vehicle shall drive to the left thereof, except that the driver on that side of the roadway in which the broken line is in place may cross over the double line or drive to the left thereof when overtaking or passing other vehicles.

The double line consists of two parallel lines, one of which shall be a solid white or yellow line and one a broken white line, each four inches in width separated by a black line three inches in width or a corresponding width of pavement. The term "broken line" used herein shall mean a line in which the breaks or unpainted portions thereof do not exceed 26 feet in length and the solid or painted portions thereof between the breaks are not less than eight feet in length.

(c) Either of the markings as specified in subdivision (a) or (b) shall not prevent a driver from turning to the left across any such marking at any intersection or into or out of a driveway, or making a U-turn under the rules governing such movement, and either of the markings shall be disregarded when authorized signs have been erected designating offcenter traffic lanes as permitted under Section 21657.

CHAPTER 447

An act to amend Section 26154 of the Government Code, relating to county assistance to elementary school districts.

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 26154 of the Government Code is amended to read:

26154. The board of supervisors may provide financial assistance to elementary school districts which have within the boundaries of such school districts a redevelopment agency and a housing authority organized under state law. Any funds received pursuant hereto by an elementary school district may be deposited by the governing board of the school district in any fund but the general fund of the district. The provisions hereof are applicable only to elementary school districts which have an average daily attendance of less than 1,500. The provisions of this section shall remain in effect until the 91st day after final adjournment of the 1963 Regular Session of

the Legislature While this section is in effect, it supersedes any existing provisions of law which are in conflict with it, but such provisions will not be repealed by this section and after this section is no longer effective they shall have the same force as though this section had not been enacted.

CHAPTER 448

An act to amend Section 7401 of, and to add Sections 7408 and 7409 to, the Revenue and Taxation Code, relating to the Motor Vehicle Fuel License Tax Law.

In effect September 15, 1961

[Approved by Governor May 20, 1961 Filed with Secretary of State May 20, 1961]

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

SECTION 1. Section 7401 of the Revenue and Taxation Code is amended to read:

Application of this part

7401. The provisions of this part requiring the payment of license taxes do not apply to any of the following:

(a) Natural gasoline distributed to a duly licensed distributor under such regulations as the board may prescribe.

(b) Motor vehicle fuel exported from this State by the distributor or delivered by the distributor to any vessel clearing from a port of this State for a port outside of this State and actually exported from this State in the vessel.

(c) Motor vehicle fuel distributed, or delivered on the order of the owner, to a distributor who has furnished bond of one hundred thousand dollars ($100,000) as prescribed by Section 7454 and who has established to the satisfaction of the board that this bond, together with property to which the lien imposed by Section 7871 attaches, is sufficient security to assure payment of all license taxes as they may become due to the State from him under this part

(d) Motor vehicle fuel sold to the United States armed forces for use in ships or aircraft, or for use outside this State.

(e) Motor vehicle fuel distributed to any licensed distributor, or to any licensed broker who has furnished bond or other security in the form and amount required of distributors under Article 1 (commencing with Section 7451) of Chapter 4 of this part, for sale to the United States armed forces for use in ships or aircraft or use outside this State. Notwithstanding any other provisions of this part, the receiving of motor vehicle fuel in this State from a licensed distributor and the sale and delivery of the fuel to the United States armed forces pursuant to this subdivision shall not constitute a broker a distributor under this part.

Every distributor claiming an exemption shall report the exports, sales or distributions to the board in such detail as the board may require; otherwise the exemption granted in this section shall be null and void and all the fuel shall be

considered distributed in this State subject fully to the provisions of this part

SEC. 2. Section 7408 is added to said code, to read:

Exemption certificate

7408. Any distributor or broker who acquires motor vehicle fuel pursuant to subdivision (e) of Section 7401 shall furnish to the distributor an exemption certificate executed by the armed forces and in such form as prescribed by the board. The distributor shall retain the certificate in his records in support of the exemption.

SEC. 3. Section 7409 is added to said code, to read:

Tax avoidance

7409. Any distributor or broker who purchases or acquires motor vehicle fuel pursuant to subdivision (e) of Section 7401 who fails to deliver it to the United States armed forces, or who diverts it from interstate or foreign transit begun in this State, or who returns it to this State for sale or use so as to avoid any of the taxes imposed by this part, shall be liable for the tax, penalty and interest, as provided in Article 4 (commencing with Section 7726), Chapter 5 of this part; and the distributor or broker shall also be subject to prosecution as provided in Section 8401.

CHAPTER 449

An act to amend Section 2733.5 of the Business and Professions Code, relating to temporary permits for nurses.

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 2733.5 of the Business and Professions Code is amended to read:

2733.5. Until October 2, 1963, the board upon written application and receipt of a registration fee of ten dollars ($10) may issue a temporary permit to any applicant who at the time of application is currently licensed or registered as a professional nurse under the laws of another state of the United States of America and such a temporary permit may also be issued to an applicant who at the time of application is currently authorized to legally practice as a professional nurse under the laws of the Dominion of Canada; provided, the applicant is either a citizen of the United States or has declared his intention to become a citizen of the United States. A statement by the applicant under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make such application shall be sufficient proof of compliance with the citizenship requirement.

The temporary permit issued under this section shall authorize the permittee to engage in the practice of nursing under this chapter until January 1, 1964.

Not more than two temporary permits may be issued to any one person after the effective date of the amendments made to this section at the 1961 Regular Session of the Legislature.

CHAPTER 450

An act to add Section 9111 to the Government Code, relating to interstate conferences of legislative leaders.

In effect September 15, 1961

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 9111 is added to the Government Code, to read:

9111. The Joint Committee on Legislative Organization may participate in the work of the National Conference of State Legislative Leaders. The following Members of the Legislature are authorized to act as members of the committee for the purpose of attending meetings of the conference: (1) the President pro Tempore of the Senate, and one member of the Senate from each of the two major political parties, appointed by the Senate Committee on Rules, and (2) the Speaker, Speaker pro Tempore, Majority Floor Leader, and Minority Floor Leader of the Assembly, and the Chairman of the Assembly Committee on Rules.

The committee may pay annually from the Contingent Funds of the Senate and the Assembly its proportionate share of the expenses of the National Conference of State Legislative Leaders, in participation with other states, to the extent that funds are appropriated for that purpose.

CHAPTER 451

An act to amend Section 8752 of the Revenue and Taxation Code, relating to the Use Fuel Tax Law.

In effect September 15, 1961

[Approved by Governor May 20, 1961. Filed with Secretary of State May 20, 1961.]

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

SECTION 1. Section 8752 of the Revenue and Taxation Code is amended to read:

8752. On or before the 25th day of each month, every user shall file on forms prescribed by the board a report showing the amount of fuel used during the preceding calendar month by the user in this State and such other information as the board may require to carry out the purposes of this part, except that the provisions of this section shall not be applicable to any user whose sole use of fuel subject to the tax imposed by this part is for the propulsion of a privately operated passenger automobile, provided that the fuel used in this State, except fuel brought into this State in the fuel tank of the vehicle, is purchased from and delivered into the fuel tank of the vehicle by a vendor licensed under this part.

CHAPTER 452

An act to add Sections 215.18 and 215.19 to the Agricultural Code, relating to animal quarantine and pest control.

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 215.18 is added to the Agricultural Code, to read:

Swine diseases

215.18. In addition to any other authority vested in the director by this chapter for the purpose of preventing the spread of any disease of livestock, the director may promulgate regulations to control or eradicate hog cholera, swine brucellosis and other swine diseases in any of the following ways:

(a) Through limitations on the movement of swine.

(b) Through the use of hog cholera vaccine, or other biologics

(c) Through tests or vaccinations.

(d) Such other similar means as he may find and determine to be necessary.

If the director finds and determines that similar regulations are necessary to control such diseases while hogs or swine are in interstate movement he shall notify the Governor so that the Governor may act pursuant to Section 211.

SEC. 2. Section 215.19 is added to said code, to read:

Penalty

215.19. Any person who willfully and knowingly violates any regulation made under Section 215.18 is guilty of a misdemeanor.

CHAPTER 453

An act to amend Sections 5, 6, 7, and 16 of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941), relating to the Monterey Peninsula Airport District.

[Approved by Governor May 22, 1961 Filed with Secretary of State May 22, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5 of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941) is amended to read:

General district elections

Sec. 5. General District Elections. A general district election shall be held therein on the second Tuesday in April in each even-numbered year. At each such election members of the board of directors equal in number to the members whose terms on said board are expiring thereat, and upon the qualification of their successors, shall be elected for the term of four years each and until each of their successors have

been elected and have qualified for such office. All such elections shall be noticed, held, the returns thereof canvassed and the results thereof declared, pursuant to the provisions of the general laws and Elections Code of the State of California governing elections in cities of the sixth class, so far as the same may be applicable, except as in this act otherwise provided. Sections 9000 to 10057, inclusive, of the Elections Code shall apply to such district elections insofar as the same may be relevant and appropriate; provided, however, that the powers and duties vested by said code provisions in the governing bodies and city clerks, respectively, of cities of the sixth class shall be vested in the board of directors and secretary thereof of said district.

At least 10 days prior to the date that candidates may be nominated for the office of director, the board shall publish in a newspaper of general circulation, which is circulated in the district, a notice stating the manner in which candidates may be nominated, the last date on which nominations for director will be accepted, and that, if not more than one person is nominated for each open office of director, directors will be appointed by the board of supervisors pursuant to this section.

If, on the 54th day prior to the day fixed for the district general election, only one person has been nominated for each office of the board of director to be filled at that election, or no one has been nominated for such office, and if on the 44th day prior to the day fixed for the election, a petition signed by 5 percent of the qualified electors in the district, requesting that the district general election be held, has not been presented to the board of directors of the district, the board of directors shall by resolution entered in its minutes order that an election shall not be held and shall immediately request that the Board of Supervisors of the County of Monterey, at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a district general election.

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

SEC. 2 Section 6 of said act is amended to read:

Action of board of directors

Sec 6 Legislation The board of directors shall act in legislative matters by ordinance or resolution only Other action of the board of directors, unless herein otherwise provided, may be taken by resolution, motion, or order.

The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the record of the proceedings of the board of directors. Upon the request of any members of the board of directors the ayes and noes shall be taken and recorded upon any vote. All members present at any meeting must vote.

No ordinance or resolution shall be passed without receiving the affirmative votes of at least three members of the board of directors.

Each ordinance shall be headed by a brief title which shall indicate the purport thereof.

The ordaining clause of all ordinances adopted by the board of directors shall be, "The Board of Directors of Monterey Peninsula Airport District do ordain as follows:". The ordaining clause of all ordinances passed by the vote of the electors of the district, through the exercise of the initiative shall be, "The People of the Monterey Peninsula Airport District do ordain as follows:".

No ordinances shall be passed by the board of directors on the day of its introduction, or within five days thereafter, or at any time other than at a regular meeting, or until publication at least once in the official newspaper of the district at least three days before its adoption. In case of an ordinance being amended before its final adoption, and after its publication, it shall in like manner be republished in full as amended at least one day before its adoption as amended; provided, however, that where such amendment is made for the correction of clerical errors or omissions of form only, then such ordinances need not be given a first reading or a republication as corrected

Except as otherwise provided by general law, or this act, no action providing for any specific public improvement, or for the appropriation or expenditure of public money, in any amount over two thousand five hundred dollars ($2,500), or for the acquisition, sale, lease, incumbrancing, or disposition of, any real property of the district, or any interest therein, or for the levying of any tax or assessment, or for the granting of any franchise, or for the imposing of any penalty, shall be taken except by ordinance.

No ordinance or portion thereof, shall be repealed except by ordinance. No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted according to the method provided in this section for the enactment of ordinances, and such revision, re-enactment, amendment, or addition, shall be made by ordinance only.

All ordinances shall be signed by the chairman of said board and attested by the secretary thereof.

All ordinances shall take effect and be in force 30 days from and after their final passage and approval; provided, however,

that any such ordinance determined and declared by said board of directors to be urgent and necessary for the immediate preservation of the public peace, health or safety, of said district shall take effect and be in force forthwith from and after its final passage and approval; provided further, that a statement of such urgency be set forth in any such ordinance last mentioned.

SEC. 3. Section 7 of said act is amended to read:

Officers and employees

Sec. 7. District Officers and Employees. The officers of the district shall comprise the members of the board of directors, the secretary thereof, a district manager and district counsel. No member of the board of directors of the district shall be qualified for election or appointment as such unless he is a qualified elector of said district residing therein and shall have been such elector and resident at least one year immediately prior to such election or appointment. The board of directors shall, by ordinance, prescribe the powers, duties and compensation, of all said officers, except where the same are prescribed by the provisions of this act and in such case, may, by ordinance, prescribe additional powers and duties for any such officer consistent with the provisions hereof; provided, however, that the members of the board of directors shall serve as such without compensation.

SEC. 4. Section 16 of said act is amended to read:

Bids for contracts

Sec. 16. Contract Work. In the erection, construction, improvement and repair of all public buildings, structures and airports of said district, and in supplying materials for the same, when the expenditure in any such case shall exceed the sum of two thousand five hundred dollars ($2,500) the contract for the same shall be awarded by the board of directors to the lowest responsible bidder after notice by publication in a newspaper of general circulation printed, published and circulated in said district under such conditions as said board may specify. The detailed procedure for carrying out the provisions of this section shall be prescribed by ordinance.

Provided, that the board of directors may reject any and all bids presented, and may, in its discretion, readvertise for other bids.

Provided further, that the board of directors may determine and declare by a four-fifths vote of all its members that the work or improvement in question may be more economically or satisfactorily performed as a project of the Works Projects Administration, or other agency of the federal or state government, and after the adoption of a resolution to such effect it may proceed to have said work or improvement made through such administration or agency without further observance of the foregoing provisions of this section.

CHAPTER 454

An act to add Sections 1370.2, 1370.4, and 1370.8 to, to repeal Sections 1370.5 and 1373 of, and to amend Sections 1371 and 1372 of, the Insurance Code, relating to the surplus requirements of reciprocal and interinsurance exchanges.

[Approved by Governor May 22, 1961 Filed with Secretary of State May 22, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1370.2 is added to the Insurance Code, to read:

Standards applicable to exchanges

1370.2. Except as in this article (commencing with Section 1370) otherwise provides, every exchange subject to this chapter (commencing with Section 1280) shall on and after October 1, 1961, be governed for all purposes as to required minimum surplus, (including that for admission, amendment of certificate of authority and solvency) by the same standards for minimum paid-in capital and surplus applicable to capital stock insurers. As used in this chapter surplus of an exchange is the amount by which its assets exceed a sum sufficient to discharge all its liabilities. When the standard prescribed for capital stock insurers consists of an amount of minimum paid-in capital the minimum surplus required of the exchange shall be such amount, and when the standard prescribed for capital stock insurers consists of an amount of minimum paid-in capital and an amount of surplus the minimum surplus required of the exchange shall be the aggregate of such amounts.

This section shall not affect the provisions of Section 1401.

SEC. 2. Section 1370.4 is added to said code, to read:

Exemption

1370.4. An exchange admitted prior to October 1, 1961, shall be exempt from the provisions of Section 1370.2 until it replaces its attorney in fact, except when the replacement is in strict compliance with a contract between the exchange and its current attorney in fact entered into prior to October 1, 1961, or the effective legal control of its attorney in fact passes, by means other than by way of judicial process (including but not limited to: probate proceedings, bankruptcy proceedings or an action by a dissident minority interest to force a sale or partition of the attorney in fact) to persons none of whom had a proprietary interest therein on October 1, 1961, subject to the further provisions of this section and to the provisions of Section 1370.8.

While exempted from the provisions of Section 1370.2 as modified by Section 1370.8, such an exchange shall be subject to and comply with the surplus requirements provided in this chapter (commencing with Section 1280) immediately prior to October 1, 1961.

Repeal

SEC. 3. Section 1370.5 of said code is repealed.

SEC 4. Section 1370.8 is added to said code, to read:

Amendment of certificate of authority

1370.8. Any exchange exempted at any time from the provisions of Section 1370.2 shall irrespective of such exemption be subject to the provisions of this section. No amended certificate of authority adding classes of insurance shall be issued to the attorney in fact of any such exchange on or after October 1, 1961, unless at the time of the amendment the exchange has a surplus equal in the aggregate to the sum of the surplus amount it was required to maintain by the provisions of this chapter (commencing with Section 1280) as the same were in effect immediately prior to October 1, 1961, plus the aggregate amount of additional minimum amount of capital and surplus which, at the time of such amendment, would be required of a capital stock insurer by the provisions of this code in order to add the same classes of insurance to its certificate of authority if it were authorized at the time of the amendment to transact the same classes of insurance as those which the attorney in fact of such reciprocal is authorized to transact.

SEC. 5. Section 1371 of said code is amended to read:

Minimum assets

1371. If an exchange does either liability or workmen's compensation insurance, it shall at all times maintain assets in a sum sufficient to discharge all liabilities and to provide a surplus over all liabilities of one hundred thousand dollars ($100,000).

An exchange subject to the provisions of this section is also subject to the provisions of Sections 1370.2, 1370.4 and 1370.8.

SEC. 6. Section 1372 of said code is amended to read:

Same

1372. Every other exchange shall maintain at all times assets in a sum sufficient to discharge all liabilities and to provide a surplus over all liabilities of fifty thousand dollars ($50,000).

An exchange subject to the provisions of this section is also subject to the provisions of Sections 1370.2, 1370.4, and 1370.8.

Repeal

SEC. 7. Section 1373 of said code is repealed.

CHAPTER 455

An act to amend Sections 61402.5 and 61430 of the Government Code, relating to elections in community services districts.

In effect September 15, 1961

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.]

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

SECTION 1. Section 61402.5 of the Government Code is amended to read:

Consolidated elections

61402.5. If the general district election is consolidated with the state direct primary, the district shall not later than the first day on which a candidate for a judicial office may file his declaration of intention to become a candidate as provided for in Article 1 (commencing with Section 10600) of

Chapter 3 of Division 12 of the Elections Code, file with the board of supervisors, and a copy with the county clerk or registrar of voters, a resolution of its governing board requesting the board of supervisors to grant permission to consolidate the general district election with the state direct primary. The resolution shall set forth the number of vacancies to be filled at that election and it shall contain the names of those incumbent directors who then hold the offices at the time the resolution is filed.

If such permission is granted then only one form of ballot shall be used. Candidates shall declare their candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nominations, election, canvassing of returns, declaration of results, and issuance of certificates of election for county officers are made, declared, held, conducted, and issued, provided that if there is but one person to be elected to an office, the candidate receiving the highest number of votes cast for the candidates for that office shall be declared elected, or, if there are two or more persons to be elected to an office, those candidates equal in number to the number to be elected who receive the highest number of votes for the office shall be declared elected.

If, on the 54th day prior to the day fixed for the district general election, only one person has been nominated for each office of member of the board of directors to be filled at that election, or if no person has been nominated for any one or more of said offices, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors, at a regular or special meeting held prior to the day of election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons who have been nominated, or if no person or persons have been nominated, any qualified person or persons. The person appointed shall qualify and take office and serve exactly as if elected at a district general election.

In such case, the publication provided for in Article 6 (commencing with Section 2699) of Chapter 2 of Division 5 of the Elections Code shall, instead of calling an election, state that no election is to be held but that the board of supervisors will either appoint those nominated for the positions of directors or appoint a qualified person or persons to the office or offices for which no one has been nominated, as the circumstances may warrant.

The district shall bear any additional costs of the election caused by the consolidation.

SEC. 2. Section 61430 of said code is amended to read:

61430. If on the 54th day prior to a general district election one person only has been nominated for each of the positions of director to be filled at that election, or if no person

When election shall not be held

has been so nominated for any one or more of said offices, and a petition signed by 5 percent of the voters requesting that the election be held has not been presented to the board, an election shall not be held.

CHAPTER 456

An act to add Section 15407.1 to the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to representatives to accompany ballots from election return centers to central counting place.

In effect September 15, 1961

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.]

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

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 457

An act to amend Sections 1565 and 15110 of the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to consolidation of election precincts when ballots are to be counted at a central place.

In effect September 15, 1961

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.]

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

NOTE: The sections of the Elections Code affected by this chapter appear in their proper places in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 458

An act to add Sections 73662, 73663, 73664, 73665, 73666, 73667, 73668, 73669 and 73670 to the Government Code, relating to municipal courts.

In effect September 15, 1961

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.]

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

SECTION 1. Section 73662 is added to the Government Code, to read:

Clerk

73662. There shall be one clerk.

SEC. 2. Section 73663 is added to said code, to read:

73663. The clerk may appoint, with the approval of the judge, one chief deputy clerk and four deputy clerks. Deputies

SEC. 3. Section 73664 is added to said code, to read:

73664. There shall be one marshal. Marshal

SEC. 4. Section 73665 is added to said code, to read:

73665. The marshal may appoint, with the approval of the judge, two deputy marshals. Deputies

SEC. 5. Section 73666 is added to said code, to read:

73666. The monthly salaries for the following positions shall be according to, and shall be increased in accordance with, the following salary schedule: Salaries

Salary Schedule

	Step A	Step B	Step C	Step D	Step E
Clerk	$491	$519	$549	$581	$614
Chief deputy clerk	332	351	371	392	415
Deputy clerk	297	314	332	351	371
Marshal	491	519	549	581	614
Deputy marshal	371	392	415	439	464

SEC. 6. Section 73667 is added to said code, to read:

73667. The compensation of officers and attachés shall be governed as follows: Compensation

(a) The initial hiring rate for each position shall normally be at step A.

(b) A step advancement from step A to step B of a position shall be granted on the first day of the month following the completion of 12 full months of service in the position. A person shall advance to steps C, D and E upon completion of successive 12-month periods of service in the same position.

SEC. 7. Section 73668 is added to said code, to read:

73668. When the municipal court is established, an incumbent officer or attaché of the superseded justice court shall, upon the recommendation of the judge and the approval of the board of supervisors, be placed on the step level of the salary schedule made applicable to his position which pays the same rate of compensation as he received as an officer or attaché of the superseded justice court, and if there is no equivalent salary in the salary schedule, he shall be placed in the step level having a rate of compensation next higher than his former salary. Incumbents of superseded courts

SEC. 8. Section 73669 is added to said code, to read:

73669. The officers and attachés of the municipal court shall be entitled to the same vacation, sick leave and similar benefits and privileges as are granted to other employees of the County of Humboldt and all such benefits and privileges which have accrued to any incumbent officer or attaché of the superseded justice court shall be retained when a municipal court is established. Employee benefits and privileges

Applicable law

SEC. 9. Section 73670 is added to said code, to read:

73670. All matters affecting the employment of the officers and attachés which are not specifically determined by this article or other provision of state law shall be governed and regulated by the then current salary ordinance of the County of Humboldt.

CHAPTER 459

An act to amend Sections 11008, 11200, 11202, 11204, 11300, 11301, 11302, 11304, 11400, 11501, and 11603 of, to repeal Section 11403 of, to add Sections 11010 and 11101.5 to, and to add Chapter 9 (commencing with Section 11800) to Part 1 of Division 13 of, the Streets and Highways Code, and to amend Section 703 of the Government Code, relating to pedestrian malls.

In effect September 15, 1961

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.]

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

SECTION 1. Section 11008 of the Streets and Highways Code is amended to read:

"Intersecting street"

11008. "Intersecting street" means any "street" which meets or crosses a "pedestrian mall" at a "mall intersection" but includes only those portions thereof on either side of a "mall intersection" which lie between the "mall intersection" and the first intersection of the "intersecting street" with a public street or highway open to vehicular traffic. If any portion of a "pedestrian mall" terminates on a "street" at a place thereon other than a place of intersection with a public street or highway open to vehicular traffic, "intersecting street" also includes that portion of any "street" which lies between such place of termination and the first intersection of such "street" with a public street or highway open to vehicular traffic. "Intersecting street" shall also include any other "street" or portion thereof which the legislative body, in its resolution adopted pursuant to Section 11200, declares to be such.

SEC. 2. Section 11010 is added to said code, to read:

Procedural assessment ordinance

11010. If "the city" is a charter city, "similar special assessment law" shall include a procedural assessment ordinance of such city.

SEC. 3. Section 11101.5 is added to said code, to read:

Power to acquire land

11101.5. The legislative body shall also have the power to acquire, by gift, purchase, eminent domain or otherwise, land, real property, or rights-of-way which will become part of a city street established as a pedestrian mall or which will otherwise be used by the city as part of, or for purposes connected with, a pedestrian mall, and such land, real property, or rights-of-way may be improved in the same manner as city streets may

be improved under subdivision (d) of Section 11101. The legislative body shall also have the power to make such improvements on city streets adjacent to the pedestrian mall where such improvements are necessary or convenient to the operation of the mall. The acquisitions and improvements authorized by this section shall be deemed "improvements" as such term or a related term is used in this part and particularly in Sections 11101 and 11203 and in Chapter 8 (commencing with Section 11700) of this part.

SEC. 4. Section 11200 of said code is amended to read:

Legislative determination

11200. When the legislative body shall determine that the public interest and convenience require the establishment of a pedestrian mall and that vehicular traffic will not be unduly inconvenienced thereby, it may adopt a resolution declaring its intention to establish such pedestrian mall. Such resolution shall contain:

Resolution Contents

(a) The determination and declaration referred to above.

(b) A general description of the city streets, or portions thereof, which are proposed to be established as a pedestrian mall.

(c) A general description of the mall intersections.

(d) A general description of the intersecting streets

(e) A statement that the legislative body proposes to adopt an ordinance prohibiting, in whole or in part, vehicular traffic on such pedestrian mall. If vehicular traffic is proposed to be prohibited only in part, the resolution shall also contain a general statement of the exceptions proposed to be made. Such exceptions may include exceptions in favor of public, emergency, utility and other classes of vehicles, may include exceptions in favor of all or certain classes of vehicles during certain days or during portions of days, and may include other exceptions of any kind or nature.

(f) A general statement of the source or sources of moneys proposed to be used to pay damages, if any, allowed or awarded to any property owner by reason of the establishment of the pedestrian mall.

(g) A day, hour and place for the hearing by the legislative body of protests and objections to the establishment of the proposed pedestrian mall, and a statement that any and all persons having any objection to the establishment of the proposed pedestrian mall may file a written protest with the clerk of the legislative body at any time not later than the hour so fixed for the hearing.

(h) A statement that any person owning or having any legal or equitable interest in any real property which might suffer legal damage by reason of the establishment of the proposed pedestrian mall may file a written claim of damages with the clerk of the legislative body at any time not later than the hour so fixed for hearing; that such written claim must describe the real property as to which the claim is made, must state the exact nature of the claimant's interest therein, must state the nature of the claimed damage thereto, and must state

the amount of damages claimed; that failure to file such written claim within the time provided shall be deemed a waiver of any claim for damages or compensation and shall operate as a bar to any subsequent action seeking to prevent the establishment of said pedestrian mall or to recover damages on account of such establishment; and that the filing of such a claim shall operate as a bar in any subsequent action to the recovery of any damages or compensation in excess of the amount stated in such claim.

SEC. 5. Section 11202 of said code is amended to read:

Proposal to pay damages

11202. In such resolution the legislative body may propose to pay the whole or any part of damages, if any, allowed or awarded to any property owner by reason of the establishment of the pedestrian mall from the proceeds of assessments levied upon lands benefited by the establishment of the pedestrian mall. In such case the resolution shall also contain:

(a) A general description of the district (which may consist of noncontiguous portions) within which lie the lands deemed by the legislative body to be benefited by the establishment of the proposed pedestrian mall. Such district may be described as provided in Section 5181.

(b) A statement that an assessment will be levied pursuant to this part to pay the whole or a stated portion of the damages, if any, allowed or awarded to any property owner by reason of the establishment of such pedestrian mall and the costs and expenses in connection with proceedings or actions taken pursuant to this part.

(c) If bonds are to be issued, a statement that bonds to represent unpaid assessments will be issued, and the interest rate, or maximum interest rate, and term, or maximum term, of any such bonds.

SEC. 6. Section 11204 of said code is amended to read:

Initial establishment

11204. (a) In connection with the initial establishment or the extension of a pedestrian mall, expenditures for the acquisition, construction or reconstruction (but not including expenditures for normal maintenance or repair) of streets within the proposed pedestrian mall made subsequent to such resolution or within three years prior to the adoption of such resolution from the proceeds of any tax, license, or fee imposed upon the ownership or operation of vehicles or the fuel used therein, shall be included as a cost of improvement of the mall. If the mall is subsequently established, an amount equivalent thereto shall be paid from moneys used to finance improvement of the mall into the special gas tax street improvement fund or the traffic safety fund in the case of a city, or into the special road improvement fund in the case of a county.

(b) The provisions of subdivision (a) shall not apply to any expenditure made from proceeds of the vehicle license fee imposed under Division 2, Part 5 of the Revenue and Taxation Code, nor to any expenditure made prior to June 30, 1961.

SEC. 6.1. Section 11300 of said code is amended to read:

11300. The resolution of intention shall be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation published within the county, city, or city and county, as the case may be. The first publication shall be not less than 90 days prior to the date fixed therein for hearing. In a city where no such newspaper is published, the resolution shall instead be so published in a newspaper of general circulation published in the county in which the city is located. Publication of resolution

SEC. 6.2. Section 11301 of said code is amended to read:

11301. Copies of the resolution headed "Notice of Intention to Establish a Pedestrian Mall" in letters at least one-half inch in height shall be posted not more than 300 feet apart as follows: Posting of resolution

(a) On all city streets, or portions thereof, proposed to be established as a pedestrian mall.

(b) On all intersecting streets.

(c) If assessments are to be levied as contemplated by Section 11202, then upon all open streets within the district described in the resolution pursuant to such section.

Such copies shall be posted not less than 90 days prior to the hearing.

SEC. 7. Section 11302 of said code is amended to read:

11302. A copy of the resolution shall be mailed, by certified mail with return receipt requested, not less than 90 days prior to the hearing to each person to whom any of the following described lands is assessed as shown on the last equalized assessment roll, at his address as shown upon such roll, and to any person, whether owner in fee or having a lien upon, or legal or equitable interest in, any of such lands whose name and address and a designation of the land in which he is interested is on file in the office of the city clerk or county clerk, as the case may be. Such lands are as follows. Mailing of resolution

(a) All parcels of land abutting upon any portion of the pedestrian mall or any portion of any intersecting street.

(b) If assessments are to be levied as contemplated by Section 11202, then all parcels of land within the assessment district described in the resolution pursuant to such section.

The legislative body may determine that such resolution shall also be mailed to such other persons as it may specify

SEC. 8. Section 11304 of said code is amended to read:

11304. Not later than the hour set for hearing any person owning, or having any legal or equitable interest in, any real property which might suffer legal damage by reason of the establishment of the proposed pedestrian mall may file with the clerk of the legislative body a written claim of damages. Such written claim must describe the real property as to which the claim is made, must state the exact nature of the claimant's interest therein, must state the nature of the claimed damage thereto, and must state the amount of damages claimed. The failure to file such written claim within the time provided shall Hearing

be deemed a waiver of any claim for damages or compensation and shall operate as a bar to subsequent action seeking to prevent the establishment of said pedestrian mall or to recover damages on account of such establishment. The filing of such claim shall operate as a bar in any subsequent action to the recovery of any damages or compensation in excess of the amount stated in such claim. Any such claim may be withdrawn by the claimant at any time by written withdrawal with the same effect as if it had never been filed.

SEC. 9. Section 11400 of said code is amended to read:

Actions for damages

11400. If following the hearing the legislative body shall determine that the pedestrian mall shall be established, and if at that time there remain any written claims for damages which have not been allowed pursuant to Section 11310 or which have not been withdrawn, the legislative body shall direct that an action or actions be brought in the superior court in the name of the city by the county counsel, district attorney, or city attorney, as the case may be, or other attorney designated by the legislative body for a determination of the damages, if any, to which the claimant may legally be entitled because of the establishment of the pedestrian mall. Such action shall be in the nature of a proceeding in eminent domain for the condemnation of the right or rights in real property, the taking of which by the establishment of the pedestrian mall results in the damages claimed. Except as may otherwise be provided in this part, such action and proceeding shall be governed so far as the same may be made applicable by those provisions of the Code of Civil Procedure relating to actions and proceedings in eminent domain; provided, however, that the time within which the proceedings may be abandoned pursuant to Section 1255a of said code and the time within which the sum of money assessed must be paid under Section 1251 of said code are hereby extended to one year from the date of the final judgment. In any such action the resolution of intention adopted pursuant to this part and the resolution adopted under Section 11311 shall be conclusive evidence of the public necessity of the proposed pedestrian mall; that the property or rights in property to be taken are necessary therefor, and that the pedestrian mall is planned and located in the manner which will be compatible with the greatest public good and the least private injury.

Repeal

SEC. 10. Section 11403 of said code is repealed.

SEC. 11. Section 11501 of said code is amended to read:

Claims for damages

11501. After all claims for damages filed pursuant to this part have been finally determined, by allowance by the legislative body, by withdrawal, or by a judgment in an action or actions brought pursuant to Chapter 5 (commencing with Section 11400), and the full amount of damages to be paid has accordingly been finally determined, all or any part of the total amount of such damages (but not exceeding such part thereof as may be specified in the resolution of intention), together with all costs and expenses incurred in connection

with any proceedings or actions taken pursuant to this part, may be assessed against the lands within the district and subject to assessment, in proportion to the benefits to be derived from the establishment of the pedestrian mall

SEC. 12. Section 11603 of said code is amended to read:

Police powers, etc.

11603. Proceedings under this part and the adoption of such ordinance notwithstanding, the city and its legislative body shall retain its police powers and other rights and powers relating to the city streets constituting a part of the pedestrian mall. No action taken pursuant to this part shall be interpreted or construed to be a vacation or abandonment, in whole or in part, of any city street or any right therein, it being intended that the establishment of a pedestrian mall pursuant to this part be a matter of regulation only. Nothing in this part shall be interpreted or construed to prevent the city and its legislative body at any time subsequent to the adoption of the ordinance provided for in this chapter, from abandoning the operation of the pedestrian mall, from changing the extent of the pedestrian mall, or from changing or repealing any of the rules and regulations pertaining to the pedestrian mall but Section 11304 shall not operate as a bar to any claim of damages resulting solely from changes made subsequent to the adoption of the ordinance provided for in this chapter.

SEC. 13. Chapter 9 (commencing with Section 11800) is added to Part 1 of Division 13 of said code, to read:

CHAPTER 9. SPECIAL AD VALOREM ASSESSMENTS

"District"

11800. As used in this chapter, the term "district" means the district within which lie the lands deemed by the legislative body to be benefited by the establishment of the pedestrian mall, the boundaries of which have been finally fixed and established pursuant to Section 11500, and in this event such district so established shall be the "district" within the meaning of this chapter even though the legislative body may have determined pursuant to Section 11505 that assessments shall not be levied as contemplated by Section 11202.

Same

11801. If a district contemplated by Section 11800 has not been established pursuant to Section 11500, then the term "district" as used in this chapter means the district deemed by the legislative body to be benefited by the establishment of the pedestrian mall, the boundaries of which district have been finally fixed and established in the first proceeding taken for the improvement of the pedestrian mall pursuant to the Improvement Act of 1911, the Municipal Improvement Act of 1913 or any similar special assessment law.

Application

11802. If a district has not been established as contemplated by either Section 11800 or Section 11801, this chapter shall not be applicable.

Expenditures

11803. Following the establishment of a pedestrian mall pursuant to this part and annually on or before June 30th, the legislative body may prepare and approve an estimate of the

expenditures required during the ensuing fiscal year for the maintenance, operation, repair and improvement of the pedestrian mall and shall deduct from such estimate the amount of revenues, if any, which the legislative body estimates will accrue to the city during such year from the operation of the pedestrian mall

Tax levy

11804. The legislative body may levy and collect in any year upon and against all of the taxable land and improvements within the district a special ad valorem assessment sufficient to raise a sum of money not exceeding the net amount determined pursuant to Section 11803 but the rate of assessment in any one year shall not exceed twenty-five cents ($0.25) on each one hundred dollars ($100) assessed value as shown on the assessment roll used by the city for city taxation.

Special ad valorem assessment

11805. The special ad valorem assessment shall be levied, collected, and enforced at the same times, in the same manner, by the same officers, and with the same interest and penalties, as in the case of general taxes levied by the city.

Proceeds of assessment

11806. The proceeds of the assessment shall be placed in a separate fund of the city and shall be expended only for the maintenance, operation, repair or improvement of the pedestrian mall.

SEC. 14. Section 703 of the Government Code is amended to read:

Application Exceptions

703. Articles 1 and 2 of this chapter apply to all claims for money or damages against local public entities except:

(a) Claims under the Revenue and Taxation Code or other statute prescribing procedures for the refund, rebate, exemption, cancellation, amendment, modification or adjustment of any tax, assessment, fee or charge or any portion thereof, or of any penalties, costs or charges related thereto.

(b) Claims in connection with which the filing of a notice of lien, statement of claim, or stop notice is required under any provision of law relating to mechanics', laborers' or materialmen's liens.

(c) Claims by public officers and employees for fees, salaries, wages, mileage or other expenses and allowances.

(d) Claims for which the workmen's compensation authorized by Division 4 (commencing with Section 3201) of the Labor Code is the exclusive remedy.

(e) Applications or claims for any form of public assistance under the Welfare and Institutions Code or other provisions of law relating to public assistance programs, and claims for goods, services, provisions or other assistance rendered for or on behalf of any recipient of any form of public assistance.

(f) Applications or claims for money or benefits under any public retirement or pension system.

(g) Claims for principal or interest upon any bonds, notes, warrants, or other evidences of indebtedness.

(h) Claims which relate to a special assessment constituting a specific lien against the property assessed and which are payable from the proceeds of such an assessment, by offset of a

claim for damages against it or by delivery of any warrant or bonds representing it.

(i) Claims by the State or a department or agency thereof or by another local public entity.

(j) Claims arising under any provision of the Unemployment Insurance Code, including but not limited to claims for money or benefits, or for refunds or credits of employer or worker contributions, penalties or interest, or for refunds to workers of deductions from wages in excess of the amount prescribed.

(k) Claims for the recovery of penalties or forfeitures made pursuant to Article 1 of Chapter 1 of Part 7 of Division 2 of the Labor Code (commencing with Section 1720).

(*l*) Claims governed by the Pedestrian Mall Law of 1960, Division 13 (commencing with Section 11000) of the Streets and Highways Code.

CHAPTER 460

An act to add Section 5265 to the Welfare and Institutions Code, relating to mentally deficient persons.

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5265 is added to the Welfare and Institutions Code, to read:

5265. Mentally deficient persons who meet the requirements of this chapter may be admitted to hospitals for the mentally deficient on voluntary application as provided in Section 6602 of this code.

The county where the person resided at the time of admission as determined by the Department of Mental Hygiene, shall pay the cost to the State of the care of such person as provided by Sections 7009 and 7010 of this code.

The responsibility of the patient and his kindred for reimbursement to the county shall be governed by Articles 3 and 4 (commencing with Section 2576), Chapter 2, Division 4 of this code.

CHAPTER 461

An act to repeal Title 9 (commencing with Section 1280) of Part 3 of, and to add Title 9 (commencing with Section 1280) to Part 3 of, and to amend Section 1053 of, the Code of Civil Procedure, and to amend Sections 1730 and 3390 of the Civil Code and Sections 1647.5 and 1700.45 of the Labor Code, relating to arbitration.

In effect September 15, 1961

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.]

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

Repeal

SECTION 1. Title 9 (commencing with Section 1280) of Part 3 of the Code of Civil Procedure is repealed.

SEC. 2. Title 9 (commencing with Section 1280) is added to Part 3 of the Code of Civil Procedure, to read:

TITLE 9. ARBITRATION

CHAPTER 1. GENERAL PROVISIONS

Definitions

1280. As used in this title:

(a) "Agreement" includes but is not limited to agreements providing for valuations, appraisals and similar proceedings and agreements between employers and employees or between their respective representatives.

(b) "Award" includes but is not limited to an award made pursuant to an agreement not in writing.

(c) "Controversy" means any question arising between parties to an agreement whether such question is one of law or of fact or both.

(d) "Neutral arbitrator" means an arbitrator who is (1) selected jointly by the parties or by the arbitrators selected by the parties or (2) appointed by the court when the parties or the arbitrators selected by the parties fail to select an arbitrator who was to be selected jointly by them.

(e) "Party to the arbitration" means a party to the arbitration agreement:

(1) Who seeks to arbitrate a controversy pursuant to the agreement;

(2) Against whom such arbitration is sought pursuant to the agreement; or

(3) Who is made a party to such arbitration by order of the neutral arbitrator upon such party's application, upon the application of any other party to the arbitration or upon the neutral arbitrator's own determination.

(f) "Written agreement" shall be deemed to include a written agreement which has been extended or renewed by an oral or implied agreement.

References to other laws

1280.2. Whenever reference is made in this title to any portion of the title or of any other law of this State, the reference applies to all amendments and additions thereto now or hereafter made.

CHAPTER 2. ENFORCEMENT OF ARBITRATION AGREEMENTS

Validity of agreements

1281. A written agreement to submit to arbitration an existing controversy or a controversy thereafter arising is valid, enforceable and irrevocable, save upon such grounds as exist for the revocation of any contract.

Court order

1281.2. On petition of a party to an arbitration agreement alleging the existence of a written agreement to arbitrate a controversy and that a party thereto refuses to arbitrate such controversy, the court shall order the petitioner and the respondent to arbitrate the controversy if it determines that an agreement to arbitrate the controversy exists, unless it determines that:

(a) The right to compel arbitration has been waived by the petitioner; or

(b) Grounds exist for the revocation of the agreement.

If the court determines that a written agreement to arbitrate a controversy exists, an order to arbitrate such controversy may not be refused on the ground that the petitioner's contentions lack substantive merit.

If the court determines that there are other issues between the petitioner and the respondent which are not subject to arbitration and which are the subject of a pending action or special proceeding between the petitioner and the respondent and that a determination of such issues may make the arbitration unnecessary, the court may delay its order to arbitrate until the determination of such other issues or until such earlier time as the court specifies.

Stay of action

1281.4. If a court of competent jurisdiction, whether in this State or not, has ordered arbitration of a controversy which is an issue involved in an action or proceeding pending before a court of this State, the court in which such action or proceeding is pending shall, upon motion of a party to such action or proceeding, stay the action or proceeding until an arbitration is had in accordance with the order to arbitrate or until such earlier time as the court specifies.

If an application has been made to a court of competent jurisdiction, whether in this State or not, for an order to arbitrate a controversy which is an issue involved in an action or proceeding pending before a court of this State and such application is undetermined, the court in which such action or proceeding is pending shall, upon motion of a party to such action or proceeding, stay the action or proceeding until the application for an order to arbitrate is determined and, if arbitration of such controversy is ordered, until an arbitration is had in accordance with the order to arbitrate or until such earlier time as the court specifies.

If the issue which is the controversy subject to arbitration is severable, the stay may be with respect to that issue only.

Appointment of arbitrator

1281.6. If the arbitration agreement provides a method of appointing an arbitrator, such method shall be followed. If the arbitration agreement does not provide a method for appointing an arbitrator, the parties to the agreement who seek arbitration and against whom arbitration is sought may agree on a method of appointing an arbitrator and that method shall be followed. In the absence of an agreed method, or if the agreed method fails or for any reason cannot be followed, or when an arbitrator appointed fails to act and his successor has not been appointed, the court, on petition of a party to the arbitration agreement, shall appoint the arbitrator.

When a petition is made to the court to appoint a neutral arbitrator, the court shall nominate five persons from lists of persons supplied jointly by the parties to the arbitration or obtained from a governmental agency concerned with arbitration or private disinterested association concerned with arbitration. The parties to the agreement who seek arbitration and against whom arbitration is sought may within five days of receipt of notice of such nominees from the court jointly select the arbitrator whether or not such arbitrator is among the nominees. If such parties fail to select an arbitrator within the five-day period, the court shall appoint the arbitrator from the nominees.

CHAPTER 3. CONDUCT OF ARBITRATION PROCEEDINGS

Arbitrator

1282. Unless the arbitration agreement otherwise provides, or unless the parties to the arbitration otherwise provide by an agreement which is not contrary to the arbitration agreement as made or as modified by all of the parties thereto:

(a) The arbitration shall be by a single neutral arbitrator.

(b) If there is more than one arbitrator, the powers and duties of the arbitrators, other than the powers and duties of a neutral arbitrator, may be exercised by a majority of them if reasonable notice of all proceedings has been given to all arbitrators.

(c) If there is more than one neutral arbitrator:

(1) The powers and duties of a neutral arbitrator may be exercised by a majority of the neutral arbitrators.

(2) By unanimous agreement of the neutral arbitrators, such powers and duties may be delegated to one of their number but the power to make or correct the award may not be so delegated.

(d) If there is no neutral arbitrator, the powers and duties of a neutral arbitrator may be exercised by a majority of the arbitrators.

Hearing

1282.2. Unless the arbitration agreement otherwise provides, or unless the parties to the arbitration otherwise provide

by an agreement which is not contrary to the arbitration agreement as made or as modified by all the parties thereto:

(a) The neutral arbitrator shall appoint a time and place for the hearing and cause notice thereof to be served personally or by registered or certified mail on the parties to the arbitration and on the other arbitrators not less than seven days before the hearing. Appearance at the hearing waives the right to notice.

(b) The neutral arbitrator may adjourn the hearing from time to time as necessary. On request of a party to the arbitration for good cause, or upon his own determination, the neutral arbitrator may postpone the hearing to a time not later than the date fixed by the agreement for making the award, or to a later date if the parties to the arbitration consent thereto.

(c) The neutral arbitrator shall preside at the hearing, shall rule on the admission and exclusion of evidence and on questions of hearing procedure and shall exercise all powers relating to the conduct of the hearing.

(d) The parties to the arbitration are entitled to be heard, to present evidence and to cross-examine witnesses appearing at the hearing, but rules of evidence and rules of judicial procedure need not be observed. On request of any party to the arbitration, the testimony of witnesses shall be given under oath.

(e) If a court has ordered a person to arbitrate a controversy, the arbitrators may hear and determine the controversy upon the evidence produced notwithstanding the failure of a party ordered to arbitrate, who has been duly notified, to appear.

(f) If an arbitrator, who has been duly notified, for any reason fails to participate in the arbitration, the arbitration shall continue but only the remaining neutral arbitrator or neutral arbitrators may make the award.

(g) If a neutral arbitrator intends to base an award upon information not obtained at the hearing, he shall disclose such information to all parties to the arbitration and give the parties an opportunity to meet it.

Representation

1282.4. A party to the arbitration has the right to be represented by an attorney at any proceeding or hearing in arbitration under this title A waiver of this right may be revoked; but if a party revokes such waiver, the other party is entitled to a reasonable continuance for the purpose of procuring an attorney.

Subpoenas

1282.6. Upon application of a party to the arbitration or upon his own determination, the neutral arbitrator may issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, documents and other evidence. Subpoenas shall be served and enforced in accordance with Chapter 2 (commencing with Section 1985) of Title 3 of Part 4 of this code.

Oaths

1282.8. The neutral arbitrator may administer oaths.

Depositions

1283. On application of a party to the arbitration the neutral arbitrator may order the deposition of a witness to be taken for use as evidence and not for discovery if the witness cannot be compelled to attend the hearing or if such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally at the hearing, to allow the deposition to be taken. The deposition shall be taken in the manner prescribed by law for the taking of depositions in civil actions. If the neutral arbitrator orders the taking of the deposition of a witness who resides outside the State, the party who applied for the taking of the deposition shall obtain a commission therefor from the superior court in accordance with Sections 2024 to 2028, inclusive, of this code.

Witness fees and mileage

1283.2. Except for the parties to the arbitration and their agents, officers and employees, all witnesses appearing pursuant to subpoena are entitled to receive fees and mileage in the same amount and under the same circumstances as prescribed by law for witnesses in civil actions in the superior court. The fee and mileage of a witness subpoenaed upon the application of a party to the arbitration shall be paid by such party. The fee and mileage of a witness subpoenaed solely upon the determination of the neutral arbitrator shall be paid in the manner provided for the payment of the neutral arbitrator's expenses.

Award

1283.4 The award shall be in writing and signed by the arbitrators concurring therein. It shall include a determination of all the questions submitted to the arbitrators the decision of which is necessary in order to determine the controversy.

Service of copy of award

1283.6. The neutral arbitrator shall serve a signed copy of the award on each party to the arbitration personally or by registered or certified mail or as provided in the agreement.

Time limit

1283.8. The award shall be made within the time fixed therefor by the agreement or, if not so fixed, within such time as the court orders on petition of a party to the arbitration. The parties to the arbitration may extend the time either before or after the expiration thereof. A party to the arbitration waives the objection that an award was not made within the time required unless he gives the arbitrators written notice of his objection prior to the service of a signed copy of the award on him.

Correction of award

1284. The arbitrators, upon written application of a party to the arbitration, may correct the award upon any of the grounds set forth in subdivisions (a) and (c) of Section 1286.6 not later than 30 days after service of a signed copy of the award on the applicant.

Application for such correction shall be made not later than 10 days after service of a signed copy of the award on the applicant. Upon or before making such application, the applicant shall deliver or mail a copy of the application to all of the other parties to the arbitration.

Any party to the arbitration may make written objection to such application. The objection shall be made not later than 10

days after the application is delivered or mailed to the objector. Upon or before making such objection, the objector shall deliver or mail a copy of the objection to the applicant and all the other parties to the arbitration.

The arbitrators shall either deny the application or correct the award. The denial of the application or the correction of the award shall be in writing and signed by the arbitrators concurring therein, and the neutral arbitrator shall serve a signed copy of such denial or correction on each party to the arbitration personally or by registered or certified mail or as provided in the agreement. If no denial of the application or correction of the award is served within the 30-day period provided in this section, the application for correction shall be deemed denied on the last day thereof.

Expenses of arbitration

1284.2. Unless the arbitration agreement otherwise provides or the parties to the arbitration otherwise agree, each party to the arbitration shall pay his pro rata share of the expenses and fees of the neutral arbitrator, together with other expenses of the arbitration incurred or approved by the neutral arbitrator, not including counsel fees or witness fees or other expenses incurred by a party for his own benefit.

CHAPTER 4. ENFORCEMENT OF THE AWARD

Article 1. Confirmation, Correction or Vacation of the Award

Petitioning court to confirm, correct or vacate award

1285. Any party to an arbitration in which an award has been made may petition the court to confirm, correct or vacate the award. The petition shall name as respondents all parties to the arbitration and may name as respondents any other persons bound by the arbitration award.

Response to petition

1285.2. A response to a petition under this chapter may request the court to dismiss the petition or to confirm, correct or vacate the award.

Contents of petitions

1285.4. A petition under this chapter shall:

(a) Set forth the substance of or have attached a copy of the agreement to arbitrate unless the petitioner denies the existence of such an agreement.

(b) Set forth the names of the arbitrators.

(c) Set forth or have attached a copy of the award and the written opinion of the arbitrators, if any.

1285.6. Unless a copy thereof is set forth in or attached to the petition, a response to a petition under this chapter shall:

(a) Set forth the substance of or have attached a copy of the agreement to arbitrate unless the respondent denies the existence of such an agreement.

(b) Set forth the names of the arbitrators

(c) Set forth or have attached a copy of the award and the written opinion of the arbitrators, if any.

Same

1285.8. A petition to correct or vacate an award, or a response requesting such relief, shall set forth the grounds on which the request for such relief is based.

Court confirmation

1286 If a petition or response under this chapter is duly served and filed, the court shall confirm the award as made unless in accordance with this chapter it corrects the award and confirms it as corrected, vacates the award or dismisses the proceeding.

Grounds to vacate

1286.2. Subject to Section 1286.4, the court shall vacate the award if the court determines that:

(a) The award was procured by corruption, fraud or other undue means;

(b) There was corruption in any of the arbitrators;

(c) The rights of such party were substantially prejudiced by misconduct of a neutral arbitrator;

(d) The arbitrators exceeded their powers and the award cannot be corrected without affecting the merits of the decision upon the controversy submitted; or

(e) The rights of such party were substantially prejudiced by the refusal of the arbitrators to postpone the hearing upon sufficient cause being shown therefor or by the refusal of the arbitrators to hear evidence material to the controversy or by other conduct of the arbitrators contrary to the provisions of this title.

Conditions for vacating award

1286.4. The court may not vacate an award unless:

(a) A petition or response requesting that the award be vacated has been duly served and filed; or

(b) A petition or response requesting that the award be corrected has been duly served and filed and:

(1) All petitioners and respondents are before the court; or

(2) All petitioners and respondents have been given reasonable notice that the court will be requested at the hearing to vacate the award or that the court on its own motion has determined to vacate the award and all petitioners and respondents have been given an opportunity to show why the award should not be vacated.

Grounds for correcting award

1286.6. Subject to Section 1286.8, the court, unless it vacates the award pursuant to Section 1286.2, shall correct the award and confirm it as corrected if the court determines that:

(a) There was an evident miscalculation of figures or an evident mistake in the description of any person, thing or property referred to in the award;

(b) The arbitrators exceeded their powers but the award may be corrected without affecting the merits of the decision upon the controversy submitted; or

(c) The award is imperfect in a matter of form, not affecting the merits of the controversy.

Same

1286.8. The court may not correct an award unless:

(a) A petition or response requesting that the award be corrected has been duly served and filed; or

(b) A petition or response requesting that the award be vacated has been duly served and filed and:

(1) All petitioners and respondents are before the court; or

(2) All petitioners and respondents have been given reasonable notice that the court will be requested at the hearing to correct the award or that the court on its own motion has de-

termined to correct the award and all petitioners and respondents have been given an opportunity to show why the award should not be corrected.

Rehearing

1287. If the award is vacated, the court may order a rehearing before new arbitrators. If the award is vacated on the grounds set forth in subdivision (d) or (e) of Section 1286.2, the court with the consent of the parties to the court proceeding may order a rehearing before the original arbitrators.

If the arbitration agreement requires that the award be made within a specified period of time, the rehearing may nevertheless be held and the award made within an equal period of time beginning with the date of the order for rehearing but only if the court determines that the purpose of the time limit agreed upon by the parties to the arbitration agreement will not be frustrated by the application of this provision.

Dismissal of proceedings

1287.2. The court shall dismiss the proceeding under this chapter as to any person named as a respondent if the court determines that such person was not bound by the arbitration award and was not a party to the arbitration

Force and effect of judgment

1287.4. If an award is confirmed, judgment shall be entered in conformity therewith. The judgment so entered has the same force and effect as, and is subject to all the provisions of law relating to, a judgment in a civil action; and it may be enforced like any other judgment of the court in which it is entered.

Force and effect of award

1287.6. An award that has not been confirmed or vacated has the same force and effect as a contract in writing between the parties to the arbitration.

Article 2 Limitations of Time

Limitation Petitions to confirm, vacate or correct

1288. A petition to confirm an award shall be served and filed not later than four years after the date of service of a signed copy of the award on the petitioner. A petition to vacate an award or to correct an award shall be served and filed not later than 100 days after the date of the service of a signed copy of the award on the petitioner.

Same Response

1288.2. A response requesting that an award be vacated or that an award be corrected shall be served and filed not later than 100 days after the date of service of a signed copy of the award upon:

(a) The respondent if he was a party to the arbitration; or

(b) The respondent's representative if the respondent was not a party to the arbitration.

Service of petition

1288.4. No petition may be served and filed under this chapter until at least 10 days after service of the signed copy of the award upon the petitioner.

Same

1288.6. If an application is made to the arbitrators for correction of the award, a petition may not be served and filed under this chapter until the determination of that application.

Date of service of award

1283.8. If an application is made to the arbitrators for correction of the award, the date of the service of the award for the purposes of this article shall be deemed to be whichever of the following dates is the earlier:

(a) The date of service upon the petitioner of a signed copy of the correction of the award or of the denial of the application.

(b) The date that such application is deemed to be denied under Section 1284.

CHAPTER 5. GENERAL PROVISIONS RELATING TO JUDICIAL PROCEEDINGS

Article 1. Petitions and Responses

Petitions and responses

1290. A proceeding under this title in the courts of this State is commenced by filing a petition. Any person named as a respondent in a petition may file a response thereto. The allegations of a petition are deemed to be admitted by a respondent duly served therewith unless a response is duly served and filed. The allegations of a response are deemed controverted or avoided.

Summary hearing

1290.2. A petition under this title shall be heard in a summary way in the manner and upon the notice provided by law for the making and hearing of motions, except that not less than 10 days' notice of the date set for the hearing on the petition shall be given.

Service

1290.4. (a) A copy of the petition and a written notice of the time and place of the hearing thereof and any other papers upon which the petition is based shall be served in the manner provided in the arbitration agreement for the service of such petition and notice.

(b) If the arbitration agreement does not provide the manner in which such service shall be made and the person upon whom service is to be made has not previously appeared in the proceeding and has not previously been served in accordance with this subdivision:

(1) Service within this State shall be made in the manner provided by law for the service of summons in an action.

(2) Service outside this State shall be made by mailing the copy of the petition and notice and other papers by registered or certified mail. Personal service is the equivalent of such service by mail. Proof of service by mail shall be made by affidavit showing such mailing together with the return receipt of the United States Post Office bearing the signature of the person on whom service was made. Notwithstanding any other provision of this title, if service is made in the manner provided in this paragraph, the petition may not be heard until at least 30 days after the date of such service.

(c) If the arbitration agreement does not provide the manner in which such service shall be made and the person on whom service is to be made has previously appeared in the pro-

ceeding or has previously been served in accordance with subdivision (b) of this section, service shall be made in the manner provided in Chapter 5 (commencing with Section 1010) of Title 14 of Part 2 of this code.

Time for filing response

1290 6. A response shall be served and filed within 10 days after service of the petition except that if the petition is served in the manner provided in paragraph (2) of subdivision (b) of Section 1290.4, the response shall be served and filed within 30 days after service of the petition. The time provided in this section for serving and filing a response may be extended by an agreement in writing between the parties to the court proceeding or, for good cause, by order of the court.

Service

1290.8. A response shall be served as provided in Chapter 5 (commencing with Section 1010) of Title 14 of Part 2 of this code.

Findings and conclusions

1291. Findings of fact and conclusions of law shall be made by the court whenever an order or judgment, except a special order after final judgment, is made that is appealable under this title.

Preference over other civil actions

1291.2. In all proceedings brought under the provisions of this title, all courts wherein such proceedings are pending shall give such proceedings preference over all other civil actions or proceedings, except older matters of the same character and matters to which special precedence may be given by law, in the matter of setting the same for hearing and in hearing the same to the end that all such proceedings shall be quickly heard and determined.

Article 2. Venue, Jurisdiction and Costs

Venue

1292. Except as otherwise provided in this article, any petition made prior to the commencement of arbitration shall be filed in the superior court in:

(a) The county where the agreement is to be performed or was made.

(b) If the agreement does not specify a county where the agreement is to be performed and the agreement was not made in any county in this State, the county where any party to the court proceeding resides or has a place of business.

(c) In any case not covered by subdivision (a) or (b) of this section, in any county in this State.

Same

1292.2. Except as otherwise provided in this article, any petition made after the commencement or completion of arbitration shall be filed in the superior court in the county where the arbitration is being or has been held, or, if not held exclusively in any one county of this State, then such petition shall be filed as provided in Section 1292.

Petition for an order to arbitrate

1292.4. If a controversy referable to arbitration under an alleged agreement is involved in an action or proceeding pending in a superior court, a petition for an order to arbitrate shall be filed in such action or proceeding.

Continuing jurisdiction

1292.6. After a petition has been filed under this title, the court in which such petition was filed retains jurisdiction to

determine any subsequent petition involving the same agreement to arbitrate and the same controversy, and any such subsequent petition shall be filed in the same proceeding.

Stay of action

1292.8. A motion for a stay of an action on the ground that an issue therein is subject to arbitration shall be made in the court where the action is pending.

Consent to jurisdiction

1293. The making of an agreement in this State providing for arbitration to be had within this State shall be deemed a consent of the parties thereto to the jurisdiction of the courts of this State to enforce such agreement by the making of any orders provided for in this title and by entering of judgment on an award under the agreement.

Costs

1293.2. The court shall award costs upon any judicial proceeding under this title as provided in Chapter 6 (commencing with Section 1021) of Title 14 of Part 2 of this code.

Article 3. Appeals

Appealable orders

1294. An aggrieved party may appeal from:

(a) An order dismissing or denying a petition to compel arbitration.

(b) An order dismissing a petition to confirm, correct or vacate an award.

(c) An order vacating an award unless a rehearing in arbitration is ordered.

(d) A judgment entered pursuant to this title.

(e) A special order after final judgment.

Appellate review

1294.2. The appeal shall be taken in the same manner as an appeal from an order or judgment in a civil action. Upon an appeal from any order or judgment under this title, the court may review the decision and any intermediate ruling, proceeding, order or decision which involves the merits or necessarily affects the order or judgment appealed from, or which substantially affects the rights of a party. The court may also on such appeal review any order on motion for a new trial. The respondent on the appeal, or party in whose favor the judgment or order was given may, without appealing from such judgment, request the court to and it may review any of the foregoing matters for the purpose of determining whether or not the appellant was prejudiced by the error or errors upon which he relies for reversal or modification of the judgment or order from which the appeal is taken. The provisions of this section do not authorize the court to review any decision or order from which an appeal might have been taken.

SEC. 3. Section 1053 of the Code of Civil Procedure is amended to read:

Meetings and actions of referees

1053 When there are three referees all must meet, but two of them may do any act which might be done by all.

SEC. 4. Section 1730 of the Civil Code is amended to read:

Avoidance of sale or contract

1730. (1) Where there is a contract to sell or a sale of goods at a price or on terms to be fixed by a third person, and such third person, or a person appointed pursuant to Title

9 (commencing with Section 1280) of Part 3 of the Code of Civil Procedure relating to arbitration, without fault of the seller or the buyer, cannot or does not fix the price or terms, the contract or the sale is thereby avoided; but if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor.

(2) Where such third person or person appointed pursuant to Title 9 (commencing with Section 1280) of Part 3 of the Code of Civil Procedure is prevented from fixing the price or terms by fault of the seller or the buyer, the party not in fault may have such remedies against the party in fault as are allowed by Chapters 4 and 5 of this act.

SEC. 5. Section 3390 of the Civil Code is amended to read:

3390. The following obligations cannot be specifically enforced: Obligations not specifically enforceable

1. An obligation to render personal service;

2. An obligation to employ another in personal service;

3. An agreement to perform an act which the party has not power lawfully to perform when required to do so;

4. An agreement to procure the act or consent of the wife of the contracting party, or of any other third person; or,

5. An agreement, the terms of which are not sufficiently certain to make the precise act which is to be done clearly ascertainable.

SEC. 6. Section 1647.5 of the Labor Code is amended to read:

1647.5. Notwithstanding Sections 1626 and 1647 of the Labor Code, a provision in a contract providing for the decision by arbitration of any controversy under the contract or as to its existence, validity, construction, performance, nonperformance, breach, operation, continuance, or termination, shall be valid: Valid provisions

(a) If the provision is contained in a contract between an employment agency and a person for whom such employment agency under the contract undertakes to endeavor to secure employment,

(b) If the provision is inserted in the contract pursuant to any rule, regulation, or contract of a bona fide labor union regulating the relations of its members to an employment agency,

(c) If the contract provides for reasonable notice to the Labor Commissioner of the time and place of all arbitration hearings, and,

(d) If the contract provides that the Labor Commissioner or his authorized representative has the right to attend all arbitration hearings.

Except as otherwise provided in this section, any such arbitration shall be governed by the provisions of Title 9 (commencing with Section 1280) of Part 3 of the Code of Civil Procedure.

If there is such an arbitration provision in such a contract, the contract need not provide that the employment agency

agrees to refer any controversy between the applicant and the employment agency regarding the terms of the contract to the Labor Commissioner for adjustment, and Section 1647 shall not apply to controversies pertaining to the contract.

A provision in a contract providing for the decision by arbitration of any controversy arising under this chapter which does not meet the requirements of this section is not made valid by Section 1281 of the Code of Civil Procedure.

SEC. 7. Section 1700.45 of the Labor Code is amended to read:

Same

1700.45. Notwithstanding Section 1700.44 of the Labor Code, a provision in a contract providing for the decision by arbitration of any controversy under the contract or as to its existence, validity, construction, performance, nonperformance, breach, operation, continuance, or termination, shall be valid:

(a) If the provision is contained in a contract between an artists' manager and a person for whom such artists' manager under the contract undertakes to endeavor to secure employment,

(b) If the provision is inserted in the contract pursuant to any rule, regulation, or contract of a bona fide labor union regulating the relations of its members to an artists' manager,

(c) If the contract provides for reasonable notice to the Labor Commissioner of the time and place of all arbitration hearings, and

(d) If the contract provides that the Labor Commissioner or his authorized representative has the right to attend all arbitration hearings

Except as otherwise provided in this section, any such arbitration shall be governed by the provisions of Title 9 (commencing with Section 1280) of Part 3 of the Code of Civil Procedure.

If there is such an arbitration provision in such a contract, the contract need not provide that the artists' manager agrees to refer any controversy between the applicant and the artists' manager regarding the terms of the contract to the Labor Commissioner for adjustment, and Section 1700.44 shall not apply to controversies pertaining to the contract

A provision in a contract providing for the decision by arbitration of any controversy arising under this chapter which does not meet the requirements of this section is not made valid by Section 1281 of the Code of Civil Procedure.

Application

SEC. 8. This act applies to all contracts whether executed before or after the effective date of this act except that Section 1293 of the Code of Civil Procedure, as added by this act, does not apply to any contract executed before the effective date of this act but Section 1293 does apply to any renewal or extension of an existing contract on or after the effective date of this act.

CHAPTER 462

An act to amend Section 15458 of the Education Code, relating to the Division of Architecture Public Building Fund.

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 15458 of the Education Code is amended to read:

15458. All fees shall be paid into the State Treasury and credited to the Division of Architecture Public Building Fund, which fund is continued in existence, and are available without regard to fiscal years for the use of the Division of Architecture, subject to approval of the Department of Finance, in carrying out the provisions of this article (commencing at Section 15451).

Adjustments in the amounts of the fees, as determined by the Division of Architecture and approved by the Department of Finance, will be made within the limits set in Section 15457 of this article in order to maintain a reasonable working balance in the fund.

CHAPTER 463

An act to amend Section 6041 of the Insurance Code, relating to county mutual fire insurers.

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 6041 of the Insurance Code is amended to read:

6041. Insurance permitted by this chapter upon personal property owned by the insured, including automobiles and livestock, shall continue in full force and effect during the use or transportation of the property in the ordinary course of the insured's affairs if the primary situs of the property is located at the time of loss within this State. Otherwise such insurance is governed by Section 6048.

CHAPTER 464

An act to add Section 6040.5 to the Insurance Code, relating to county mutual fire insurers.

In effect September 15, 1961

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.]

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

SECTION 1. Section 6040.5 is added to the Insurance Code, to read:

6040.5. Insurers authorized to eliminate their assessment liability in accordance with the terms of this chapter (commencing with Section 5050) shall not be restricted as to the type of risks they may insure by the provisions of Section 6040.

CHAPTER 465

An act to amend Section 19664 of the Education Code, relating to state school building aid.

In effect September 15, 1961

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.]

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

SECTION 1. Section 19664 of the Education Code is amended to read:

19664. Whenever, subsequent to the date on which a conditional apportionment becomes final, territory is withdrawn from a state-aided district and no portion of the apportionment was expended for school property acquired by the acquiring district:

(1) If the acquiring district is a state-aided district, the assessed valuation in the territory acquired shall be included in determining assessed valuation of the property in the acquiring district, and shall thereafter be excluded in determining assessed valuation of the property in the state-aided district, for purposes of the computations under Sections 19601 to 19607, inclusive;

(2) If the acquiring district is not a state-aided district, the State Controller shall determine the percentage relationship, at the time of the withdrawal, between (a) the assessed valuation in the territory acquired, together with the current assessed valuation in all other territory theretofore acquired by the acquiring district from the state-aided district since the date of its first conditional apportionment under this chapter, and (b) the current assessed valuation of the state-aided district as it was territorially constituted on such latter date.

If the percentage of assessed valuation in acquired territory is, in the aggregate, less than 10 percent, the assessed valuation in all such acquired territory shall be excluded, until the next

withdrawal of territory from the state-aided district to the acquiring district, in determining the assessed valuation of the state-aided district for the purposes of the computations under Sections 19601 to 19607, inclusive.

If the percentage of assessed valuation in acquired territory is, in the aggregate, a percentage equal to or greater than 10 percent, the State Controller shall, by deducting such percentage from 100 percent, obtain the "complement percentage." Until the next withdrawal of territory from the state-aided district to the acquiring district, the assessed valuation of the state-aided district for purposes of the computations under Sections 19601 to 19607, inclusive, shall be determined by dividing the current assessed valuation of the state-aided district as territorially constituted immediately subsequent to the last withdrawal, by the complement percentage.

Whenever, pursuant to this section, the assessed valuation of the state-aided district is adjusted for repayment computation purposes by use of the complement percentage, liability for the annual repayment computed shall be apportioned between the state-aided district and the acquiring district by multiplying such annual repayment by the complement percentage, the product representing the liability of the state-aided district, and the remainder of the computed repayment representing the liability of the acquiring district.

(3) In the event that two or more nonstate-aided districts acquire territory from the aforesaid state-aided district, the Controller shall determine the formulae for apportioning liability for such annual repayment between the districts affected (including the formulae for determining what assessed valuations shall be used within the affected districts or territories withdrawn, and the dates of determination thereof), as will in his opinion best comply with the principles set forth above, irrespective of whether such formulae are in literal compliance therewith.

CHAPTER 466

An act to add Section 220 to, and to repeal Sections 1562, 2190, 2507, and 30915 of, the Welfare and Institutions Code, relating to the destruction of public assistance records.

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 220 is added to the Welfare and Institutions Code, to read:

220. The board of supervisors in each county may, in its discretion, authorize the destruction or disposition of the case history, or any part thereof, of any recipient of public assistance who has not received such assistance from the county for a period of five years prior thereto

Destruction or disposition of case history

"Public assistance" As used in this section, "public assistance" means aid to needy children under Chapter 1 (commencing with Section 1500) of Part 2 of Division 2, aid to the aged under Chapter 1 (commencing with Section 2000) of Division 3, aid to the indigent under Chapter 2 (commencing with Section 2500) of Division 4, aid to the needy blind under Chapter 1 (commencing with Section 3000) of Part 1 of Division 5, aid to the potentially self-supporting blind under Chapter 3 (commencing with Section 3400) of Part 1 of Division 5, aid to the needy disabled under Chapter 1 (commencing with Section 4000) of Part 2 of Division 5, and medical care under Chapter 1 (commencing with Section 4500) of Part 3 of Division 5.

Repeal SEC. 2. Section 1562 of said code is repealed.

Repeal SEC. 3. Section 2190 of said code is repealed

Repeal SEC. 4. Section 2507 of said code is repealed.

Repeal SEC. 5. Section 3091.5 of said code is repealed.

CHAPTER 467

An act to add Section 11641 to the Business and Professions Code, relating to subdivision maps.

In effect September 15, 1961

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.]

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

SECTION 1. Section 11641 is added to the Business and Professions Code, to read:

11641. The governing body of the city, city and county, or county having jurisdiction of the land under this chapter may establish a fee for processing revocations pursuant to this article in an amount which will reimburse such governing body for all costs incurred in processing such revocations. The person requesting the governing body having jurisdiction to proceed pursuant to this article shall pay the fee established pursuant to this section before any action to proceed under the provisions of this article is initated by the governing body.

CHAPTER 468

An act to add Section 87.1 to the Agricultural Code, relating to district agricultural associations, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.]

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

SECTION 1. Section 87.1 is added to the Agricultural Code, to read:

87.1. No person, firm or corporation shall, upon the property of a district agricultural association, sell or engage in the sale of any tickets of admission or any other evidence of the right of entry to a sports stadium or stadia, a sports arena or sports pavilion or other building for holding sports arena events, athletic contests, contests of skill, exhibition spectacles and other public meetings, places of amusement or entertainment, contests or performances at any premium or price in excess of such maximum price printed or indorsed thereon, plus lawful taxes, without first having procured a written permit issued by such association.

Violation of this section is a misdemeanor.

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

It is hereby determined and declared that the matter of selling any ticket of admission or any other evidence of the right of entry to a sports stadium, arena, pavilion or other building for holding sporting events or other designated activities is a matter affected with a public interest and subject to supervision and control for the public good by safeguarding the public against the evils created by scalping which consist of fraud, extortion, misrepresentation, misstatement, intemperate language, obstruction of free and orderly movement of vehicular and pedestrian traffic, annoyance and molesting of pedestrians, presence of persons of undesirable character, general public nuisance and similar abuses.

The evils prohibited by this act will become increasingly widespread and injurious as the spring sports season approaches unless immediate action is taken against them.

CHAPTER 469

An act to repeal Sections 9701 and 9702 of, to amend Section 10251 of, and to add Section 9701 and Article 10 (commencing at Section 9751) to Chapter 2 of Division 8 to, the Education Code, relating to disposition of textbooks, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1961 Filed with Secretary of State May 22, 1961] In effect immediately

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

SECTION 1. Section 9701 of the Education Code is repealed Repeal

SEC. 2. Section 9702 of said code is repealed. Repeal

SEC. 3. Section 9701 is added to said code, to read:

Disposal of textbooks. By school district governing boards

9701. Obsolete or unusable textbooks may be disposed of by governing boards of school districts only under direction of the county, city and county, or city superintendent having jurisdiction and in one of the following ways:

(a) If usable for supplementary purposes by districts such books may be placed in the school library or in the county free library and handled in the same manner as any other supplementary textbooks.

(b) If such textbooks are not needed as supplementary textbooks in the district but certain materials may be pasted on cards or charts and used for instructional purposes, the governing board may follow such instructions as are given by the superintendent having jurisdiction.

(c) Where such books are not usable for educational purposes, they may be so mutilated as not to be salable and sold for use in the manufacture of paper pulp or other similar substances, the highest price obtainable shall be secured, and the money obtained shall be deposited in the State General Fund. All money from the sale of such books shall be transmitted, at the close of the fiscal year during which it was collected, to the Superintendent of Public Instruction by a warrant on the general fund of the school district payable to the State Department of Education and accompanied by a report of the collection on a form provided by the Superintendent of Public Instruction, and within thirty (30) days thereafter the amount thereof shall be deposited in the State General Fund.

(d) Such books may be sold for a nominal price for use within the State of California to any organization which agrees to use such books for educational purposes and agrees also to make no charge of any kind to the persons to whom such organization gives or lends such books; provided, that such books shall be in a proper sanitary condition at the time they are so sold and that a report of all books so sold shall be made to the Division of Textbooks and Publications of the State Department of Education indicating the books so sold, the title, number sold, date such books are sold, and the names of persons or organizations to whom such books are sold.

(e) By donation to the United States government or any agency thereof.

(f) By donation to any state, territory or possession of the United States or the government of any country which formerly was a territory or possession of the United States.

(g) Such books may be sold for a nominal price to any international civic or service club having one or more clubs in the State of California and approved by the governing board of the school district or by the Superintendent of Public Instruction, provided such civic or service club agrees to distribute such books for educational purposes and to make no charges of any kind to the persons to whom such organization gives or lends such books.

(h) Such books may be burned or otherwise destroyed as may be directed by the superintendent having jurisdiction, provided that no books shall be burned or destroyed until sixty (60) days after notice has been given to the State Department of Education. Within ten (10) days after receipt of such notice, and at least fifty (50) days before the date set for such burning or destruction, the State Department of Education shall notify all persons who have filed a request for notice of such burning or destruction and the place where said books are stored and may be inspected. No burning or destruction shall be effected if any of the foregoing means of disposition can be accomplished and delivery by the governing board or the superintendent made to the respective agency within the period of the notice or a reasonable time thereafter.

SEC. 4. Section 10251 of said code is amended to read:

Same

10251. The governing board of a district maintaining a high school may provide for the disposition of such high school textbooks as are no longer in a fit condition to be used for purposes of instruction, or have been declared obsolete by the governing board of the district, in the manner provided in Section 9701, except that the manner of disposal stipulated in Section 9701 shall not preclude the governing board of a district maintaining one or more high schools from selling high school textbooks pursuant to Section 10054 of this code nor from selling on the secondhand market high school textbooks that are in fit condition to use.

SEC. 5. Article 10 (commencing at Section 9751) is added to Chapter 2 of Division 8 of said code, to read:

Article 10. Disposal of Obsolete Textbooks

Disposal of textbooks by Superintendent of Public Instruction

9751. The Superintendent of Public Instruction in accordance with rules and regulations of the State Board of Education may dispose of undistributed and surplus obsolete textbooks usable for educational purposes remaining in the state textbook warehouse after the expiration of the adoption period for such books in any of the following ways:

(a) By distribution to school districts and state institutions for use as supplementary books and reference books.

(b) By donation to the United States government or any agency thereof or to any agency of a foreign government,

(c) By donation to any territory or possession of the United States or the government of any country which formerly was a territory or possession of the United States.

(d) By donation to any student body organization in any California college or university approved by the State Board of Education whose objective is to distribute the books to any government or to the agency of any government outside of the United States and which agrees that no charge of any kind will be made to the government or governmental agency to which the books are distributed.

(e) By sale at a nominal price, for use outside of the United States, to any international civic or service club having one or more clubs in the State of California and which has been approved by the State Board of Education, provided such civic or service club agrees to distribute such books for educational purposes and to make no charge of any kind to the persons to whom such organization gives or lends such books.

(f) By sale for a nominal price for use within the State of California to any organization which agrees to use such books for educational purposes and agrees also to make no charge of any kind to the persons to whom such organization gives or lends such books

Same

9752. The Superintendent of Public Instruction may dispose of undistributed and surplus obsolete textbooks that cannot be distributed pursuant to Section 9751 or are declared by the State Board of Education to be unusable for instructional purposes, in the following ways:

(a) By mutilation to prevent sale as completed books but permitting sale at the highest price obtainable for use in the manufacture of paper pulp or other similar substances. The money obtained shall be deposited in the State General Fund.

(b) By burning or other manner of destruction as may be directed by the State Board of Education when no sale can be made pursuant to subdivision (a) of this section. No books shall be burned or destroyed until sixty (60) days after the State board of Education has directed such burning or destruction and until 50 days after the State Board of Education has given notice thereof to all persons who have filed a request for such notice.

Urgency

SEC 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act would prohibit the burning or other destruction of obsolete unusable textbooks by school districts if the books can be used for any educational purposes or can be donated to public agencies or if the books can be sold at a nominal price to international civic or service clubs to be distributed without charge for educational purposes.

In order to prevent the unnecessary and wasteful destruction of public school textbooks it is necessary that this act take effect immediately.

CHAPTER 470

An act to add Section 13723.5 to the Education Code, relating to promotional examinations for positions in the classified service.

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.] In effect September 15, 1961

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

SECTION 1. Section 13723.5 is added to the Education Code, to read:

13723.5. The commission may by rule provide for the competition of persons employed by the governing board in positions required to have certification qualifications in promotional examinations for positions in the classified service

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CHAPTER 471

An act to amend Sections 740.2 and 740.4 of, and to add Section 740.5 to, the Streets and Highways Code, relating to the protection of beds of mapped highways.

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.] In effect September 15, 1961

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

SECTION 1. Section 740.2 of the Streets and Highways Code is amended to read:

740.2. Whenever the department has laid out and surveyed a proposed state highway in any county or city it shall prepare a map of such highway sufficient to show the location of such highway on each parcel of land to be traversed or otherwise occupied by the highway when constructed. Map of proposed state highways

SEC. 2. Section 740.4 of said code is amended to read:

740.4. The department shall transmit a copy of such map insofar as it relates to the land within a county to the planning commission of the county. The planning commission of such county shall thereafter prepare a precise plan showing such planned right-of-way in conformity with Section 65600 of the Government Code and the governing body of the county shall thereafter adopt such precise plan in the manner provided in Article 11 (commencing with Section 65650), Chapter 3, Title 7 of the Government Code. Transmittal to county planning commission

SEC. 3. Section 740.5 is added to said code, to read:

740.5. The department shall transmit a copy of such map, insofar as it relates to the land within a city, to the planning commission of the city, or, if the city has not created a planning commission, to the governing body of the city. In conformity with Article 11, Chapter 3, Title 7, of the Government Code, the planning commission of such city, or, if the Transmittal to city planning commission

city has not created a planning commission, the governing body of such city acting as a planning commission, shall thereafter notify the department of any application for a building permit for a building costing five hundred dollars ($500) or more in sufficient time to give the department an opportunity to purchase the right-of-way from such applicant. The notices required to be given by the planning commission or by the governing body acting as a planning commission may be given by any other officer, board, commission, or department designated for that purpose by resolution of the governing body.

CHAPTER 472

An act to add Division 6.5 (commencing with Section 7900) to, the Welfare and Institutions Code, relating to co-ordinating programs for the handicapped children.

In effect September 15, 1961

[Approved by Governor May 22, 1961 Filed with Secretary of State May 22, 1961.]

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

SECTION 1. Division 6.5 (commencing with Section 7900) is added to the Welfare and Institutions Code, to read:

DIVISION 6.5. CO-ORDINATION OF PROGRAMS FOR THE HANDICAPPED CHILDREN

Co-ordinating Council on Programs for Handicapped Children

7900. There is in the state government a Co-ordinating Council on Programs for Handicapped Children. The council shall be composed of the Director of Education, the Director of Mental Hygiene, the Director of Public Health, and the Director of Social Welfare. The council shall annually elect a chairman from among its membership. The chairmanship shall rotate annually so that each member is chairman for one year in each four years, and so that the order of rotation established in the first four years shall be repeated thereafter for each succeeding four-year period.

Review of programs and services

7901. The council shall make a continuous review of programs and services being offered to the physically and mentally handicapped persons under age 21 in California, both by state and local agencies, and shall co-ordinate and evaluate the existing programs.

List of services

7902. The council shall prepare and distribute a list describing the services available to handicapped persons under age 21 and the requirements for obtaining such services.

Annual report

7903. The council shall report annually to the Governor and the Legislature on its activities of the past year, and shall make recommendations regarding any needed or proposed legislation, giving major attention to an orderly and planned growth in the field of programs and services for the handicapped persons under age 21.

Advisory duties

7904. The council shall serve as an advisory body to the state departments represented on the council, and to other state and local agencies when necessary.

Co-operation of other departments

7905. The State Departments of Education, Mental Hygiene, Public Health and Social Welfare shall co-operate with and furnish such information, records and documents, as the council may request, shall make available such facilities as the council needs, and perform such staff services and functions as the council may direct in order to carry out the provisions of this division.

Attendance at advisory meetings

7906. The council may invite other persons to attend its meetings in an advisory capacity.

Co-operation of other state agencies

7907. Any state department or agency, upon request of the council, shall co-operate with and furnish information, records or documents as the council may request in order to carry out the provisions of this division.

CHAPTER 473

An act to amend Section 5050.5 of the Insurance Code, relating to county mutual fire insurers.

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5050.5 of the Insurance Code is amended to read:

5050.5. Any county mutual fire insurer heretofore or hereafter incorporated and doing business under the provisions of this chapter may, if it has issued an insurance policy against fire, and as long as it maintains an excess of admitted assets over liabilities of at least fifty thousand dollars ($50,000), endorse such policy to extend the coverage thereof to include insurance of the kinds included in Sections 107, 112, 120 and 122 (excluding liability insurance).

CHAPTER 474

An act to amend Sections 24001 and 27550.1 of, and to add Section 27641.1 to, the Government Code, relating to county officers, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1961. Filed with Secretary of State May 22, 1961.]

In effect immediately

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

SECTION 1. Section 24001 of the Government Code is amended to read:

Eligibility for county office

24001. Except as otherwise provided in Sections 27550.1 and 27641.1 of this code or in this section, a person is not eligible to a county or district office, unless at the time of his election or appointment he is of the age of 21 years or over, a citizen of the State, and an elector of the county or district in which the duties of the office are to be exercised. However, if a duly qualified health officer is not available within a county or district, then it shall not be necessary that any person appointed to such position be a citizen of the State or an elector of the county or district at the time of his appointment.

The assessor, tax collector, or treasurer of a district formed under the Irrigation District Law (commencing at Section 20500 of the Water Code) need not be a resident of the district in which the duties of the office are to be exercised.

SEC. 2. Section 27550.1 of said code is amended to read:

Same Office of surveyor

27550.1. The qualifications for eligibility to a county or district office, required by Section 24001 of this code, shall not apply to candidates or applicants for, or a person elected or appointed to, the office of surveyor in a county containing a population of under 12,500, as determined by the 1960 federal decennial census.

SEC. 3. Section 27641.1 is added to said code, to read:

Waiver of residence requirements

27641.1. The residence qualifications for eligibility to a county or district office, required by Section 24001, may be waived by the board of supervisors as to any candidate or applicant for the office of county counsel in a county with a population of less than 11,000 as determined by the 1960 federal decennial census.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In the several counties of the State which are sparsely populated, the county is unable to obtain persons who are electors of the county for the office of county counsel. In order to allow such counties to obtain competent persons to fill the appointive office of county counsel and to fulfill the duties of county counsel in giving legal guidance to the civil business of the county it is necessary that this act take effect immediately

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CHAPTER 475

An act to add Sections 17002.5, 17005.5, 17203.1, 17203.2, 17209.1, 17209.2, 17209.3, 17213.5, and 17602.5 to, and to amend Sections 17006, 17008, 17200, 17203, 17204, 17207, 17209, 17211, 17212, 17213, 17402, 17403.1, 17403.2, 17403.3, 17404, 17405, 17405.1, 17406, 17408, 17410, 17414, 17415, 17416, 17420, 17601, 17602, 17603, 17604, 17605, 17608, and the heading of Chapter 2 of Division 6 of, and to amend

and renumber Section 17209.1, and to repeal Sections 17007, 17210, 17407, 17412, 17413, 17413.1 and 17418 of, and to add a heading for Chapter 5 of Division 6 of, the Financial Code, relating to escrow agents.

[Approved by Governor May 23, 1961 Filed with Secretary of State May 23, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 17002.5 is added to the Financial Code, to read:

17002.5. "Person" means, in addition to the singular, persons, group of persons, co-operative, association, company, firm, partnership, corporation, or other legal entity. "Person"

SEC. 2. Section 17005 5 is added to said code, to read:

17005.5. "Person subject to this division" means any person undertaking the performance of escrow agent services. Unless specifically exempted, as in Section 17006, however, this definition shall not be used to exclude anyone. "Person subject to this division"

SEC. 3. Section 17006 of said code is amended to read.

17006. This division does not apply to: Exceptions

(a) Any person doing business under any law of this State or the United States relating to banks, trust companies, building and loan or savings and loan associations, or insurance companies.

(b) Any person licensed to practice law in California who is not actively engaged in conducting an escrow agency.

(c) Any person whose principal business is that of preparing abstracts or making searches of title that are used as a basis for the issuance of a policy of title insurance by a company doing business under any law of this State relating to insurance companies.

(d) Any person licensed by the Real Estate Commissioner while performing acts in the course of or incidental to his real estate business.

(e) Any transaction in which money or other property is paid to, deposited with, or transferred to a joint control agent for disbursal or use in payment of the cost of labor, materials, services, permits, fees, or other items of expense incurred in the construction of improvements upon real property.

SEC 4. Section 17007 of said code is repealed.

SEC. 5. Section 17008 of said code is amended to read:

17008. No foreign corporation shall transact any escrow business in this State without first complying with all the requirements of this division, nor until it has executed and filed with the commissioner a written instrument appointing the commissioner its attorney upon whom all process in any action or proceeding by any resident of this State against it may be served with the same force and effect as if such corporation were formed under the laws of this State, and had been lawfully served with process in this State. Service of process by a Foreign corporations Service of process

resident of this State upon the commissioner constitutes personal service on the foreign corporation.

SEC. 6. The heading of Chapter 2 of Division 6 of said code is amended to read:

CHAPTER 2. LICENSE AND BOND

SEC. 7. Section 17200 of said code is amended to read:

License Escrow agent

17200. It shall be unlawful for any person to engage in business as an escrow agent within this State except by means of a corporation duly organized for that purpose licensed by the commissioner as an escrow agent.

SEC. 8. Section 17203 of said code is amended to read:

Bond

17203. The bond of an escrow agent shall be conditioned that the obligor will faithfully conform to and abide by the provisions of this division and all the rules and regulations made by the commissioner under this division. The bond shall be conditioned that the licensee will honestly and faithfully apply all funds received, will faithfully and honestly perform all obligations and undertakings under this division, will pay all costs of any receivership ordered by a superior court pursuant to Section 17415, and will pay to the State and any person all amounts which become due or owing to the State or to such person under the provisions of this division. In determining the liability of the principal and the sureties under the bond, escrow money held in trust and any money recovered to restore any deficiency in the trust shall not be considered as an asset of the receivership subject to assessment for the cost of the receivership. The surety under such bond may pay the full amount of its liability thereunder to a receiver appointed by a superior court pursuant to Section 17415 of this code in lieu of payment to the State or persons having a cause of action against the obligor of the bond, and upon such payment the surety is completely released from further liability under such bond. The aggregate liability of the surety, for all claims shall, in no event exceed the penal sum of the bond.

SEC. 9. Section 17203.1 is added to said code, to read:

Employee bond

17203.1. All officers and employees of an escrow agent who have access to money or negotiable securities belonging to the escrow agent or in the possession of the escrow agent in the regular discharge of their duties, or persons who draw checks upon the escrow agent or upon the trust funds of the escrow agent in the regular discharge of their duties, before entering upon their duties and throughout the entire term of their office and employment and any subsequent term thereof, shall furnish to the escrow agent a good and sufficient bond indemnifying the escrow agent against loss of money or property. The commissioner shall prescribe the amount of the bond on each individual employee or officer, and the aggregate amount and the terms during which the bond runs. The sufficiency of the sureties on the bond are at all times subject to the approval

of the commissioner. The bonds shall be filed in the commissioner's office. The aggregate liability of the surety, for all claims shall, in no event exceed the penal sum of the bond.

SEC. 10. Section 17203.2 is added to said code, to read:

Additional bond

17203.2. The commissioner may at any time require a licensee to file in the office of the commissioner an additional bond or surety with respect to any officer or employee when, in the commissioner's opinion, any bond then in force is insufficient for any reason.

SEC. 11. Section 17204 of said code is amended to read:

Cancellation of bond

17204. The bond or bonds of an escrow agent as set forth in Sections 17202 and 17203, and the bond or bonds of any officer or employee as prescribed in Sections 17203.1 and 17203.2, shall remain in force and effect until the surety is released from liability by the commissioner, or until canceled or amended by the surety. The surety may cancel or amend and be relieved of further liability by delivering 30 days' written notice to the commissioner. Such cancellation does not affect any liability incurred or accrued on the bond or bonds prior to the termination of the 30-day period.

SEC. 12. Section 17207 of said code is amended to read:

Fees

17207. The commissioner shall charge and collect the following fees:

(a) For filing an original or a renewal application for an escrow agent's license, one hundred dollars ($100) for the first office or location and thirty-five dollars ($35) for each additional office or location.

(b) For filing an application for a duplicate of an escrow agent's license lost, stolen, destroyed, or for replacement, upon a satisfactory showing of such loss, theft, destruction, or surrender of certificate for replacement, two dollars ($2).

(c) For investigation services in connection with each original application, one hundred dollars ($100), and for investigation services in connection with each original additional office application, one hundred dollars ($100).

(d) For holding a hearing in connection with the application, as set forth under Section 17209.2, the actual costs experienced in each particular instance.

SEC. 13. Section 17209 of said code is amended to read:

Application for license

17209. An application for an original license as an escrow agent shall be signed by a majority of the proposed incorporators and verified by one of the directors, and said application shall be accompanied by a copy of the articles of incorporation and a copy of the bylaws of the proposed licensee. The application shall set forth:

(a) The names and addresses of the incorporators, directors, and officers, with a statement of their character, experience, and general fitness to engage in the escrow business.

(b) An itemized statement of the estimated receipts and expenditures of the proposed first year of operation.

(c) An audited financial statement showing compliance with Section 17210.

(d) A showing that the public convenience and advantage will be promoted by the establishment of the proposed licensee.

(e) Any other matters the commissioner may require.

SEC. 14. Section 17209.1 is added to said code, to read:

Issuance of license

17209.1. Upon receipt of a proper application for license, and all required fees, the commissioner shall immediately examine and investigate all facts connected with the proposal, including its incorporators, directors, officers, proposed location, estimated receipts and expenditures, and whether the public convenience and advantage will be promoted by the granting of such license, and, unless he finds that such license must be refused pursuant to this chapter, the commissioner shall, within forty-five (45) days of his receipt of the application, give written notice to each existing licensed escrow agent in this State that an application for the issuance of a license has been made. The notice shall state the name of the proposed licensee, the proposed business location, and the time and place that a hearing on same will be held.

SEC. 15. Section 17209.2 is added to said code, to read:

Hearing

17209.2. Before issuing a license for any original escrow agent application, or any original branch office location for an existing licensee, the commissioner shall hold a hearing pursuant to Sections 17610 through 17614 of Chapter 5 of this division. No hearing shall be held sooner than ten (10) days after the mailing of notices, and at all licensee application hearings any person may appear in person or by agent or attorney and orally or in writing show cause why such license should or should not be granted.

SEC 16. Section 17209.3 is added to said code, to read:

Denial of license Grounds

17209.3. The commissioner may refuse to issue any license being applied for, and shall refuse to issue any license being applied for if upon his examination and investigation, and after appropriate hearing, he finds any of the following:

(a) That the corporation is to be formed for any business other than legitimate escrow agent services, or proposes to use a name that is misleading or in conflict with the name of an existing licensee.

(b) That the incorporators or directors lack the character, experience, or general fitness to engage in such business.

(c) That there is no officer or manager possessing a minimum of five (5) years of responsible escrow experience to be stationed in the proposed business location.

(d) That the proposed licensee's financial program is unsound.

SEC. 18. Section 17209.1 of said code, as added by Chapter 171, Statutes of 1957, is amended and renumbered to read:

Net worth

17210. An escrow agent at all times shall maintain a tangible net worth of five thousand dollars ($5,000) including liquid assets of at least five thousand dollars ($5,000) in excess of its current liabilities. On and after January 1, 1963, the amount of the tangible net worth and excess of liquid assets herein described shall be ten thousand dollars ($10,000). The

commissioner may determine by general rule what assets are liquid assets and may determine by specific ruling whether a particular asset is a liquid asset within the meaning of this section.

Further, an additional tangible net worth equal to 50 percent of the amount set forth in this section shall be maintained in connection with each licensed branch office; except that licensees operating or applying for more than one branch office need only maintain an additional net worth of 25 percent of the amount set forth in this section for each additional licensed branch office beyond the first branch location for which a license is granted.

SEC. 19. Section 17210 of said code, as added by Chapter 364, Statutes of 1951, is repealed. Repeal

SEC. 20. Section 17211 of said code is amended to read:

17211. Each escrow agent's license expires at noon on the 31st day of December of any calendar year if it is not renewed on or before the 20th day of December of such year. A license may be renewed in the same manner as set forth in Section 17209 except that the commissioner may prescribe the use of a simplified application form. Expiration of license

SEC. 21. Section 17212 of said code is amended to read:

17212. An escrow agent's license which has not been renewed may be reinstated by a licensee at any time prior to the 30th day of January following the expiration by the same procedure as set forth in Section 17211, plus a payment to the commissioner of a penalty equal to one-half of the annual license fee or fees involved, and provided further that the commissioner shall determine that no loss or liability has been suffered or incurred during the lapse. Reinstatement

SEC. 22. Section 17213 of said code is amended to read:

17213. An escrow agent's license is not transferable or assignable. Further, no license may be acquired, either in whole or in part, through stock purchase or other devices without the consent of the commissioner. Transferability

SEC. 23. Section 17213.5 is added to said code, to read:

17213.5. Each additional office or business location beyond an applicant's first, original, or home office premises shall be licensed by the commissioner in the same manner as set forth in Sections 17209, 17209.1, 17209.2, and 17209.3, and then only after compliance with all of the following: Additional licenses. Procedure

(a) The applicant shall file with the commissioner additional bond or bonds as prescribed in Sections 17202, 17203, 17203.1, 17203.2, and 17204 appropriately for each additional office location or, in lieu thereof, the applicant shall cause the surety under his existing bond or bonds to file with the commissioner a written amendment signifying that coverage is appropriately extended;

(b) The applicant shall file with the commissioner a financial statements prepared in accordance with generally accepted accounting principles. Such financial statements shall be covered by a report or certificate of an independent certified pub-

lic accountant or independent public accountant, showing an additional tangible net worth in the amount set forth in Section 17210 for each additional office location;

(c) The commissioner shall determine that the operation of the additional office, or offices, will be under the complete management and control of the parent licensee.

SEC. 24. Section 17402 of said code is amended to read:

Statements concerning capital

17402. No person subject to this division or any officer thereof shall advertise in any manner or publish any statement of its capital, other than amounts fully paid in and accumulated surplus.

SEC. 25. Section 17403.1 of said code is amended to read:

Misrepresentation

17403.1. No person subject to this division shall describe orally or in writing as an escrow any transaction which is not defined as such in Section 17003.

SEC. 26. Section 17403.2 of said code is amended to read:

Alterations, etc., of instructions

17403.2. No person subject to this division shall solicit or accept an escrow instruction or amended or supplemental escrow instruction containing any blank to be filled in after signing or initialing of such escrow instruction or amended or supplemental escrow instruction, nor permit any person to make any addition to, deletion from, or alteration of an escrow instruction or amended or supplemental escrow instruction, unless such addition, deletion or alteration is signed or initialed by all persons who had signed or initialed such escrow instruction or amended or supplemental escrow instruction prior to such addition, deletion or alteration.

SEC. 27. Section 17403.3 of said code is amended to read:

Copies

17403.3. At the time of execution a copy of each escrow instruction or amended or supplemental escrow instruction shall be delivered to all persons executing the same.

SEC. 28. Section 17404 of said code is amended to read:

Records Keeping

17404. Every person subject to this division shall keep and use in its business, books, accounts, and records which will properly enable the commissioner to determine whether the escrow functions performed by such person comply with the provisions of this division and with all rules and regulations made by the commissioner under this division.

SEC. 29. Section 17405 of said code is amended to read:

Inspection

17405. The business, accounts and records of every person performing as an escrow agent, whether required to be licensed under this division or not, are subject to inspection and examination by the commissioner at any time without prior notice. The provisions of this section shall not apply to persons specified in Section 17006.

SEC. 30. Section 17405.1 of said code is amended to read:

Costs

17405.1. The actual cost of every inspection and examination shall be paid to the commissioner by the person examined and the commissioner may maintain an action for the recovery of such costs in any court of competent jurisdiction.

SEC. 31. Section 17406 of said code is amended to read:

17406. Every person subject to this division shall, if there be no specific request from the commissioner, submit to the commissioner, at such person's own expense, financial statements prepared in accordance with generally accepted accounting principles covering the calendar year or, if such person has an established fiscal year, then for such fiscal year, within 105 days after the close of the calendar year or fiscal year. Such financial statements shall be covered by a report or certificate of an independent certified public accountant or independent public accountant. In addition financial statements, which may be unaudited, as of the end of the calendar month next preceding the date of submission of the audited financial statements shall also be filed concurrently with such audited financial statements. Within 30 days after receipt of a request from the commissioner, a person subject to this division shall submit to the commissioner, at such person's own expense, audited financial statements covering the 12 calendar months next preceding the month of receipt of the request An escrow agent whose license has expired or has been surrendered or revoked, at its own expense shall submit to the commissioner on or before 105 days after the effective date of such expiration, surrender, or revocation, audited financial statements as of such effective date covering the 12 months ending with such effective date. All audits referred to in this section shall be by independent certified public accountants or independent public accountants acceptable to the commissioner. The audits shall be conducted in accordance with generally accepted auditing standards and shall include a direct verification from the person having in his possession or control any escrow funds, trust funds, or other property deposited in escrow. A verification by confirmation of accounts of escrow depositors shall be made in accordance with generally accepted auditing standards The audited financial statements shall include at least an audited balance sheet showing the person's net worth as same relates to Section 17210 of this division and a statement of income and expenses for the year ended on the balance sheet date. Independent audit

SEC. 33. Section 17407 of said code is repealed. Repeal

SEC. 34 Section 17408 of said code is amended to read:

17408. If any person subject to this division fails to make any report required by law or by the commissioner, the commissioner shall immediately cause the books, records, papers, and affairs of said person to be thoroughly examined. Failure to report

SEC. 35. Section 17410 of said code is amended to read:

17410. Escrow or trust funds are not subject to execution or attachment in any claim against the licensee or person acting as escrow agent, and in no instance shall such escrow or trust funds be considered or treated as an asset of the licensee or person performing the functions of an escrow agent. Execution, attachment

SEC. 36. Section 17412 of said code is repealed. Repeal

SEC. 37. Section 17413 of said code is repealed. Repeal

SEC. 38. Section 17413.1 of said code is repealed. Repeal

SEC. 39. Section 17414 of said code is amended to read:

Offenses

17414. Any person subject to this division or any director, officer, agent, or employee of any such person who does any of the following is guilty of a felony

(a) Knowingly receives or possesses himself of any property of the escrow otherwise than in payment for a just demand, and with intent to defraud omits to make or to cause or direct to be made a full and true entry thereof in the escrow books and accounts, or knowingly concurs in omitting to make any material entry.

(b) Knowingly concurs in making or publishing any written report, exhibit or statement of escrow affairs or pecuniary condition containing any material statement which he knows to be false.

(c) Having the custody or control of the escrow agent's books, willfully refuses or neglects to make any proper entry in such books as required by law, or willfully refuses or neglects to exhibit or allow the books to be inspected and extracts to be taken therefrom by the commissioner, or any of his deputies or examiners.

SEC. 40 Section 17415 of said code is amended to read:

Order to discontinue unsafe practices

17415. If the commissioner, as a result of any examination or from any report made to him, shall find that any person subject to this division is in an insolvent condition or is conducting escrow business in such an unsafe or injurious manner as to render further operations hazardous to the public or to customers, the commissioner may forthwith, by an order addressed to and served by registered mail on such person and on any other person having in his possession or control any escrowed funds, trust funds or other property deposited in escrow with said person, direct discontinuance of the disbursement of trust funds by said parties or any of them, the receipt of trust funds, the delivery or recording of documents received in escrow, or other business operations. No person having in his possession any such funds or documents shall be liable for failure to comply with such order unless he has received written notice of such order. If, after such an order is made, a request for a hearing is filed in writing and hearing is not commenced within 15 days thereafter, the order is rescinded. The order shall otherwise remain in effect until set aside by the commissioner in whole or in part, the person has been adjudged bankrupt, or pursuant to a petition filed by the commissioner or other interested party a receiver has been appointed by a superior court.

SEC. 41. Section 17416 of said code is amended to read:

Desist and refrain order

17416. Whenever in the opinion of the commissioner any person, except as named in Section 17006, is engaged, either actually or through subterfuge, in the business of receiving escrows for deposit or delivery for compensation as defined in this division, without a license from the commissioner the commissioner may order said person to desist and to refrain from engaging in such business. If, after such an order is made,

a request for a hearing is filed in writing and hearing is not held within 60 days thereafter, the order is rescinded.

SEC. 42. Section 17418 of said code is repealed. Repeal

SEC. 43. Section 17420 of said code is amended to read:

17420. Except for the normal compensation of his own employees, it shall be a violation of this division for any person subject to this division to pay over to any other person any commission, fee, or other consideration as compensation for referring, soliciting, handling, or servicing escrow customers or accounts. Referral fees, etc

It shall also be a violation for any person to enter into any arrangement, either of his own making or of a subsidiary nature, or through any other person having a dual capacity, or through any person having a direct or indirect interest in the escrow, or other device permitting any fee, commission, or compensation which is contingent upon the performance of any act, condition, or instruction set forth in an escrow to be drawn or paid, either in whole or in part, or in kind or its equivalent, prior to the actual closing and completion of the escrow.

SEC. 44. Section 17601 of said code is amended to read:

17601. If the commissioner has reason to believe that a licensed escrow agent is violating the provisions of this division, he may investigate the escrow agent's business and examine the books, accounts, records, and files used in the business of every licensee and of every person who acts or claims to act as principal or agent under or without the authority of this division. For the purposes of examination the commissioner and his representatives shall have free access to the offices and places of business, books, accounts, records, papers, files, safes, and vaults of all persons examined. Violations

SEC. 45. Section 17602 of said code is amended to read:

17602. If it appears to the commissioner that any licensed escrow agent has violated its articles of incorporation, or any law or rule binding upon it, he shall, by written order addressed to the agent direct the discontinuance of such violation. Discontinuance order

SEC. 46. Section 17602.5 is added to said code, to read:

17602.5. If any licensed escrow agent fails to make any reports required by law or by the commissioner within ten (10) days from the day designated for the making of the reports, or within any extension of time granted by the commissioner, or fails to include therein any matter required by law or by the commissioner, such failure shall constitute grounds for the suspension or revocation of the license held by such escrow agent. Failure to report

SEC. 47. Section 17603 of said code is amended to read:

17603. If it appears to the commissioner that any licensed escrow agent is conducting business in an unsafe or injurious manner, he shall, by written order addressed to the agent direct the discontinuance of such unsafe or injurious practices. Discontinuance order

SEC. 48. Section 17604 of said code is amended to read:

Hearing

17604. An order issued pursuant to Sections 17602 or 17603 shall require the licensed escrow agent to show cause before the commissioner, at a time fixed by the commissioner, why the order should not be observed. If upon the hearing, it appears to the commissioner that the licensed agent is conducting business in an unsafe and injurious manner or is violating its articles of incorporation or any law of this State, or any rule binding upon it, the commissioner shall make the order of discontinuance final and the licensed escrow agent shall immediately discontinue the practices named in the order.

SEC. 49. Section 17605 of said code is amended to read:

Restraining enforcement

17605. The licensed escrow agent has ten (10) days after an order is made final in which to commence action to restrain enforcement of such order, and unless such action is commenced, and the enforcement of such order is enjoined within ten (10) days by the court in which the suit is brought, the licensed escrow agent shall comply with the order.

SEC. 50. Section 17608 of said code is amended to read:

Revocation of license

17608. The commissioner may, after notice and a reasonable opportunity to be heard, suspend, revoke, or decline to renew any license if he finds that:

(a) The licensee has failed to maintain in effect a bond required under the provisions of this division.

(b) The licensee has violated any provision of this division or any rule or regulation made by the commissioner under and within the authority of this division.

(c) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the commissioner in refusing originally to issue such license.

SEC. 51. Immediately preceding Section 17610 of said code a chapter heading is added, to read:

CHAPTER 5. HEARINGS

Construction

SEC. 52. The repeal of Section 17418 made by Section 42 of this act does not constitute a change in, but is declaratory of, the pre-existing law.

CHAPTER 476

An act to amend Section 6501 of the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to nomination papers of candidates at the direct primary election.

In effect September 15, 1961

[Approved by Governor May 23, 1961 Filed with Secretary of State May 23, 1961]

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

NOTE: The section of the Election Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code

CHAPTER 477

An act to amend Section 890 of the Military and Veterans Code, relating to benefits for veterans.

[Approved by Governor May 23, 1961. Filed with Secretary of State May 23, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 890 of the Military and Veterans Code is amended to read:

890. As used in this article:

(a) "Veterans" means any person who served in the Army, Navy, or Marine Corps of the United States and was killed in action or died as a result of war service in the World War since April 6, 1917, or any member of the Army, Navy, Coast Guard or Marine Corps of the United States, or any of their auxiliaries who was killed in action in World War II on or after December 7, 1941, and prior to January 1, 1947, or who died at any time as a result of war service during such period, or any member of the armed forces of the United States who was killed in action during any period of hostilities in which the United States is engaged, or who died or was totally disabled at any time as a result of active service during any such period or during the induction period.

(b) "Dependent of a veteran" means the natural or adopted child of a veteran, or stepchild of a veteran as defined by the United States Veterans Administration for compensation purposes, or the unmarried widow of a veteran.

(c) "Induction period" means (1) the period beginning September 16, 1940, and ending December 6, 1941, and the period beginning January 1, 1947, and ending June 26, 1950, and (2) the period beginning on February 1, 1955, and ending on the day before the first day thereafter on which individuals (other than individuals liable for induction by reason of a prior deferment) are no longer liable for induction for training and service into the armed forces under the Universal Military Training and Service Act.

CHAPTER 478

An act to amend Sections 1742 and 1746 of the Business and Professions Code, relating to dental hygienists.

[Approved by Governor May 23, 1961 Filed with Secretary of State May 23, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1742 of the Business and Professions Code is amended to read:

1742. In addition to the written examination a practical examination in the removal of deposits from, and the polishing

Practical examination

of the unattached surface of the teeth shall be given the applicants.

SEC. 2. Section 1746 of said code is amended to read:

Employment of hygienist

1746. Any licensed dentist, public institution or school authority may employ a licensed and registered dental hygienist, who may remove lime deposits, accretions and stains from the unattached surface of the teeth, and apply topical agents essential to a complete prophylaxis, but shall not perform any other operation on the teeth or tissues of the mouth He may operate in the office of any licensed dentist or in any public institution or in the schools under the general direction or supervision of a licensed dentist. But nothing in this article shall be construed as authorizing any dental hygienist to perform any operation in the mouth without supervision.

Unattached surface of the tooth as used in this chapter means the portion of the crown and root surface to which there is no peridental membrane attached.

CHAPTER 479

An act to add Sections 4 and 5 to Chapter 778 of the Statutes of 1929, relating to lands conveyed to the City of San Diego and the County of San Diego as joint owners.

In effect September 15, 1961

[Approved by Governor May 23, 1961 Filed with Secretary of State May 23, 1961]

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

SECTION 1. Section 4 is added to Chapter 778 of the Statutes of 1929, to read:

Conveyance of lands

Sec. 4. Subject to their use for county or municipal purposes, including the erection and maintenance thereon of county or municipal buildings, and upon such terms and conditions as they may agree upon, the City of San Diego or the County of San Diego may convey to the other its interest in the lands conveyed to the City of San Diego and the County of San Diego as joint owners by Section 3 of this act.

SEC 2. Section 5 is added to said act, to read:

Exceptions and reservations

Sec. 5. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in the lands which are conveyed by Section 3 of this act to the City of San Diego and the County of San Diego as joint owners, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands.

CHAPTER 480

An act to amend Section 8738 of the Health and Safety Code, relating to cemeteries.

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.] In effect September 15, 1961

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

SECTION 1. Section 8738 of the Health and Safety Code is amended to read:

8738. An endowment care cemetery is one which has deposited in its endowment care fund the minimum amounts heretofore required by law and shall hereafter have deposited in its endowment care fund at the time of or not later than completion of the initial sale not less than the following amounts for plots sold or disposed of:

(a) Eighty-five cents ($0.85) a square foot for each grave;

(b) Ten dollars ($10) for each niche;

(c) Forty dollars ($40) for each crypt; provided, however, that for companion crypts, there shall be deposited forty dollars ($40) for the first crypt and twenty dollars ($20) for each additional crypt.

CHAPTER 481

An act to amend Section 3513 and the title of Article 2, Chapter 2, Part 9, Division 1 of, and to add Sections 4831.5 and 4876.5 to, the Revenue and Taxation Code, relating to correction on the tax rolls of overvaluations resulting from assessees' errors.

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.] In effect September 15, 1961

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

SECTION 1. Section 3513 of the Revenue and Taxation Code is amended to read:

3513. In addition to the usual provisions of a deed conveying real property, the deed shall specify: Deeds Contents

(a) The date of sale to the State.

(b) That the property was duly assessed for taxation and the tax legally levied.

(c) The year the property was assessed for taxation and the name of the assessee for that year.

(d) That the property was sold to the State for nonpayment of delinquent taxes which were a lien on the real property.

(e) The amount for which the property was sold to the State unless there has been a partial cancellation of taxes, a redemption from a portion thereof, or a correction under Sec-

tions 4831.5 and 4876.5 of this code, in any of which events, the amount shall be the balance remaining.

(f) That five or more years have elapsed since the sale to the State and no person has redeemed the property.

(g) That the property is therefore conveyed to the State according to law.

SEC. 2. Section 4831.5 is added to said code, to read:

Errors: Valuation of personal property

4831.5. When it can be ascertained by the assessor from an audit of an assessee's books of account or other papers that there has been a defect of description or clerical error of the assessee in his property statement or in other information or records furnished to the assessor which caused the assessor to assess personal property which should not have been assessed or to assess it at a substantially higher valuation than he would have entered on the roll if the information had been correctly furnished to the assessor, the error on the roll may be corrected under this article at any time after the roll is delivered to the auditor by the clerk of the county board and within the time allowed for assessing property which has escaped assessment as provided in Section 532 of this code. The extent and character of the change to be made on the roll shall be certified to the auditor by the assessor.

SEC. 3. The title of Article 2 (commencing with Section 4876), Chapter 2, Part 9, Division 1 of said code is amended to read:

Article 2. Errors on the Board Roll

SEC. 4. Section 4876.5 is added to said code, to read:

Errors: Valuation of personal property

4876.5. When it can be ascertained by the board from an audit of an assessee's books of account or other papers that there has been a defect of description or clerical error of the assessee in his property statement or in other information or records furnished to the board which caused the board to assess personal property which should not have been assessed or to assess it at a substantially higher valuation than the board would have entered on the roll if the information had been correctly furnished to the board, the error on the roll may be corrected under this article at any time within two years after the assessment was made.

CHAPTER 482

An act to amend Section 711 of the Government Code, relating to claims against local public entities.

In effect September 15, 1961

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.]

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

SECTION 1. Section 711 of the Government Code is amended to read:

711. A claim shall be presented by the claimant or by a person acting on his behalf and shall show:

(a) The name and post office address of the claimant;

(b) The post office address to which the person presenting the claim desires notices to be sent;

(c) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted;

(d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim; and

(e) The amount claimed as of the date of presentation of the claim, together with the basis of computation thereof.

The claim shall be signed by the claimant or by some person on his behalf. Claims for supplies, materials, equipment or services need not be signed by the claimant or on his behalf if presented on a billhead or invoice regularly used in the conduct of the business of the claimant.

A claim may be amended at any time, and the amendment shall be considered a part of the original claim for all purposes.

CHAPTER 483

An act to amend Section 13553 of the Revenue and Taxation Code, relating to inheritance taxes.

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 13553 of the Revenue and Taxation Code is amended to read:

13553. Upon the death of a wife the one-half of the community property which belongs to her surviving husband pursuant to Section 201 of the Probate Code is not subject to this part. Likewise, the community interest which goes to a surviving husband pursuant to Section 201 of the Probate Code in the absence of his wife's testamentary disposition of the interest to another, or which passes to him under her will, is not subject to the tax imposed by Section 13401.

CHAPTER 484

An act to amend Section 2963 of the Civil Code, relating to mortgages.

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 2963 of the Civil Code is amended to read:

2963. Except as it is otherwise in this article provided, mortgages of personal property or crops may be acknowledged

or proved and certified, and recorded, and when recorded as provided in this article, shall have like effect as the recording of conveyances of real property. Provided, however, that a mortgage of personal property or crops may be recorded and constructive notice of the same and the contents thereof given in the following manner:

Any person may record in the office of the county recorder of any county fictitious mortgages of personal property or crops. Such fictitious mortgages need not be acknowledged, or proved or certified, to be recorded or entitled to record. Such mortgages shall have noted upon the face thereof that they are fictitious. The county recorder shall index and record such fictitious mortgages in the same manner as other mortgages of personal property or crops are recorded, and shall note on all indices and records of the same that they are fictitious. Thereafter, any of the provisions of any such fictitious recorded mortgage may be included for any and all purposes in any mortgage of personal property or crops by reference therein to any such provisions, without setting the same forth in full; provided, such fictitious mortgage is of record in the county in which the mortgage adopting or including by reference any of the provisions thereof is recorded. Such reference shall contain a statement, as to each county in which the mortgage containing such reference is recorded, of the date such fictitious mortgage was recorded, the county recorder's office wherein it is recorded, and the book or volume and the first page of the records in the recorder's office wherein and at which any such fictitious mortgage was recorded, and a statement by paragraph numbers or any other method that will definitely identify the same, of the specific provisions of any such fictitious mortgage that are being so adopted and included therein. The recording of any such mortgage of personal property or crops which has included therein any such provisions by reference as aforesaid shall operate as constructive notice of the whole thereof including the terms, as a part of the written contents of any such mortgage, of any such provisions so included by reference as though the same were written in full therein. The parties bound or to be bound by provisions so adopted and included by reference shall be bound thereby in the same manner and with like effect for all purposes as though such provisions had been and were set forth in full in writing in any such mortgage

SEC. 2. The amendment to this section enacted at the 1961 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the pre-existing law.

CHAPTER 485

An act to amend Sections 23034, 24369, 24601, 24603, 24605, 25701a, 26080 and 26134 of the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations and Massachusetts trusts.

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 23034 of the Revenue and Taxation Code is amended to read:

23034 "State" includes the District of Columbia, and the possessions of the United States. "State"

SEC. 2. Section 24369 of said code is amended to read:

24369. In the case of a taxpayer engaged in the business of farming, expenditures made for the purpose of soil and water conservation and the prevention of erosion of land used in farming shall be allowed as deductions under Section 24343. For the purposes of this section, the term "expenditures made for the purpose of soil and water conservation and the prevention of erosion" means expenditures for the treatment, moving, or cultivation of earth, including (but not limited to) leveling, grading and terracing, contour furrowing, the construction of diversion channels and drainage ditches, the control and protection of watercourses, outlets, and ponds, the planting and cultivation of cover and protective crops or windbreaks, the control of weeds and brush and other special or emergency cultivation and tillage; but such term does not include the purchase, construction, installation, or improvement of structures, appliances, and facilities made of masonry, concrete, tile, metal, or wood, such as tanks, reservoirs, pipes, conduits, canals, dams, wells, and pumps, which are subject to the allowance for depreciation provided in Sections 24349 to 24354, inclusive. For the purpose of this section, the term "land used in farming" means land used (prior to the expenditure for conservation made by the taxpayer) by the taxpayer or its tenant or the predecessor owner or its tenant for the production of crops, fruits, and similar agricultural products or for the sustenance of livestock. Deduction for soil and water conservation expenses

SEC. 3. Section 24601 of said code is amended to read:

24601. If contributions are paid by an employer to or under a stock bonus, pension, profit-sharing, or annuity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of such compensation, such contributions or compensation shall not be deductible under Section 24343 (relating to trade or business expenses) but if they satisfy the conditions of the section, they shall be deductible under this section, subject, however, to the following limitations as to the amounts deductible in any year: Deduction for contributions to stock bonus, etc., fund

In the income year when paid, if the contributions are paid into a pension trust, and if such income year ends within or

with an income year of the trust for which the trust is exempt under Section 17501 of this code, in an amount determined as follows:

(a) An amount not in excess of 5 percent of the compensation otherwise paid or accrued during the income year to all the employees under the trust, but such amount may be reduced for future years if found by the Franchise Tax Board upon periodical examinations at not less than five-year intervals to be more than the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan; plus

(b) Any excess over the amount allowable under paragraph (a) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount, or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the Franchise Tax Board, but if such remaining unfunded cost with respect to any three individuals is more than 50 percent of such remaining unfunded cost, the amount of such unfunded cost attributable to such individuals shall be distributed over a period of at least five taxable years, or

(c) In lieu of the amounts allowable under paragraphs (a) and (b) above, an amount equal to the normal cost of the plan, as determined under regulations prescribed by the Franchise Tax Board, plus, if past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 percent of the cost which would be required to completely fund or purchase such pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the Franchise Tax Board, except that in no case shall a deduction be allowed for any amount (other than the normal cost) paid in after such pension or annuity credits are completely funded or purchased.

(d) Any amount paid in an income year in excess of the amount deductible in such year under the foregoing limitations shall be deductible in the succeeding income years in order of time to the extent of the difference between the amount paid and deductible in each such succeeding year and the maximum amount deductible for such year in accordance with the foregoing limitations.

SEC. 4. Section 24603 of said code is amended to read:

Same

24603. (a) In the income year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if such income year ends within or with an income year of the trust with respect to which the trust is exempt under Section 17501 of this code, in an amount not in excess of 15 percent of the compensation otherwise paid or accrued during the income year to all employees under the stock bonus or profit-sharing plan. If in any income year there is paid into the trust, or a similar trust then in effect, amounts less than the

amounts deductible under the preceding sentence, the excess, or if no amount is paid, the amounts deductible shall be carried forward and be deductible when paid in the succeeding income years in order of time, but the amount so deductible under this sentence in any such succeeding income year shall not exceed 15 percent of the compensation otherwise paid or accrued during such succeeding income year to the beneficiaries under the plan. In addition, any amount paid into the trust in any income year in excess of the amount allowable with respect to such year under the preceding provisions of this subsection shall be deductible in the succeeding income years in order of time, but the amount so deductible under this sentence in any one such succeeding income year together with the amount allowable under the first sentence of this subsection shall not exceed 15 percent of the compensation otherwise paid or accrued during such income year to the beneficiaries under the plan. The term "stock bonus or profit-sharing trust," as used in this subsection, shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarially as provided in Section 24601. If the contributions are made to two or more stock bonus or profit-sharing trusts, such trusts shall be considered a single trust for purposes of applying the limitations in this subsection.

(b) In the case of a profit-sharing plan, or a stock bonus plan in which contributions are determined with reference to profits, of a group of corporations which is an affiliated group within the meaning of Section 1504 of the Federal Internal Revenue Code of 1954, if any member of such affiliated group is prevented from making a contribution which it would otherwise have made under the plan, by reason of having no current or accumulated earnings or profits or because such earnings or profits are less than the contributions which it would otherwise have made, then so much of the contribution which such member was so prevented from making may be made, for the benefit of the employees of such member, by the other members of the group, to the extent of current or accumulated earnings or profits, except that such contribution by each such other member shall be limited, where the group does not file a consolidated return, to that proportion of its total current and accumulated earnings or profits remaining after adjustment for its contribution deductible without regard to this subsection which the total prevented contribution bears to the total current and accumulated earnings or profits of all members of the group remaining after adjustment for all contributions deductible without regard to this subsection. Contributions made under the preceding sentence shall be deductible under subsection (a) by the employer making such contribution, and, for the purpose of determining amounts which may be carried forward and deducted under the second sentence of subsection (a) in succeeding income years, shall be deemed

to have been made by the employer on behalf of whose employees such contributions were made.

SEC 5. Section 24605 of said code is amended to read:

Same

24605. If a stock bonus, pension, or profit-sharing trust would qualify for exemption under Section 17501 of this code except for the fact that it is a trust created or organized outside the United States, contributions to such a trust by an employer which is a resident, or corporation, or other entity of the United States, shall be deductible under the preceding sections.

SEC. 6. Section 25701a of said code is amended to read:

Assessment for liabilities

25701a. The amounts of the following liabilities, except as hereinafter provided in this section and Section 25702, shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations as in the case of a deficiency in a tax imposed by this part (including the provisions in the case of a delinquency in payment after notice and demand, the provisions authorizing proceedings in court for collection, and the provisions prohibiting claims and suits for refunds):

(1) The liability, at law or in equity, of a transferee of property of a taxpayer, in respect of the tax (including interest, additional amounts, and additions to the tax provided by law) imposed upon the taxpayer by this part.

(2) The liability of a fiduciary under Part 10 of this division in respect of the payment of any such tax from the estate of the taxpayer.

Any such liability may be either as to the amount of tax shown on the return or as to any deficiency in tax.

SEC. 7. Section 26080 of said code is amended to read:

26080. Interest shall be allowed and paid upon any overpayment in respect of any tax, at the rate of 6 percent per annum, as provided in Sections 26080.1 to 26080.4, inclusive, and as follows:

(a) In the case of a credit, from the date of the overpayment to the date of the allowance of the credit. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this part.

(b) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund warrant by not more than 30 days, such date to be determined by the Franchise Tax Board

SEC 8. Section 26134 of said code is amended to read:

Remedies

26134. Any taxpayer from which a tax is collected by withholding under this article shall be entitled to the remedies set forth in Chapter 22. Any refund of such tax under Chapter 22 shall be made to the withholding agent instead of directly to the taxpayer, if requested in writing by the withholding agent at the time the amounts refundable were transmitted to the Franchise Tax Board.

CHAPTER 486

An act to amend Section 30145 of the Revenue and Taxation Code, relating to the cigarette tax.

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 30145 of the Revenue and Taxation Code is amended to read:

30145. In lieu of a bond or bonds a distributor, under such conditions as the board may prescribe, may place with the board certificates of fully federally insured deposits of any bank or banks authorized to transact business in this State in an amount equivalent to the amount of the bond or bonds or may deposit with the State Treasurer either of the following. (a) An amount of lawful money equivalent to the amount of the bond or bonds. (b) Obligations of the United States, the State of California, or any county or city and county of this State of an actual market value not less than the amount of the bond or bonds fixed by the board.

CHAPTER 487

An act to amend Sections 4104.3 and 4104.5 of the Revenue and Taxation Code, relating to procedures involved in the filing of the delinquent list and the transfer of rolls.

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 4104.3 of the Revenue and Taxation Code is amended to read:

Retention of delinquent roll

4104.3. After the settlement under Section 2630 the delinquent roll shall remain on file in the redemption officer's office and, if the tax collector is the redemption officer, the auditor shall charge the redemption officer with the amount of taxes, penalties and costs unpaid as shown on the delinquent roll.

SEC. 2. Section 4104.5 of said code is amended to read:

Surrender of records

4104.5. Whenever the powers and duties of the redemption officer are transferred pursuant to law from one county officer to a different county officer, the abstract list, all secured rolls, delinquent rolls, indexes, and any other records necessary to or intended for the proper performance of the duties of redemption officer shall be surrendered by the officer having custody thereof to the officer becoming the redemption officer.

At the time of the transfer the auditor shall charge the redemption officer with all unpaid taxes, penalties and costs on the delinquent rolls or abstract list.

CHAPTER 488

An act to add Section 4107 to the Revenue and Taxation Code, relating to the destruction of redemption certificates.

In effect September 15, 1961

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.]

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

SECTION 1. Section 4107 is added to the Revenue and Taxation Code, to read:

4107. Any redemption certificate more than 12 years old may be destroyed by the county redemption officer. Such destruction shall be approved by order of the board of supervisors of the county.

CHAPTER 489

An act to add Sections 2927, 2927.1, 2927.2, 2927.3, 2927.4, 2927.5, 2928, and 2928.1 to the Revenue and Taxation Code, relating to procedure in the collection of unsecured property taxes.

In effect September 15, 1961

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.]

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

SECTION 1. Section 2927 is added to the Revenue and Taxation Code, to read:

Delinquent roll

2927. The collector of taxes on unsecured property shall prepare a delinquent roll or abstract list of unpaid items from the unsecured roll.

SEC. 2. Section 2927.1 is added to said code, to read:

Contents and form

2927.1. The delinquent roll or abstract list shall contain all the essential information relating to unpaid items shown in the rolls from which it is prepared and shall be in a form approved by the auditor and board of supervisors.

SEC. 3. Section 2927.2 is added to said code, to read:

Insertions

2927.2. Annually, after the taxes on the unsecured roll become delinquent, the collector shall insert in the abstract list or prepare a delinquent roll or an abstract list of, all unpaid items.

SEC. 4. Section 2927.3 is added to said code, to read:

Certification

2927.3. Upon completion of any delinquent roll or abstract list, or the insertion of new information on an abstract list, the auditor shall certify thereon that it contains a true and correct statement of all essential information necessary to the collection of and relating to unpaid taxes on unsecured property recorded in the rolls specified by the auditor in the certificate. All entries formerly required by law to be made on the specified rolls shall thereafter be made on the delinquent roll or the abstract list.

SEC. 5. Section 2927.4 is added to said code, to read:

2927.4. Errors occurring in the delinquent roll or abstract list may be corrected under the same conditions, except as to time, and in the same manner as they would be corrected if they occurred on the original unsecured roll. Errors

SEC. 6. Section 2927.5 is added to said code, to read:

2927.5. The delinquent roll, abstract list, or a copy certified by the collector, showing unpaid taxes against any unsecured property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of taxes due and unpaid, and that there has been compliance with all forms of law relating to assessment, equalization and levy of taxes. Prima facie evidence

SEC. 7. Section 2928 is added to said code, to read:

2928. Any original unsecured roll more than five years old containing the information set forth in the delinquent roll or in an abstract list may be destroyed by the county officer in possession of the rolls; except that (a) such destruction shall, in all cases, first be approved by order of the board of supervisors of the county, and (b) the delinquent roll or abstract list shall first have been certified as correct and complete by the county auditor. Destruction

SEC. 8. Section 2928.1 is added to said code, to read:

2928.1. Upon destruction of the original unsecured roll pursuant to Section 2928, any taxes on any property or any interest therein which theretofore became delinquent but does not appear in the delinquent roll or abstract list shall conclusively be presumed to have been paid and the delinquency satisfied. Presumption of payment

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CHAPTER 490

An act to amend Section 2616 of the Revenue and Taxation Code, relating to accounting for moneys collected by tax collector.

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.] In effect September 15, 1961

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

SECTION 1. Section 2616 of the Revenue and Taxation Code is amended to read:

2616. On or before the fifth day in each month the tax collector shall account to the auditor for all moneys collected during the preceding month. On the same day he shall file with the auditor a statement under oath, showing that all money collected by him has been paid as required by law.

On or before the 25th day of each month, or at greater intervals not exceeding 90 days and on dates approved by the auditor, the tax collector shall file with the auditor a statement under oath, showing an itemized account of all his transactions and receipts since his last settlement, including the amount collected for each fund or district extended on the roll.

CHAPTER 491

An act to add Section 7068.5 to the Business and Professions Code, relating to contractors.

In effect September 15, 1961

[Approved by Governor May 24, 1961 Filed with Secretary of State May 24, 1961]

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

SECTION 1. Section 7068.5 is added to the Business and Professions Code, to read:

7068.5. It is a misdemeanor for any person other than the examinee named in the application to take the qualifying examination on behalf of an applicant for a contractor's license.

CHAPTER 492

An act to add Section 7029.5 to the Business and Professions Code, relating to water well contractors.

In effect September 15, 1961

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961]

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

SECTION 1. Section 7029.5 is added to the Business and Professions Code, to read:

7029.5. It is unlawful for any well-drilling contractor, as defined in Section 7026.3 of this chapter, to use any truck or drill rig in connection with the drilling of water wells unless there is displayed on each side of each truck or drill rig used the name of the contractor, the contractor's permanent business address, and his license number, in letters not less than 1½ inches high.

CHAPTER 493

An act to add Section 6363.5 to the Revenue and Taxation Code, relating to sales and use tax exemptions.

In effect September 15, 1961

[Approved by Governor May 24, 1961 Filed with Secretary of State May 24, 1961]

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

SECTION 1. Section 6363.5 is added to the Revenue and Taxation Code, to read:

6363.5. There are exempted from the taxes imposed by this part the gross receipts from the sale of, and the storage, use or other consumption in this State of, meals for human

consumption served by any religious organization at a social or other gathering conducted by it or under its auspices, if the purpose in serving the meals is to obtain revenue for the functions and activities of the organization and the revenue obtained from serving the meals is actually used in carrying on such functions and activities.

For the purposes of this section, "religious organization" means any organization the property of which is exempt from taxation pursuant to Section 1½ of Article XIII of the State Constitution.

CHAPTER 494

An act to amend Section 2150 of the Streets and Highways Code, relating to county road funds.

[Approved by Governor May 24, 1961 Filed with Secretary of State May 24, 1961]

In effect September 15, 1961

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

SECTION 1. Section 2150 of the Streets and Highways Code is amended to read:

2150. All amounts paid to each county, out of the Highway Users Tax Fund shall be deposited in its road fund. The board may deposit in said fund any other money available for roads. All money received by a county from the Highway Users Tax Fund and all money deposited by a county in its road fund shall be expended by the county exclusively for county roads and for other public street and highway purposes as provided by law.

The amounts paid to a county for snow removal on county roads and for heavy rainfall and storm damage on county roads, pursuant to Section 2110, shall be kept in separate accounts in its road fund and shall be used solely for the purpose for which apportioned.

CHAPTER 495

An act to amend Section 2015.5 of the Code of Civil Procedure, relating to statements made under penalty of perjury.

[Approved by Governor May 24, 1961 Filed with Secretary of State May 24, 1961]

In effect September 15, 1961

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

SECTION 1. Section 2015.5 of the Code of Civil Procedure is amended to read:

2015.5. Whenever, under any law of this State or under any rule, regulation, order or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn statement, declaration, verification, certificate, oath, or affidavit, in writ-

ing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may with like force and effect be supported, evidenced, established or proved by the unsworn statement, declaration, verification, or certificate, in writing of such person stating the date and place of execution, and which is subscribed by him and certified or declared by him to be true "under penalty of perjury," which certification or declaration may be in substantially the following form:

I certify (or declare) under penalty of perjury that the forego ng is true and correct.

CHAPTER 496

An act to amend Sections 1985, 2016, and 2034 of the Code of Civil Procedure, relating to subpoenas.

In effect September 15, 1961

[Approved by Governor May 24, 1961 Filed with Secretary of State May 24, 1961]

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

SECTION 1. Section 1985 of the Code of Civil Procedure is amended to read:

Subpoenas

1985. The process by which the attendance of a witness is required is the subpoena. It is a writ or order directed to a person and requiring his attendance at a particular time and place to testify as a witness. It may also require him to bring with him any books, documents, or other things under his control which he is bound by law to produce in evidence.

Subpoena duces tecum

An application before trial for a subpoena duces tecum shall be, or contain, an affidavit showing good cause for the production of the matters and things described in such subpoena and shall specify the exact matters or things desired to be produced, shall set forth in full detail the materiality thereof to the issues involved in the case, and shall state that the witness has the desired matters or things in his possession or under his control.

SEC. 2. Section 2016 of said code is amended to read:

Depositions

2016. (a) Any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for the purpose of discovery or for use as evidence in the action or for both purposes. Such depositions may be taken in an action at any time after the service of the summons or the appearance of the defendant, and in a special proceeding after a question of fact has arisen therein. After commencement of the action, the deposition may be taken without leave of court, except that leave of court, granted with or without notice, and for good cause shown, must be obtained if the notice of the taking of the deposition is served by the

plaintiff within 20 days after service of the summons on, or appearance of, the defendant. The attendance of witnesses or the production of books, documents, or other things at depositions may be compelled by the use of subpoena as provided in Chapter 2 (commencing with Section 1985), Title 3, Part 4 of this code.

(b) Unless otherwise ordered by the court as provided by subdivision (b) or (d) of Section 2019 of this code, the deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the examining party, or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection that the testimony will be inadmissible at the trial if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence. All matters which are privileged against disclosure upon the trial under the law of this State are privileged against disclosure through any discovery procedure. This article shall not be construed to change the law of this State with respect to the existence of any privilege, whether provided for by statute or judicial decision, nor shall it be construed to incorporate by reference any judicial decisions on privilege of any other jurisdiction.

(c) Examination and cross-examination of deponents may proceed as permitted at the trial under the provisions of this code

(d) At the trial or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the rules of evidence, may be used against any party who was present or represented at the taking of the deposition or who had due notice thereof, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(2) The deposition of a party to the record of any civil action or proceeding or of a person for whose immediate benefit said action or proceeding is prosecuted or defended, or of anyone who at the time of taking the deposition was an officer, director, superintendent, member, agent, employee, or managing agent of any such party or person may be used by an adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the court finds: (i) that the witness is dead; or (ii) that the witness is at a greater distance than 150 miles from the place of trial or hearing, or is out of the State, unless it appears that the absence of the witness was procured by the party offering the deposition; or (iii) that the witness is unable to attend or testify because of

age, sickness, infirmity, or imprisonment; or (iv) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or (v) upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used.

(4) Subject to the requirements of this section, a party may offer in evidence all or any part of a deposition, and if such party introduces only part of such deposition, any party may introduce any other parts.

Substitution of parties does not affect the right to use depositions previously taken; and, when an action in any court of the United States or of any state has been dismissed and another action involving the same subject matter is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken and duly filed in the former action may be used in the latter as if originally taken therefor.

(e) Subject to the provisions of subdivision (c) of Section 2021 of this code, objection may be made at the trial or hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(f) A party shall not be deemed to make a person his own witness for any purpose by taking his deposition. Except where the deposition is used under the provisions of paragraph (2) of subdivision (d) of this section, the introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent, or for explaining or clarifying portions of the said deposition offered by an adverse party, makes the deponent the witness of the party introducing the deposition, as to the portions of the deposition introduced by said party. At the trial or hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by another party.

SEC. 3. Section 2034 of said code is amended to read:

Refusal to answer

2034. (a) If a party or other deponent refuses to answer any question propounded upon examination during the taking of a deposition, or refuses to produce at a deposition any books, documents or other things under his control pursuant to a subpoena duces tecum, the examination shall be completed on other matters or adjourned, as the proponent of the question may prefer. Such proponent, on reasonable notice to all persons affected thereby, may apply to the court in which the action is pending (if the deponent is a party or otherwise subject to the jurisdiction of such court), or if such court does not have jurisdiction over the deponent, to the superior court of the county in which the deposition is taken for an order compelling an answer or if good cause is shown, the production of such book, document, or other thing. Such motion may also be made, with-

out further notice, if the proponent notifies the refusing party or other deponent at the time of such refusal that the proponent will apply to the court for an order pursuant to this subdivision of this section, at a specified time not less than 10 nor more than 30 days from the date of such refusal, in which event the officer before whom the deposition is taken shall direct the refusing party or other deponent to attend a session of said court at said time. Not less than five days prior to the hearing on any such motion, the proponent must lodge with the court the original transcript of such deposition. Upon the refusal of a party to answer any interrogatory submitted under Section 2030 of this code, the proponent of the question may on like notice make like application for such an order. Upon the refusal of a party to admit or deny the genuineness of any documents or the truth of any matters of fact, after having been served with a request under Section 2033 of this code, the party serving such request may on like notice make like application for an order requiring further answers to such request or, in the alternative, for an order that the genuineness of said documents or the truth of said matters of fact be deemed admitted for the purpose of the action. If the motion is granted and if the court finds that the refusal was without substantial justification the court may require the refusing party or deponent and the party or attorney advising the refusal or either of them to pay to the examining party the amount of the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees If the motion is denied and if the court finds that the motion was made without substantial justification, the court may require the examining party or the attorney advising the motion or both of them to pay to the refusing party or witness the amount of the reasonable expenses incurred in opposing the motion including reasonable attorney's fees.

(b) (1) The court may punish as a contempt (i) the refusal of any person to obey a subpoena issued by that court to attend a deposition or to be sworn as a witness, or (ii) the refusal of any person to attend a session of court (either personally or by his attorney) after having been directed to attend in the manner provided in subdivision (a) of this section, or (iii) the refusal of any person to obey any order made by the court under subdivision (a) of this section.

(2) If any party or person for whose immediate benefit the action or proceeding is prosecuted or defended, or an officer, director, superintendent, member, agent, employee or managing agent of any such party or person refuses to obey an order made under subdivision (a) of this section, or if any party or an officer or managing agent of a party refuses to obey an order made under Sections 2019, 2031 or 2032 of this code, the court may make such orders in regard to the refusal as are just, and among others the following:

(i) An order that the matters regarding which the questions were asked, or the character or description of the thing or land,

or the contents of the paper, or the physical or mental or blood condition of the person sought to be examined, or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(ii) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing in evidence designated documents or things or items of testimony, or from introducing evidence of the physical or mental or blood condition of the person sought to be examined;

(iii) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party;

(iv) An order requiring the disobedient party or the attorney advising such disobedience to pay to the party obtaining an order under this section the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees.

(v) In lieu of any of the foregoing orders or in addition thereto, an order directing the arrest of any party or agent of a party for disobeying any of such orders except an order to submit to a physical or mental or blood examination;

(vi) Where a party has failed to comply with an order under subdivision (a) of Section 2032 of this code requiring him to produce another for examination, such orders as are listed in (i), (ii), and (iii) of this subdivision of this section, unless the party failing to comply shows that he is unable to produce such person for examination.

(c) If a party, after being served with a request under Section 2033 of this code to admit the genuineness of any documents or the truth of any matters of fact, serves a sworn denial thereof and if the party requesting the admissions thereafter proves the genuineness of any such document or the truth of any such matter of fact, he may apply to the court in the same action for an order requiring the other party to pay him the reasonable expenses incurred in making such proof, including reasonable attorney's fees. If the court finds that there were no good reasons for the denial and that the admissions sought were of substantial importance, the order shall be made.

(d) If a party or a person for whose immediate benefit the action or proceeding is prosecuted or defended or anyone who at the time the deposition is set is an officer, director, or managing agent of any such party or person willfully fails to appear before the officer who is to take his deposition, after said party or his attorney has been served with a proper notice in accordance with the provisions of subdivision (a) (4) of Section 2019 of this code, or if a party or an officer or managing agent of a party willfully fails to serve answers to interrogatories submitted under Section 2030 of this code, after proper service of such interrogatories, the court on motion and notice may strike out all or any part of any pleading of that

party, or dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose such other penalties of a lesser nature as the court may deem just, and may order that party or his attorney to pay to the moving party the reasonable expenses in making such motion, including reasonable attorney's fees.

CHAPTER 497

An act to amend Section 1461 of the Probate Code, relating to guardianship.

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1461 of the Probate Code is amended to read:

1461. Any relative or friend may file a verified petition alleging that a person is insane or incompetent, and setting forth the names and residences, so far as they are known to the petitioner, of the relatives of the alleged insane or incompetent person within the second degree residing within or without the State. The clerk shall set the petition for hearing by the court and issue a citation directed to the alleged insane or incompetent person setting forth the time and place of hearing so fixed by him.

If the alleged insane or incompetent person is within the State the citation and a copy of the petition shall be personally served on him in the same manner as provided by law for the service of summons. If the alleged insane or incompetent person is not within the State the citation and a copy of the petition shall be delivered to him, personally. In all cases service shall be made on the alleged insane or incompetent person at least 10 days before the time of hearing unless the time is shortened by the court for good cause shown.

Notice of the nature of the proceedings and of the time and place of the hearing shall be mailed by the petitioner to each of the relatives of the alleged insane or incompetent person named in the petition at least 15 days before the time of hearing unless the time is shortened by the court for good cause shown. The court may order that similar notice be given to other persons in such manner as the court may direct. Any relative or friend of the alleged insane or incompetent person may appear and oppose the petition.

If the alleged insane or incompetent person is within the State and is able to attend, he must be produced at the hearing, and if he is not able to attend by reason of physical inability or by reason that the presence of such person in

court would retard or impair the recovery of such person or would increase his mental debility, such inability or harmful effect must be evidenced by the affidavit or certificate of a duly licensed medical practitioner, unless such alleged insane or incompetent person is a patient at a county or state hospital in this State in which case the affidavit or certificate shall be by the medical director or medical superintendent or acting medical director or medical superintendent of such county or state hospital.

If the alleged insane or incompetent person is not within the State and if the court determines that his attendance at the hearing is necessary in the interest of justice, the court may order him to be produced at the hearing upon penalty of dismissing the petition if he is not produced. If such an order is made and it is contended that the alleged insane or incompetent person is not able to attend by reason of physical inability or by reason that the presence of such person in court would retard or impair the recovery of such person or would increase his mental debility, such inability or harmful effect must be evidenced by the affidavit or certificate of a duly licensed medical practitioner, unless such alleged insane or incompetent person is a patient at a county or state hospital in which case the affidavit or certificate shall be by the medical director or medical superintendent or acting medical director or medical superintendent of such county or state hospital.

All affidavits or certificates provided by this section shall be prima facie evidence of the facts contained therein.

CHAPTER 498

An act to amend Section 1754 of the Probate Code, relating to conservatorships.

In effect September 15, 1961

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.]

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

SECTION 1. Section 1754 of the Probate Code is amended to read:

1754. Any person or any relative or friend of any person, other than a creditor of the proposed conservatee, may file a verified petition alleging that the appointment of a conservator is required. The petition shall set forth, so far as they are known to the petitioner, the names and residences of the spouse, if any, and of the relatives of the proposed conservatee within the second degree. Upon the filing of the petition, the clerk shall set the same for hearing by the court. Notice of the nature of the proceedings and of the time and place of the hearing on the petition shall be mailed by the petitioner to

said spouse, if any, and to each of such relatives at least fifteen (15) days before such hearing date. If the petition is filed by a person other than the proposed conservatee, the clerk shall issue a citation directed to the proposed conservatee setting forth the time and place of the hearing. Said citation, and a copy of the petition, shall be personally served upon the proposed conservatee in the same manner as is provided by law for the service of summons, at least ten (10) days before the time of the hearing. The proposed conservatee, if he is the petitioner, or if he is in the State at date of service and, if able to attend, must be produced at the hearing, and, if not able to attend by reason of physical or other inability, such inability must be established by the affidavit or certificate of a duly licensed medical practitioner. Whenever a notice to any officer or agency of this State or of the United States of America would be required upon a petition for the appointment of a guardian of an alleged incompetent person a like notice shall be given of a petition under this chapter. Any such officer or agency or any relative or friend of such person or the proposed conservatee may appear and oppose the petition.

CHAPTER 499

An act to amend Sections 23222a, 23332, 23501, 25401b, 25663, 25672, 26073c and 26281 of, and to add Sections 21612, 25672a, 25672b, 25672c and 25672d to the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations and Massachusetts trusts, to take effect immediately.

[Approved by Governor May 24, 1961 Filed with Secretary of State May 24, 1961]

In effect immediately

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

SECTION 1. Section 23222a of the Revenue and Taxation Code is amended to read:

23222a. In every case in which the second or succeeding taxable years of a commencing taxpayer constitute a period of less than 12 months or in which the taxpayer does business for a period of less than 12 months during its second or succeeding taxable years, the tax for such year or years shall be measured by the income of that period or periods subject to the continuation of the prepayment procedure outlined in Section 23222. In no event shall the income of any period or periods herein described be used as the measure of the tax, other than the prepayment, until the last short period is succeeded by a taxable period of 12 months, in which case the income of the last short period shall, if greater than the income of the 12-month period, constitute the measure of the tax for such 12-month period.

Short years

Thereafter the procedure outlined in Section 23222, in respect of the second and third taxable years, shall apply and the taxpayer shall not be subject to the provisions of this section.

In the event that a taxpayer is dissolved or withdraws from this State while subject to the provisions of this section, its tax for the year of dissolution or withdrawal shall be measured by its net income for such year. However, in no event shall the tax be less than the minimum tax provided by Section 23153.

SEC. 2. Section 23332 of said code is amended to read:

Dissolution or withdrawal from state during taxable year

23332. Except in the case of a taxpayer subject to the provisions of Section 23222a, any taxpayer which is dissolved or withdraws from the State during any taxable year shall pay a tax only for the months of the taxable year which precede the effective date of such dissolution or withdrawal, according to or measured by (a) the net income of the preceding income year or (b) a percentage of net income determined by ascertaining the ratio which the months of the taxable year, preceding the effective date of dissolution or withdrawal, bears to the months of the income year, whichever is the lesser amount. As to financial corporations, the offset from the tax for the months of such taxable year prior to the effective date of such dissolution or withdrawal shall not exceed that proportion of the offset computed under Sections 23184 to 23185(b), inclusive, which the number of said months prior to the effective date of such dissolution or withdrawal bears to the number of months of the preceding income year. The taxes levied under this chapter shall not be subject to abatement or refund because of the cessation of business or corporate existence of any taxpayer pursuant to a reorganization, consolidation, or merger (as defined by Section 23251). In any event, each corporation shall pay a tax not subject to offset for such period in an amount equal to the minimum tax prescribed by Section 23153.

SEC. 3. Section 23501 of said code is amended to read:

Tax rate

23501. There shall be imposed upon every corporation for each taxable year, a tax at the rate of 5.5 percent upon its net income derived from sources within this State on or after January 1, 1937, other than income for any period for which the corporation is subject to taxation under Chapter 2 of this part, according to or measured by its net income.

SEC. 4. Section 25401b of said code is amended to read:

Tax credit

25401b. (1) For purposes of this part the amount deducted and withheld under Section 26131 during any calendar year shall be allowed to the bank or corporation from which such amount was deducted and withheld as a credit against the tax imposed by this part.

(2) The amount so withheld during any calendar year shall be allowed as a credit for the income year of the bank or corporation with respect to which such amount was withheld.

(3) For purposes of Section 26073, any tax actually deducted and withheld during any calendar year under Section 26131 shall, in respect of the bank or corporation from which

such amount was deducted and withheld, be deemed to have been paid by it on the 15th day of the third month following the close of the income year with respect to which such tax was deducted and withheld.

SEC. 5. Section 25663 of said code is amended to read:

Notice of additional tax

25663. (a) Except in the case of a fraudulent return, and except as otherwise expressly provided in this part, every notice of additional tax proposed to be assessed shall be mailed to the taxpayer within four years after the return was filed. No deficiency shall be assessed or collected with respect to the year for which such return was filed unless the notice is mailed within the four-year period or as otherwise provided.

(b) For the purposes of this section and Sections 25663a and 25663c a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day. For purposes of Section 26073, payment of any portion of the tax made before the last day prescribed for the payment of the tax shall be considered made on such last day.

SEC. 6. Section 25672 of said code is amended to read:

Bankruptcy

25672. Upon the adjudication of bankruptcy of any taxpayer in any bankruptcy proceeding or the appointment of a receiver for any taxpayer in any receivership proceeding before any court of the United States or of any state or territory or of the District of Columbia, any deficiency (together with all interest, additional amounts, or additions to the tax provided for by law) determined by the Franchise Tax Board in respect of a tax imposed by this act upon such taxpayer may be immediately assessed.

SEC. 7. Section 26073c of said code is amended to read:

Overpayments

26073c. (1) Notwithstanding any statute of limitations otherwise provided for in this part, any overpayment due a taxpayer for any year, shall be allowed as an offset in computing any deficiency in tax, for the same or any other year, if such overpayment results from:

(a) A transfer of items of income or deductions or both to or from another year for the same taxpayer; or

(b) A transfer of items of income or deductions or both to or from another taxpayer for the same or different years if such items of income or deductions are transferred between affiliated taxpayers whose tax is determined under Chapter 17 of this part.

(2) The offset provided by subdivision (1) shall not be allowed after the expiration of seven years from the due date of the return or returns on which the overpayment is determined.

(3) No refund shall be allowed under subdivision (1) unless the overpayment is certified to the State Board of Control, or a claim for refund is filed within the time otherwise provided for in this part.

SEC. 8. Section 26281 of said code is amended to read:

Refunds

26281. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is

erroneously allowed, may be recovered, together with interest at the rate of 6 percent per annum from the date the refund was made or the credit allowed, in an action brought by the Franchise Tax Board after the refund or credit was made, in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California within: (a) two years after the refund or credit was made, or (b) during the period within which the Franchise Tax Board may mail a notice of proposed additional assessment, whichever period expires the later.

SEC. 9. Section 24612 is added to said code, to read:

Foreign trusts

24612. If a stock bonus, pension, or profit-sharing trust would qualify for exemption under Section 17501 of the code, except for the fact that it is a trust created or organized outside of this State, contributions to such trust by a bank or corporation subject to the tax imposed by this part shall be deductible to the extent provided by Sections 24601 to 24611, inclusive.

SEC. 10. Section 25672a is added to said code, to read:

Deficiency claims

25672a. Claims for the deficiency and such interest, additional amounts, and additions to the tax may be presented, for adjudication in accordance with law, to the court before which the bankruptcy or receivership proceeding is pending, despite the pendency of an appeal to the board; but no petition for any appeal shall be filed with said board after the adjudication of bankruptcy or the appointment of a receiver.

SEC. 11. Section 25672b is added to said code, to read:

Regulation of trustees in bankruptcy, etc.

25672b Every receiver, trustee in bankruptcy, assignee for benefit of creditors, or other like fiduciary, shall give notice of his qualification as such to the Franchise Tax Board in such manner and at such time as may be required by regulations of the Franchise Tax Board. The Franchise Tax Board may by regulation provide such exemptions from the requirements of this section as the Franchise Tax Board deems proper.

SEC. 12. Section 25672c is added to said code, to read:

Same

25672c. If the regulations issued pursuant to Section 25672b require the giving of notice by any fiduciary in any proceeding under the Bankruptcy Act, or by a receiver in any other court proceeding, to the Franchise Tax Board of his qualification as such, the running of the period of limitations on the mailing of notice of proposed additional assessments shall be suspended for the period from the date of the institution of the proceeding to a date 30 days after the date upon which the notice from the receiver or other fiduciary is received by the Franchise Tax Board; but the suspension under this section shall in no case be for a period in excess of two years.

SEC. 13. Section 25672d is added to said code, to read:

Collection of unpaid claims

25672d. Any portion of a claim allowed in a bankruptcy or receivership proceeding which is unpaid shall be paid by the taxpayer upon notice and demand from the Franchise Tax Board after the termination of such proceeding and may be

collected in the manner provided in this part for the collection of delinquent taxes at any time within six years after termination of such proceeding.

SEC. 14. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into effect immediately. Tax levy

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CHAPTER 500

An act to amend Sections 17207, 17612, 17736, 17852, 18405, 18434, 18551.1, 18586, 18588, 18650, 18651 and 19111 of the Revenue and Taxation Code, relating to personal income taxes, to take effect immediately.

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.] In effect immediately

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

SECTION 1. Section 17207 of the Revenue and Taxation Code is amended to read:

17207. (a) (1) There shall be allowed as a deduction any debt which becomes worthless within the taxable year (2) When satisfied that a debt is recoverable only in part, the Franchise Tax Board may allow such debt in an amount not in excess of the part charged off within the taxable year, as a deduction. Worthless debt deduction

(b) For purposes of subsection (a), the basis for determining the amount of the deduction for any bad debt shall be the adjusted basis provided in Section 18041 for determining the loss from the sale or other disposition of property.

(c) In lieu of any deduction under subsection (a), there shall be allowed (in the discretion of the Franchise Tax Board) a deduction for a reasonable addition to a reserve for bad debts.

(d) (1) (A) Subsections (a) and (c) shall not apply to any nonbusiness debt; and

(B) Where any nonbusiness debt becomes worthless within the taxable year, the loss resulting therefrom shall be considered a loss from the sale or exchange, during the taxable year, of a capital asset held for not more than six months.

(2) For purposes of paragraph (1), the term "nonbusiness debt" means a debt other than—

(A) A debt created or acquired (as the case may be) in connection with a trade or business of the taxpayer; or

(B) A debt the loss from the worthlessness of which is incurred in the taxpayer's trade or business.

(e) This section shall not apply to a debt which is evidenced by a security as defined in Section 17206(g)(2)(C).

(f) A payment by the taxpayer in discharge of part or all of his obligation as a guarantor, endorser, or indemnitor of a noncorporate obligation the proceeds of which were used in

the trade or business of the borrower shall be treated as a debt becoming worthless within such taxable year for purposes of this section (except that subsection (d) shall not apply), but only if the obligation of the borrower to the person to whom such payment was made was worthless (without regard to such guaranty, endorsement, or indemnity) at the time of such payment.

SEC. 2. Section 17612 of said code is amended to read:

Adjustments

17612. (a) If—

(1) The method of accounting from which the change is made was used by the taxpayer in computing his taxable income for the two taxable years preceding the year of the change, and

(2) The increase in taxable income for the year of the change which results solely by reason of the adjustments required by Section 17611(b) exceeds three thousand dollars ($3,000),

then the tax under this part attributable to such increase in taxable income shall not be greater than the aggregate of the taxes under this part (or under the corresponding provisions of prior income tax laws) which would result if one-third of such increase were included in taxable income for the year of the change and one-third of such increase were included for each of the two preceding taxable years.

(b) If—

(1) The increase in taxable income for the year of the change which results solely by reason of the adjustments required by Section 17611(b) exceeds three thousand dollars ($3,000); and

(2) The taxpayer establishes his taxable income (under the new method of accounting) for one or more taxable years consecutively preceding the taxable year of the change for which the taxpayer in computing taxable income used the method of accounting from which the change is made;

then the tax under this part attributable to such increase in taxable income shall not be greater than the net increase in the taxes under this part which would result if the adjustments required by Section 17611(b) were allocated to the taxable year or years specified in paragraph (2) to which they are properly allocable under the new method of accounting and the balance of the adjustments required by Section 17611(b) was allocated to the taxable year of the change.

(c) For purposes of this section—

(1) There shall be taken into account the increase or decrease in tax for any taxable year preceding the year of the change to which no adjustment is allocated under subsection (a) or (b) but which is affected by a capital loss carryover (as defined in Section 18152(b), determined with reference to taxable years with respect to which adjustments under subsection (a) or (b) are allocated.

(2) The increase or decrease in the tax for any taxable year for which an assessment of any deficiency, or a credit or refund

of any overpayment, is prevented by any law or rule of law, shall be determined by reference to the tax previously determined for such year.

SEC. 3. Section 17736 of said code is amended to read:

Deductions allowed estates and trusts

17736. The benefit of the deductions for amortization of emergency, grain storage, or atomic energy facilities provided by Section 17212 shall be allowed to estates and trusts in the same manner as in the case of an individual. The allowable deduction shall be apportioned between the income beneficiaries and the fiduciary under regulations prescribed by the Franchise Tax Board.

SEC. 4. Section 17852 of said code is amended to read:

Partnerships' Distributive shares

17852. In determining his income tax, each partner shall take into account separately his distributive share of the partnership's—

(a) Gains and losses from sales or exchanges of capital assets held for not more than six months;

(b) Gains and losses from sales or exchanges of capital assets held for more than six months;

(c) Gains and losses from sales or exchanges of property described in Section 18181 and 18182 (relating to certain property used in a trade or business and involuntary conversions);

(d) Charitable contributions (as defined in Section 17214);

(e) Political contributions (as defined in Section 17227);

(f) Taxes, described in Section 18006, paid to another state on such income;

(g) Other items of income, gain, loss, deduction, or credit, to the extent provided by regulations prescribed by the Franchise Tax Board; and

(h) Taxable income or loss, exclusive of items requiring separate computation under other subsections of this section.

SEC. 5. Section 18405 of said code is amended to read:

Fiduciary returns

18405. Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make a return, which shall contain or be verified by a written declaration that it is made under the penalties of perjury, for any of the following taxpayers for whom he acts, stating specifically the items of gross income of the taxpayer and the deductions and credits allowed under this part:

(a) Every individual having a net income for the taxable year of one thousand five hundred dollars ($1,500) or over if single.

(b) Every individual having a net income for the taxable year of three thousand dollars ($3,000) or over, if married

(c) Every individual having a gross income for the taxable year of five thousand dollars ($5,000) or over, regardless of the amount of his net income.

(d) Every estate the net income of which for the taxable year is one thousand dollars ($1,000) or over.

(e) Every trust the net income of which for the taxable year is one hundred dollars ($100) or over.

(f) Every estate or trust the gross income of which for the taxable year is five thousand dollars ($5,000) or over, regardless of the amount of the net income.

(g) Every decedent, for the year in which death occurred, and for prior years, if returns for such years should have been filed but have not been filed by the decedent, under such rules and regulations as the Franchise Tax Board may prescribe.

SEC. 6. Section 18434 of said code is amended to read:

Extension of time

18434. (a) In the case of a taxpayer who is serving as a member of the armed forces of the United States or any auxiliary branch thereof, or the merchant marine, beyond the boundaries of the United States, the Franchise Tax Board shall automatically grant, without application being made therefor, an extension of time, free from interest and penalties, for filing the return, for payment of the tax, for taking any of the steps required by Sections 18590, 18593, 19053, 19057 and 19058 of the Revenue and Taxation Code, until 180 days after his return to the United States.

(b) "United States," as used in subsection (a) means the 50 states of the United States and the District of Columbia.

SEC. 7. Section 18551.1 of said code is amended to read:

Tax credits

18551.1. (a)(1) For purposes of this part, the amount deducted and withheld under Section 18805 during any calendar year shall be allowed to the person from whom such amount was deducted and withheld as a credit against the tax imposed by this part.

(2) The amount so withheld during any calendar year shall be allowed as a credit for the taxable year with respect to which such amount was withheld.

(b) For purposes of Section 19053, any tax actually deducted and withheld during any calendar year under Section 18805 shall, in respect of the person from whom such amount was deducted and withheld, be deemed to have been paid by him on the 15th day of the fourth month following the close of the taxable year with respect to which such tax was deducted and withheld.

SEC. 8. Section 18586 of said code is amended to read:

Notice of deficiency

18586. Except in case of a fraudulent return and except as otherwise expressly provided in this part, every notice of a proposed deficiency assessment shall be mailed to the taxpayer within four years after the return was filed. No deficiency shall be assessed or collected with respect to the year for which the return was filed unless the notice is mailed within the four-year period or the period otherwise fixed

SEC. 9. Section 18588 of said code is amended to read:

Filing of return

18588. For the purposes of Sections 18586, 18586.1 and 18587 a return filed before the last day prescribed by law for filing shall be considered as filed on that day. For purposes of Section 19053, payment of any portion of the tax made

before the last day prescribed for the payment of the tax shall be considered made on such last day.

SEC. 10. Section 18650 of said code is amended to read:

Regulation of trustees in bankruptcy, etc

18650. (a) Every trustee in bankruptcy, receiver, assignee for the benefit of creditors or like fiduciary shall give notice of his qualification as such to the Franchise Tax Board in such manner and at such time as may be required by regulations of the Franchise Tax Board. The Franchise Tax Board may by regulation provide such exemptions from the requirements of this section as the Franchise Tax Board deems proper.

(b) If the regulations issued pursuant to this section require the giving of any notice by any fiduciary in any proceeding under the Bankruptcy Act, or by a receiver in any other court proceeding to the Franchise Tax Board of his qualification as such, the running of the period for mailing notice of proposed additional assessments shall be suspended for the period from the date of the institution of the proceeding to a date 30 days after the date upon which the notice from the receiver or other fiduciary is received by the Franchise Tax Board; but the suspension under this section shall in no case be for a period in excess of two years.

SEC. 11. Section 18651 of said code is amended to read:

Deficiency claims

18651. Claims for the deficiency and such interest, additional amounts and additions to the tax may be presented, for adjudication in accordance with law, to the court before which the bankruptcy or receivership proceeding is pending, despite the pendency of an appeal to the board. No appeal may be filed with the board after the adjudication of bankruptcy or the appointment of the receiver.

SEC. 12. Section 19111 of said code is amended to read:

Recovery of refund

19111. The Franchise Tax Board may recover any refund or credit or any portion thereof which is erroneously made or allowed, together with interest at the rate of 6 percent per annum from the date the refund was made or the credit allowed, in an action brought in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California within: (a) two years after the refund or credit was made, or (b) during the period within which the Franchise Tax Board may mail a notice of proposed additional assessment, whichever period expires the later.

Tax levy

SEC. 13. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into effect immediately.

CHAPTER 501

An act to amend Section 28157 of the Government Code, relating to county officers.

In effect September 15, 1961

[Approved by Governor May 24, 1961 Filed with Secretary of State May 24, 1961]

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

SECTION 1. Section 28157 of the Government Code is amended to read:

28157. In a county of the 57th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand two hundred dollars ($7,200) a year.

(b) The district attorney, six thousand two hundred dollars ($6,200) a year.

(c) Each supervisor, two thousand four hundred dollars ($2,400) a year and twenty cents ($0.20) a mile one way to board meetings.

(d) Jurors' fees shall be as follows: for each day's attendance as a grand juror or trial juror in the superior court six dollars ($6), and twenty cents ($0.20) for each mile actually traveled in attending court as such juror, in going only. The county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror. The auditor shall draw his warrant therefor, and the treasurer shall pay the warrant.

CHAPTER 502

An act to amend Section 28147 of the Government Code, and to amend Section 28149 of the Government Code, as proposed by Assembly Bill No. 640, relating to compensation for public service in counties of the 47th class.

In effect September 15, 1961

[Approved by Governor May 24, 1961 Filed with Secretary of State May 24, 1961]

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

SECTION 1. Section 28147 of the Government Code is amended to read:

Forty-seventh class county: Inyo

28147. In a county of the 47th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eight thousand one hundred dollars ($8,100) a year.

(b) The district attorney, fourteen thousand dollars ($14,000) a year for his services. He shall devote his entire time

to the duties of his office and shall not engage in the private practice of law during his term of office.

(c) Each supervisor, three thousand dollars ($3,000) a year and thirty cents ($0.30) a mile one way in attending the meetings of the board.

(d) Jurors shall receive the following fees and mileage:

For attending as a grand juror or as a trial juror in the superior court, for each day's actual attendance six dollars ($6), and twenty cents ($0.20) for each mile actually traveled, in going only; for attending as a trial juror in the justice court, in civil cases only, for each day's actual attendance five dollars ($5), and twenty cents ($0.20) for each mile actually traveled, in going only. The fees of jurors shall be paid to them on each day during the period of their attendance, if demanded, and the mileage shall be paid at the time the fee for the first day's attendance is paid.

SEC. 2. Section 28149 of said code, as proposed by Assembly Bill No. 640, is amended to read:

28149. In a county of the 49th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Forty-ninth class county Inyo

(a) The auditor, eight thousand one hundred dollars ($8,100) a year.

(b) The district attorney, fourteen thousand dollars ($14,000) a year for his services. He shall devote his entire time to the duties of his office and shall not engage in the private practice of law during his term of office.

(c) Each supervisor, three thousand dollars ($3,000) a year and thirty cents ($0.30) a mile one way in attending the meetings of the board.

(d) Jurors shall receive the following fees and mileage:

For attending as a grand juror or as a trial juror in the superior court, for each day's actual attendance six dollars ($6), and twenty cents ($0.20) for each mile actually traveled, in going only; for attending as a trial juror in the justice court, in civil cases only, for each day's actual attendance five dollars ($5), and twenty cents ($0.20) for each mile actually traveled, in going only. The fees of jurors shall be paid to them on each day during the period of their attendance, if demanded, and the mileage shall be paid at the time the fee for the first day's attendance is paid.

SEC. 3. Section 2 of this act shall become operative only if Section 28149 of the Government Code as proposed by Assembly Bill No. 640 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 640 takes effect; at which time Section 28147 of the Government Code as amended by Section 1 of this act is repealed. Effect Stats 1961, Ch 43

CHAPTER 503

An act to amend Section 1068 of the Probate Code, relating to termination of no-asset estates.

In effect September 15, 1961

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.]

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

SECTION 1. Section 1068 of the Probate Code is amended to read:

1068. A verified petition may be signed and filed by or on behalf of the executor or administrator, at any time after his appointment and whether or not he has qualified as such, setting forth the fact that it appears that there is no property of any kind belonging to the estate and subject to administration, and praying for the termination of further proceedings and for his discharge. The clerk of the court must set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200 of this code. If it appears to the satisfaction of the court upon such hearing that the facts stated in the petition are true it shall make its order terminating the proceeding and discharging the executor or administrator. The verified petition referred to in this section may be filed and an order may be entered thereon without the return of an inventory provided for by Chapter 9 of Division III of this code.

CHAPTER 504

An act to amend Section 28144 of the Government Code, relating to compensation for public service in counties.

In effect September 15, 1961

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.]

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

SECTION 1. Section 28144 of the Government Code is amended to read:

Forty-fourth class county San Benito

28144. In a county of the 44th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, two thousand two hundred forty dollars ($2,240) a year.

(b) The district attorney, six thousand dollars ($6,000) a year.

(c) Each supervisor, two thousand six hundred forty dollars ($2,640) a year and twenty cents ($0.20) a mile for traveling expenses from his residence to the county seat, and also necessary expenses when on official business outside the county.

(d) Grand jurors, six dollars ($6) for each day's attendance while engaged in the performance of the duties required of them, and fifteen cents ($0.15) for each mile actually traveled, in going only, while acting as such jurors. The judge of the superior court shall make an order directing the auditor to draw his warrant on the treasurer in favor of the juror for the per diem and mileage, and the treasurer shall pay the warrant.

(e) Trial jurors in the superior court, six dollars ($6) for each day's attendance while engaged in the performance of the duties required of them, and fifteen cents ($0.15) for each mile actually traveled on the first day of attendance, in going only, while acting as such jurors. The judge of the superior court shall make an order directing the auditor to draw his warrant on the treasurer in favor of the juror for the per diem and mileage, and the treasurer shall pay the warrant.

SEC. 2. The increase in the compensation of the auditor and the district attorney and the grand and trial jurors shall go into effect on the first Monday of January, 1963 and the increase in the salary of each supervisor shall go into effect on the first Monday of January, 1965. Operative date

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CHAPTER 505

An act to amend Section 13517 of the Education Code, relating to school district employment.

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.] In effect September 15, 1961

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

SECTION 1. Section 13517 of the Education Code is amended to read:

13517. The governing board of any school district may arrange to pay the persons in positions requiring certification qualifications employed by it, or any one or more of such employees or one or more groups or categories of such employees, in either 10 or 11 or 12 equal payments instead of by the school month.

In lieu thereof, orders for the payment of salary, and payroll orders for the payment of salary and warrants for the payment of salary of employees employed in positions requiring certification qualifications may be drawn once each two weeks or once each four weeks as determined by the governing board.

CHAPTER 506

An act to add Section 12659.5 to the Health and Safety Code, relating to fireworks.

In effect September 15, 1961

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.]

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

SECTION 1. Section 12659.5 is added to the Health and Safety Code, to read:

12659.5. No retailer's license, either original or renewal, shall be issued to any retailer for any calendar year, or for the remaining portion thereof, unless application for such license is received by the State Fire Marshal on or before June 15 of such year.

CHAPTER 507

An act to amend Section 28143 of the Government Code, relating to compensation for public service in a county of the 43d class.

In effect September 15, 1961

[Approved by Governor May 24, 1961. Filed with Secretary of State May 24, 1961.]

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

SECTION 1. Section 28143 of the Government Code is amended to read:

28143. In a county of the 43d class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand six hundred dollars ($6,600) a year.

(b) The district attorney, six thousand six hundred dollars ($6,600) a year.

(c) Each supervisor, four hundred dollars ($400) a month and mileage at the rate of twenty cents ($0.20) for each mile actually traveled in the discharge of his duties as supervisor, not to exceed six hundred dollars ($600) a year. Each supervisor shall also receive his necessary expenses when the performance of his duty as supervisor takes him out of the county.

(d) Grand jurors and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance and fifteen cents ($0.15) for each mile actually and necessarily traveled from their residence to the county seat, to be allowed but once during each session the jurors are required to attend.

CHAPTER 508

An act to amend Section 440 of the Probate Code, relating to contents of petition for letters of administration.

[Approved by Governor May 25, 1961 Filed with Secretary of State May 25, 1961]

In effect September 15, 1961

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

SECTION 1. Section 440 of the Probate Code is amended to read:

440. A petition for letters of administration must be in writing, signed by the applicant or his counsel, and filed with the clerk of the court, and must state:

(1) The jurisdictional facts;

(2) The names, ages and post office addresses of the heirs of the decedent, so far as known to the applicant;

(3) The character and estimated value of the property of the estate.

Where the necessary jurisdictional facts actually exist but, through defect of form or error, they or any of them are incorrectly stated in any petition or pleading, the court has and retains jurisdiction to correct the defect or error at any time. No such defect or error shall make the order admitting the estate to probate or any subsequent proceeding void.

CHAPTER 509

An act to amend Section 326 of the Probate Code, relating to allegations in petition for probate of a will.

[Approved by Governor May 25, 1961 Filed with Secretary of State May 25, 1961]

In effect September 15 1961

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

SECTION 1. Section 326 of the Probate Code is amended to read:

326. A petition for the probate of the will must state:

(1) The jurisdictional facts;

(2) Whether the person named as executor consents to act or renounces his right to letters testamentary;

(3) The names, ages and residences of the heirs, devisees and legatees of the decedent, so far as known to the petitioner;

(4) The character and estimated value of the property of the estate;

(5) The name of the person for whom letters testamentary are prayed.

Where the necessary jurisdictional facts actually exist but through defect of form or error, they or any of them are incorrectly stated in any petition or pleading, the court has and

retains jurisdiction to correct the defect or error at any time. No such defect or error shall make the order admitting the estate to probate or any subsequent proceeding void.

CHAPTER 510

An act to amend Section 1050 of the Fish and Game Code, relating to licenses and tags.

In effect September 15, 1961

[Approved by Governor May 25, 1961. Filed with Secretary of State May 25, 1961.]

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

SECTION 1. Section 1050 of the Fish and Game Code is amended to read:

1050. All licenses, permits, and license tags authorized by this code shall be prepared and issued by the department.

The commission shall determine the form of all licenses and license tags and the method of carrying and displaying all licenses, and may require and prescribe the form of applications therefor, and the form of any contrivance to be used in connection therewith.

Whenever under any of the provisions of this code a permit or license is provided for, the commission shall, in accordance with such provisions, prescribe the terms and conditions under which the permit or license shall be issued and the department shall issue the permit or license in accordance therewith and with the applicable provisions of law.

CHAPTER 511

An act to amend Section 28141 of the Government Code, relating to compensation for public service in counties.

In effect September 15, 1961

[Approved by Governor May 25, 1961. Filed with Secretary of State May 25, 1961.]

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

SECTION 1. Section 28141 of the Government Code is amended to read:

28141. In a county of the 41st class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, four thousand two hundred dollars ($4,200) a year. In the event the consolidated office of clerk and auditor is separated by action of the board of supervisors, the auditor shall receive seven thousand eight hundred dollars ($7,800) a year.

(b) The district attorney, fourteen thousand five hundred dollars ($14,500) a year. He shall devote his full time during office hours to the duties of his office and shall not engage in the private practice of law during his term of office.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year for all services rendered as supervisor and as member of the board of equalization. Each supervisor shall also receive ten cents ($0.10) a mile for each mile actually and necessarily traveled when traveling within or without the county on county business. In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) Trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and mileage at the rate of ten cents ($0.10) for each mile actually and necessarily traveled from their residences to the county seat. Grand jurors shall receive seven dollars ($7) for each day's attendance and ten cents ($0.10) for each mile actually traveled. The fees and mileage shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

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

CHAPTER 512

An act to amend Section 28145 of the Government Code, relating to compensation for public services in counties.

[Approved by Governor May 25, 1961. Filed with Secretary of State May 25, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 28145 of the Government Code is amended to read:

28145. In a county of the 45th class the following shall receive as compensation for the services required of them by law, or by virtue of their offices, the following sums:

(a) The auditor, four thousand four hundred twenty dollars ($4,420) a year.

(b) The district attorney, ten thousand dollars ($10,000) a year, and he shall not engage in the private practice of law.

(c) Each supervisor, six thousand six hundred dollars ($6,600) a year for all services performed by him, as supervisor and member of the board of equalization; provided, that if and when any county of this class adopts a charter, and the provisions of the charter provide for the election of members of the board of supervisors on a countywide basis, the salary

of each supervisor shall be six thousand dollars ($6,000) a year, unless otherwise provided by the charter.

Each supervisor shall receive ten cents ($0.10) a mile for each mile actually and necessarily traveled when traveling within or without the county on county business.

In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) The official reporter of the superior court shall receive as full compensation for taking notes in criminal cases in the superior court, before the grand jury, for preliminary examinations and for coroner's inquests, and for transcribing notes in justice courts preliminary examinations, a monthly salary of four hundred dollars ($400) payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid He shall receive as compensation for taking notes when required in civil cases a per diem as provided by law, to be paid by the litigants as the court directs, and for transcription of such notes in civil cases and in criminal cases on appeal from the superior court, such fees as are provided by law The compensation for transcriptions in criminal cases on appeal from the superior court shall be audited and allowed upon a written order of the court and paid out of the county treasury, and in civil cases shall be paid by the party ordering the transcript, or when ordered by the judge, by either party, or by both or all parties, as the court directs He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

(e) Grand jurors and jurors in the superior court shall be paid seven dollars ($7) a day for each day's attendance, and ten cents ($0.10) per mile each way per each day of service. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor shall draw his warrants for the fees and mileage due the juror, and the treasurer shall pay the warrant.

(f) Witnesses when legally required to attend upon the superior court in criminal cases and upon the juvenile court in juvenile court matters, shall be paid six dollars ($6) a day for each day's actual attendance, and ten cents ($0.10) for each mile actually traveled. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each witness. The auditor shall draw his warrant for the fees and mileage due the witness, and the treasurer shall pay the warrant.

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

CHAPTER 513

An act to amend Section 5127 of the Agricultural Code, relating to the California Beef Council Law.

[Approved by Governor May 25, 1961 Filed with Secretary of State May 25, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5127 of the Agricultural Code is amended to read:

5127. Any person who is subject to the fee required by Section 5125 may file in writing with the director a request for exemption from such fee. Upon the receipt of such request an exemption certificate shall be issued to the person so requesting. The certificate shall then be effective for the remainder of the fiscal year in which issued and the following fiscal year unless canceled upon the request of the holder of the certificate.

At the time the fee required by Section 5125 is to be collected the person subject to payment may present the exemption certificate or such evidence thereof as the director may prescribe, and upon such presentation the fee otherwise required shall not be collected.

CHAPTER 514

An act to amend Section 28142 of the Government Code, relating to compensation for public services in counties.

[Approved by Governor May 25, 1961. Filed with Secretary of State May 25, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 28142 of the Government Code is amended to read:

28142. In a county of the 42d class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

(a) The auditor, two thousand five hundred twenty dollars ($2,520) a year and in addition two hundred dollars ($200) annually for preparing the county budget when prepared by him. If the office of recorder is consolidated with that of auditor, the auditor as such shall receive no compensation.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year and such fees as are paid to that officer.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year and eight cents ($0.08) a mile for mileage and expenses in traveling from his residence to the county seat, but only one mileage shall be allowed for any regular or special session of the board. Actual expense outside the county shall be allowed and paid.

(d) Grand jurors and trial jurors in the superior courts, three dollars and fifty cents ($3 50) for each day's attendance and seven cents ($0.07) for each mile necessarily traveled each way in attending court. In criminal cases the fees and mileage of the trial jurors in the superior court shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer of the county shall pay the warrants. The fees of jurors in justice courts shall be two dollars and fifty cents ($2.50) for each day's attendance and mileage at the rate of seven cents ($0.07) a mile each way traveled in attending court.

CHAPTER 515

An act to amend Section 28121 of the Government Code, relating to compensation for public service in counties.

In effect September 15, 1961

[Approved by Governor May 25, 1961 Filed with Secretary of State May 25, 1961]

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

SECTION 1. Section 28121 of the Government Code is amended to read:

28121. In a county of the 21st class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, twelve thousand seventy-five dollars ($12,075) a year.

(b) The district attorney, sixteen thousand six hundred fifty dollars ($16,650) a year.

He shall devote his entire time to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, five hundred dollars ($500) a month and eight cents ($0 08) for each mile necessarily and actually traveled in attending meetings of the board or in the discharge of county business within the county.

Each supervisor shall be allowed his actual and necessary expenses incurred while traveling to and from the annual convention of the supervisor's association, not to exceed fifty dollars ($50) for each in any one year.

(d) Trial jurors, five dollars ($5) per day.

(e) Each grand juror, five dollars ($5) per day for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, and eight cents ($0.08) for each mile actually and necessarily traveled in the performance of such duties.

CHAPTER 516

An act to amend Sections 4143, 4240, 4410 and 4415 of, and to repeal Section 4361 5 of, the Agricultural Code, relating to milk marketing stabilization.

[Approved by Governor May 25, 1961. Filed with Secretary of State May 25, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 4143 of the Agricultural Code is amended to read:

4143. The director is hereby authorized to adopt and promulgate rules and regulations for the proper administration and enforcement of the provisions of this chapter. Violations of any such rule or regulation shall be subject to the remedies, procedures and penalties provided in Article 6 of this chapter. Rules and regulations

SEC. 2. Section 4240 of said code is amended to read:

4240. The director shall enforce the provisions of this chapter and any stabilization and marketing plan initiated pursuant to the provisions of this chapter. The director is authorized and directed to adopt and promulgate rules and regulations for the proper administration and enforcement of the provisions of this chapter. Any such rules or regulations or amendment thereof shall be adopted and promulgated by the director in conformity with the provisions of Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 3. Section 4361 5 of said code is repealed. Repeal

SEC. 4. Section 4410 of said code is amended to read:

4410. (a) The violation of any provision of this chapter, or of any provision of any stabilization and marketing plan or any order of the director establishing minimum wholesale and minimum retail prices for fluid milk or fluid cream formulated under the provisions of this chapter, or of any of the unfair practices set forth in this chapter, or of any rule or regulation duly adopted and promulgated by the director under Section 4240, is a misdemeanor, and is furthermore ground for revocation or suspension of license in the manner set forth in this chapter. The unfair practice provisions described in this chapter are hereby declared to apply to all distributors, whether or not a plan is in effect in the area in which a distributor is licensed or carries on business. Violations

(b) Every distributor must pay for fluid milk or fluid cream delivered to him or it at the time and in the manner specified in the contract with the producer; failure to make such payment is hereby declared to be a violation of this chapter, and ground for refusal, suspension or revocation of license in the manner set forth in this chapter.

(c) Any person who violates any provision of this chapter or of a stabilization and marketing plan or any order of the director establishing minimum wholesale and minimum retail

prices for fluid milk or fluid cream or any rule or regulation duly adopted and promulgated by the director under Section 4240 shall be liable civilly in the sum of five hundred dollars ($500) for each and every violation, such sum to be recovered by the director in any court of competent jurisdiction. All sums recovered under this section shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund.

SEC. 5. Section 4415 of said code is amended to read:

Licenses: Suspension or revocation

4415. The director may refuse to grant any license herein provided and may revoke or suspend any such license as the case may require when he is satisfied that any applicant or licensee has violated any provision of this chapter, or any provision of any stabilization and marketing plan formulated under the provisions of this chapter, or of any order of the director establishing minimum wholesale and minimum retail prices for fluid milk or fluid cream formulated under the provisions of this chapter, or any rule or regulation duly adopted and promulgated by the director under Section 4240. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

The decision may include an order refusing, revoking or suspending the license applied for or held by the respondent, or affixing such other conditional and probationary orders as may be proper for the enforcement of this chapter or any provision of any stabilization and marketing plan formulated under the provisions of this chapter, or of any order of the director establishing minimum wholesale and minimum retail prices for fluid milk or fluid cream formulated under the provisions of this chapter, or of any rule or regulation duly adopted and promulgated by the director under Section 4240.

After any decision including any conditional or probationary orders, should respondent fail, refuse or neglect to comply with any such orders, the director may suspend or revoke the license in accordance with the procedure provided in this section.

Previous violation by any applicant, or by any person connected with said applicant, of any provision of this chapter, or of any provision of any stabilization and marketing plan formulated under the provisions of this chapter, or of any order of the director establishing minimum wholesale and minimum retail prices for fluid milk or fluid cream, formulated under the provisions of this chapter, or any rule or regulation duly adopted and promulgated by the director under Section 4240, shall be good and sufficient ground for denial, revocation or suspension of a license.

CHAPTER 517

An act to add Section 650 to the Revenue and Taxation Code, relating to property tax assessments.

[Approved by Governor May 25, 1961. Filed with Secretary of State May 25, 1961.] In effect September 15, 1961

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

SECTION 1. Section 650 is added to the Revenue and Taxation Code, to read:

650. If, prior to July 15 of any taxable year, any school district makes a written request for a certified copy of that portion of the assessment roll for that year pertaining to property within its limits which is on such roll, the assessor, if the roll is still in his possession, or the clerk of the board of supervisors, if the roll has been completed and delivered by the assessor to the clerk, shall comply with the request on or before such date.

CHAPTER 518

An act to add Section 795.2 to the Agricultural Code, relating to tangerines and mandarins.

[Approved by Governor May 25, 1961. Filed with Secretary of State May 25, 1961.] In effect September 15, 1961

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

SECTION 1. Section 795.2 is added to the Agricultural Code, to read:

795.2. As used in this section, the term "tangerines or mandarins" shall include all varieties and hybrids of the mandarin group (Citrus reticulata) and all varieties of tangelos. Tangerines or mandarins shall be (1) well colored, (2) free from serious damage by freezing or drying due to any cause, and (3) free from serious decay.

The following standards shall be applied in determining whether or not tangerines or mandarins meet the requirements of this section:

(1) Tangerines or mandarins are not well colored unless 90 percent, by count, of the fruits in any lot show a yellow, orange or red color on 75 percent or more of the surface of the fruit.

(2) Damage by freezing or drying due to any cause is serious if 20 percent or more of the pulp or edible portion of the fruit shows evidence of drying, desiccation, or a mushy condition. Evidence of damage shall be determined by as many cuts of each individual fruit as are necessary.

(3) Decay is serious if any part of the fruit is affected with decay.

Not more than 10 percent, by count, of the tangerines or mandarins in any one container or bulk lot may fail to meet the requirements because of damage by freezing or drying due to any cause.

Not more than 5 percent, by count, of the tangerines or mandarins in any one container or bulk lot may fail to meet the requirements because of serious decay.

All containers holding more than six pounds of tangerines or mandarins shall bear upon them in plain sight and in plainly legible letters on one outside end: the name of the packer thereof together with a sufficiently explicit address to permit ready location of such packer; the name of the variety, if known, and when not known, the words "unknown variety"; and the size of the tangerines or mandarins contained therein, in accordance with the size specification defined in this section; provided, however, that in the case of tangerines or mandarins imported from another state, the size designation need not be shown.

The diameter in inches of tangerines or mandarins in containers marked with one of the size designations tabulated in Column A, below, shall be between the measurements tabulated in corresponding lines of Column B and Column C; provided, however, that the diameter in inches of not more than 10 percent, by count, of the fruit in the container may measure less than the corresponding measurement in Column B, and not more than 10 percent, by count, of the fruit in the container may measure more than the corresponding measurement in Column C.

Column A	Column B	Column C
Super colossal	3.25	3.75
Colossal	3.00	3.25
Mammoth	2.75	3.00
Jumbo	2.50	2.75
Large	2.25	2.50
Medium	2.00	2.25
Small	1.75	2.00

Containers of tangerines or mandarins which fail to meet the size requirement shall be considered as complying with this section if the container is marked with the words "irregular sizes."

Not more than one of the above size designations shall appear on any container.

CHAPTER 519

An act to add Section 12818 to the Public Utilities Code, relating to the distribution or sale of water by publicly owned utilities to land within a municipal utility district.

[Approved by Governor May 25, 1961. Filed with Secretary of State May 25, 1961.] In effect September 15, 1961

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

SECTION 1. Section 12818 is added to the Public Utilities Code, to read:

12818. No publicly owned utility shall commence the distribution or sale of water for municipal, domestic, industrial or similar purposes for, on, or to, any land within a district already engaged in similar distribution or sale of water and which land is already subject to the lien of a general obligation bonded indebtedness of the district for such purposes. However, a publicly owned utility may commence to provide such service to such land, otherwise prohibited, upon either of the following conditions:

(a) If the board of directors of the district shall by resolution permit such service.

(b) In any portion of the district proposed to be served by the publicly owned utility in which the total number of registered voters residing therein exceeds 200, and in which at least two-thirds of the voters shall have voted at a special district election to permit such service. The election shall be called and held as an initiative measure pursuant to Article 1 (commencing with Section 1600) of Chapter 2 of Division 4 of the Elections Code.

The word "district" as used in this section shall mean only a municipal utility district.

CHAPTER 520

An act to add Section 12880.5 to the Water Code, relating to state financial assistance for local water projects.

[Approved by Governor May 25, 1961. Filed with Secretary of State May 25, 1961.] In effect September 15, 1961

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

SECTION 1. Section 12880.5 is added to the Water Code, to read:

12880.5. Whenever a public agency is required to have legal counsel in connection with any of its activities pursuant to this chapter, it may use the services of the district attorney or county counsel of the county in which it is located.

CHAPTER 521

An act to amend Section 28119 of the Government Code, relating to public officers and employees.

In effect September 15, 1961

[Approved by Governor May 25, 1961. Filed with Secretary of State May 25, 1961.]

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

SECTION 1. Section 28119 of the Government Code is amended to read:

28119. In a county of the 19th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand two hundred dollars ($10,200) a year.

(b) The district attorney, fifteen thousand dollars ($15,000) a year, and he shall not engage in private practice.

(c) Each supervisor, six thousand dollars ($6,000) a year and mileage at the rate of ten cents ($0.10) for each mile traveled to and from the meetings of the board. Only one mileage at any one session of the board shall be allowed. The county may furnish automobiles to the supervisors for use on any trips taken in performance of their official duties for which mileage would otherwise be allowed. All expenses for fuel, oil, supplies, upkeep, and maintenance of the automobiles shall be paid from county funds. The use of automobiles is in lieu of any other mileage.

(d) Grand jurors shall receive five dollars ($5) for each day's attendance and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance. Grand jurors and trial jurors in the superior court shall receive ten cents ($0.10) for each mile from their residences to the county seat, to be allowed for each day the jurors are required to and do attend. For attending as a member of a committee of the grand jury, for each day's attendance on the committee, five dollars ($5) and mileage at the rate of ten cents ($0.10) a mile. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amounts due, and the auditor, unless otherwise specifically ordered, shall draw warrants on the first and fifteenth days of each month, and the treasurer shall pay the warrants.

CHAPTER 522

An act to amend Section 1192.1 of the Insurance Code and Section 1360.1 of the Financial Code, relating to obligations of the International Bank for Reconstruction and Development, the Tennessee Valley Authority and the Inter-American Development Bank.

[Approved by Governor May 27, 1961 Filed with Secretary of State May 27, 1961]

In effect September 15, 1961

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

SECTION 1. Section 1192.1 of the Insurance Code is amended to read:

1192.1. Excess funds investments may be made in bonds, notes or other obligations issued, assumed or guaranteed by the International Bank for Reconstruction and Development or the Inter-American Development Bank. Investments held under the authority of this section at any one time shall not be in excess of two and one-half percent (2½%) of the insurer's admitted assets or an amount equal to twenty-five percent (25%) of the total of the capital and surplus of such insurer, whichever is the lesser. Percentage or dollar value of assets and surplus as provided herein shall be determined by the insurer's last preceding annual statement of conditions and affairs filed with the commissioner pursuant to law.

Excess funds investment

SEC. 2. Section 1360.1 of the Financial Code is amended to read:

1360.1. An amount not exceeding 25 percent of the paid-up capital and surplus of the savings bank or not exceeding 1 percent of the bank's savings deposits, whichever is lesser, in bonds, notes or other obligations issued or assumed by the International Bank for Reconstruction and Development, the Tennessee Valley Authority or the Inter-American Development Bank.

CHAPTER 523

An act to amend Section 6588 1 of, and to add Sections 6588.2, 14060.1, 14654.6, 20063.2, and 32100.9 to the Health and Safety Code, Sections 5783.10 and 9204.1 to the Public Resources Code, Section 16175 to the Public Utilities Code, Sections 21661.1, 30818, and 60141.1 to, and to amend Section 21650.1 of, the Water Code, and to add Section 4.2 to the Municipal Water District Act of 1911 (Ch. 671, Stats. 1911), Section 14.1 to the Water Conservation Act of 1927 (Ch. 91, Stats. 1927), Section 14 6 to the Water Conservation Act of 1931 (Ch. 1020, Stats. 1931), Section 14.2 to the Orange County Water District Act (Ch. 924, Stats 1933)

and Section 24.1 to the Kings River Conservation District Act (Ch. 931, Stats. 1951), relating to notice on elections.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 27, 1961.]

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

SECTION 1. Section 6588.1 of the Health and Safety Code is amended to read:

Appointment in lieu of election

6588.1. If, on the 40th day prior to the day fixed for the district general election, only one person has been nominated for each office of member of the board of directors or for the office of assessor to be filled at that election, or no one has been nominated for such office, and if on the 30th day prior to the day fixed for the election a petition signed by 5 percent of the qualified electors in the district, requesting that the district general election in the district be held, has not been presented to the board of directors of the district, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the district, or a greater portion thereof, is situated at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a district general election.

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

SEC. 1.5. Section 6588.2 is added to said code, to read:

Notice of possible appointment

6588.2. Notice that such appointment may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

SEC. 2. Section 14060.1 is added to said code, to read:

14060.1. Notice that such appointment may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than

seven days and not more than 14 days prior to the final day on which nominations may be made.

SEC. 3. Section 14654.6 is added to said code, to read:

14654.6. Notice that such appointment may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

SEC. 4. Section 20063.2 is added to said code, to read:

20063.2. Notice that such appointment may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

SEC. 5. Section 32100.9 is added to said code, to read:

32100.9. Notice that an appointment pursuant to Section 32100.4 may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

SEC. 6. Section 5783.10 is added to the Public Resources Code, to read:

5783.10. Notice that an appointment pursuant to Section 5783.9 may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

SEC. 7. Section 9204.1 is added to said code, to read:

9204.1. Notice that such appointment may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

SEC. 8. Section 16175 is added to the Public Utilities Code, to read:

16175. Notice that such appointment may be made in the event that only one nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

SEC. 8.5. Section 21650.1 of the Water Code is amended to read:

21650.1. At least 65 days before a general election the secretary shall publish a preliminary notice of election in a newspaper of general circulation published in the district or, if no such newspaper is published in the district, in a newspaper

Preliminary notice of election

having general circulation in the district published in any affected county in the district. The preliminary notice shall contain the date of the general election in the district and name the offices for which candidates may be proposed. The notice shall state that official nominating petitions for eligible candidates desiring to file for any of the elective offices may be obtained from the office of the secretary of the district. This notice may contain the requirements of the notice provided in Section 21661.1 and, if it does, it shall be in lieu of such notice.

SEC. 9. Section 21661.1 is added to said code, to read:

Notice of possible appointment

21661.1. Notice that such appointment may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

SEC. 10. Section 30818 is added to said code, to read:

30818. Notice that such appointment may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

SEC. 11. Section 60141.1 is added to said code, to read:

60141.1. Notice that such appointment may be made in the event that only one nomination is made, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

SEC. 12. Section 4.2 is added to the Municipal Water District Act of 1911 (Ch. 671, Stats. 1911), to read:

Sec. 4.2. Notice that such appointment may be made in the event that only one or no nomination is made, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

SEC. 13. Section 14.1 is added to the Water Conservation Act of 1927 (Chapter 91, Statutes 1927), to read:

Sec. 14.1. Notice that such appointment may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

SEC. 14. Section 14.6 is added to the Water Conservation Act of 1931 (Chapter 1020, Statutes 1931), to read:

Sec. 14.6. Notice that an appointment pursuant to Section 14.5 may be made in the event that only one nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district,

once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

SEC. 15. Section 14.2 is added to the Orange County Water District Act (Chapter 924, Statutes 1933), to read:

Sec. 14.2. Notice that such appointment may be made in the event that only one nomination is made, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

SEC. 16. Section 24.1 is added to the Kings River Conservation District Act (Chapter 931, Statutes 1951), to read:

Sec. 24.1. Notice that such appointment may be made in the event that only one nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

CHAPTER 524

An act to amend Section 21055 of the Vehicle Code, relating to authorized emergency vehicles.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 27, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 21055 of the Vehicle Code is amended to read:

21055. The driver of an authorized emergency vehicle is exempt from Chapter 2 (commencing with Section 21350), Chapter 3 (commencing with Section 21650) except Section 21714, Chapter 4 (commencing with Section 21800), Chapter 5 (commencing with Section 21950), Chapter 6 (commencing with Section 22100), Chapter 7 (commencing with Section 22349), Chapter 8 (commencing with Section 22450), Chapter 9 (commencing with Section 22500), and Chapter 10 (commencing with Section 22650) of this division under all of the following conditions:

(a) If the vehicle is being driven in response to an emergency call or while engaged in rescue operations or is being used in the immediate pursuit of an actual or suspected violator of the law or is responding to, but not returning from, a fire alarm, except that fire department vehicles are exempt whether directly responding to an emergency call or operated from one place to another as rendered desirable or necessary by reason of an emergency call and operated to the scene of the emergency or operated from one fire station to another or to some other location by reason of the emergency call.

(b) If the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians.

A siren shall not be sounded by an authorized emergency vehicle except when required under this section.

CHAPTER 525

An act to add Section 26223 to the Government Code, relating to the use of local sales and use tax revenue.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 27, 1961.]

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

SECTION 1. Section 26223 is added to the Government Code, to read:

26223. Any of the revenues received by a county under a sales and use tax adopted by the board of supervisors in accordance with the provisions of Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code attributable to either the sale of tangible personal property at retail within the unincorporated area of such county or the storage, use or other consumption of tangible personal property in such unincorporated area, if such property is purchased for the storage, use or other consumption in such unincorporated area, may be used on order of the board of supervisors for the current operating costs of, or any capital outlay project required by, any district which is located entirely or in part within the unincorporated area of such county.

For the purposes of this section, "district" does not include a school district.

CHAPTER 526

An act to amend Section 170.6 of the Code of Civil Procedure, relating to the disqualification of a judge for prejudice.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 27, 1961.]

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

SECTION 1. Section 170.6 of the Code of Civil Procedure is amended to read:

170.6. (1) No judge of any superior, municipal or justice court of the State of California shall try any civil or criminal action or special proceeding of any kind or character nor hear any matter therein which involves a contested issue of law or fact when it shall be established as hereinafter provided that

such judge is prejudiced against any party or attorney or the interest of any party or attorney appearing in such action or proceeding.

(2) Any party to or any attorney appearing in any such action or proceeding may establish such prejudice by an oral or written motion without notice supported by affidavit or an oral statement under oath that the judge before whom such action or proceeding is pending or to whom it is assigned is prejudiced against any such party or attorney or the interest of such party or attorney so that such party or attorney cannot or believes that he cannot have a fair and impartial trial or hearing before such judge Where the judge assigned to or who is scheduled to try the cause or hear the matter is known at least 10 days before the date set for trial or hearing, the motion shall be made at least five days before that date. If directed to the trial of a cause where there is a master calendar, the motion shall be made to the judge supervising the master calendar not later than the time the cause is assigned for trial. In no event shall any judge entertain such motion if it be made after the drawing of the name of the first juror, or if there be no jury, after the making of an opening statement by counsel for plaintiff, or if there be no such statement, then after swearing in the first witness or the giving of any evidence or after trial of the cause has otherwise commenced If the motion is directed to a hearing (other than the trial of a cause), the motion must be made not later than the commencement of the hearing In the case of trials or hearings not herein specifically provided for, the procedure herein specified shall be followed as nearly as may be.

(3) If such motion is duly presented and such affidavit is duly filed or such oral statement under oath is duly made, thereupon and without any further act or proof, the judge supervising the master calendar, if any, shall assign some other judge to try the cause or hear the matter. In other cases, the trial of the cause or the hearing of the matter shall be assigned or transferred to another judge of the court in which the trial or matter is pending or, if there is no other judge of the court in which the trial or matter is pending, the chairman of the judicial council shall assign some other judge to try such cause or hear such matter as promptly as possible. Under no circumstances shall a party or attorney be permitted to make more than one such motion in any one action or special proceeding pursuant to this section; and in actions or special proceedings where there may be more than one plaintiff or similar party or more than one defendant or similar party appearing in the action or special proceeding, only one motion for each side may be made in any one action or special proceeding.

(4) Unless required for the convenience of the court or unless good cause is shown, a continuance of the trial or hearing shall not be granted by reason of the making of a motion under this section. If a continuance is granted, the cause or matter shall be continued from day to day or for other limited

periods upon the trial or other calendar and shall be reassigned or transferred for trial or hearing as promptly as possible.

(5) Any affidavit filed pursuant to this section shall be in substantially the following form:

(Here set forth court and cause)

State of California }
County of } ss.

_____, being first duly sworn, deposes and says: That he is a party (or attorney for a party) to the within action (or special proceeding). That _____ the judge before whom the trial of the (or a hearing in the) aforesaid action (or special proceeding) is pending (or to whom it is assigned), is prejudiced against the party (or his attorney) or the interest of the party (or his attorney) so that affiant cannot or believes that he cannot have a fair and impartial trial or hearing before such judge.

_____

Subscribed and sworn to before me this
_____ day of _____, 19___.
(Clerk or Notary Public or other
officer administering oath)

(6) Any oral statement under oath made pursuant to this section shall include substantially the same contents as the affidavit above.

(7) Nothing in this section shall affect or limit the provisions of Section 170 and Title 4, Part 2, of this code and this section shall be construed as cumulative thereto.

(8) If any provision of this section or the application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application and to this end the provisions of this section are declared to be severable.

CHAPTER 527

An act to amend Section 20801 of the Education Code, relating to school district taxes.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 27, 1961.]

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

SECTION 1. Section 20801 of the Education Code is amended to read:

20801. The maximum rate of school district tax for any school year is hereby increased by such amount as will produce the amount of the proposed expenditures of the school

district required or authorized pursuant to Sections 16551 to 16566, inclusive, and Sections 16651 to 16664, inclusive, of this code as shown by the budget of the district for such school year, as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from the revenue from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed five cents ($0.05) per each one hundred dollars ($100) of the assessed value of property within the district, and said increase shall be in addition to any other school district tax authorized by law to be levied.

In a unified school district the increase provided by this section shall not exceed ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of property within the district if the district maintains one or more elementary schools and high schools, and shall not exceed fifteen cents ($0.15) per each one hundred dollars ($100) if the district maintains, in addition, one or more junior colleges, and said increase shall be in addition to any other school district tax authorized by law to be levied.

In a high school district which maintains a junior college, the increase provided for by this section shall not exceed ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of property within the district, and said increase shall be in addition to any other school district tax authorized by law to be levied.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the expenditures of the school district during that year required or authorized by Sections 16551 to 16566, inclusive, and Sections 16651 to 16664, inclusive, of this code.

CHAPTER 528

An act to amend Sections 21656 and 21658 of the Vehicle Code, relating to rules of the road.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 27, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 21656 of the Vehicle Code is amended to read:

Turning out of slow-moving vehicles

21656. On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow-moving vehicle, behind which five or more vehicles are formed in line, shall turn off the roadway at the nearest

place designated as a turnout by signs erected by the authority having jurisdiction over the highway, in order to permit the vehicles following it to proceed. As used in this section a slow-moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place.

SEC. 2. Section 21658 of said code is amended to read:

Laned roadways

21658. Whenever any roadway has been divided into two or more clearly marked lanes for traffic in one direction, the following rules apply:

(a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that such movement can be made with safety.

(b) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of the traffic device.

CHAPTER 529

An act to amend Section 27700 of the Vehicle Code, relating to tow cars.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 27, 1961.]

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

SECTION 1. Section 27700 of the Vehicle Code is amended to read:

27700. Tow cars shall:

(a) Be equipped with one or more brooms, and the driver of the tow car engaged to remove a disabled vehicle from the scene of an accident shall remove all glass and debris deposited upon the roadway by the disabled vehicle which is to be towed.

(b) Be equipped with and carry a shovel, and whenever practical the tow car driver engaged to remove any disabled vehicle shall spread dirt upon that portion of the roadway where oil or grease has been deposited by such disabled vehicle.

(c) Be equipped with at least one fire extinguisher of the dry chemical or carbon dioxide type with an aggregate rating of at least 4-B, C units and bearing the approval of a laboratory nationally recognized as properly equipped to make such approval.

CHAPTER 530

An act to amend Sections 22352 and 22451 of the Vehicle Code, relating to speed limits.

[Approved by Governor May 28, 1961 Filed with Secretary of State May 28, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 22352 of the Vehicle Code is amended to read:

22352 The prima facie limits are as follows and the same shall be applicable unless changed as authorized in this code and, if so changed, only when signs have been erected giving notice thereof: Prima facie speed limits

(a) Fifteen miles per hour:

When traversing a railway grade crossing, if during the last 100 feet of the approach to the crossing the driver does not have a clear and unobstructed view of the crossing and of any traffic on the railway for a distance of 400 feet in both directions along such railway. This subdivision does not apply in the case of any railway grade crossing where human flagman is on duty or a clearly visible electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.

When traversing any intersection of highways if during the last 100 feet of his approach to the intersection the driver does not have a clear and unobstructed view of the intersection and of any traffic upon all of the highways entering the intersection for a distance of 100 feet along all such highways, except at an intersection protected by stop signs or yield right-of-way signs or controlled by official traffic control signals.

(b) Twenty-five miles per hour:

On any highway other than a state highway, in any business or residence district unless a different speed is determined by local authority under procedures set forth in this code.

When passing a school building or the grounds thereof, contiguous to the highway while children are going to or leaving such school during opening or closing hours or during the noon recess period. Such prima facie limit shall also apply when passing any school grounds which are not separated from the highway by a fence, gate or other physical barrier while the grounds are in use by children.

SEC. 2. Section 22451 of said code is amended to read:

22451. (a) Whenever any person driving a vehicle upon a highway approaches a railway grade crossing and a clearly visible electric or mechanical signal device gives warning of the approach of a railway train or car, the driver of the vehicle shall stop within 50 feet but not less than 10 feet from the nearest track of the railway but need not remain standing if he can proceed in safety. Train signal

(b) The driver of a vehicle shall likewise stop and remain standing and not traverse such a grade crossing when a human flagman gives or continues to give a signal of the approach or passage of a railway train or car.

(c) This section does not divest the Public Utilities Commission of any powers or duties vested in it by law.

CHAPTER 531

An act to repeal Sections 13253, 13254, 13254.5, and 13513 of, and to add Section 13253 to, the Education Code, relating to school district employment, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 29, 1961. Filed with Secretary of State May 29, 1961.]

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

Repeal

SECTION 1. Section 13253 of the Education Code is repealed.

SEC. 2. Section 13253 is added to said code, to read:

Ratification

13253. The employment, heretofore, by governing boards of school districts of all persons in positions requiring certification qualifications and the payment of compensation to such persons is hereby ratified, confirmed and validated provided all of the following conditions have been met:

Conditions for employment

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

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

Repeal

SEC. 3. Section 13254 of said code is repealed.

Repeal

SEC. 4. Section 13254.5 of said code is repealed.

Repeal

SEC. 5. Section 13513 of said code is repealed.

Urgency

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Many certificated employees who properly applied for certification documents, the issuance of which was delayed because of administrative and clerical difficulties, thereupon entered upon their employments and performed services for which they cannot otherwise be compensated—such services having been rendered, technically, while their credentials were not in force because of the delay in issuance. There is an urgent need that the validation of employment and the payment of compensation for services rendered under these circumstances be effected as soon as practicable. For these reasons it is necessary that this act take effect immediately.

CHAPTER 532

An act to amend Section 784.6 of the Agricultural Code, relating to pack of fruit.

[Became law without Governor's signature (Section 16, Article IV, Constitution) Filed with Secretary of State May 28, 1961.] In effect September 15, 1961

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

SECTION 1. Section 784.6 of the Agricultural Code is amended to read:

784.6. It is unlawful to pack any mixture of fresh or dried fruits, with or without nuts, glazed fruits, or confections unless the contents of the lower layers or unexposed portion are of the same kind and quality, and in the same proportion, as to count, volume, and weight, as the contents of the top layer or the exposed portions, except that a consumer type package, also known as "gift pack" need not comply so long as the package is sold in its unbroken form and is clearly and conspicuously marked "consumer package" or "gift pack" and is clearly and conspicuously marked to indicate the contents of the unexposed portion and the contents of the lower layers or the unexposed portion are of the same size and quality as the top layer or the exposed portion.

CHAPTER 533

An act to amend Section 23824 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 27, 1961 Filed with Secretary of State May 27, 1961] In effect September 15, 1961

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

SECTION 1. Section 23824 of the Business and Professions Code is amended to read:

23824. Limitations provided by Section 23816 on the number of licensed premises shall not apply to premises owned by the State of California, any incorporated city, county, city and county, airport district, or other district or public corporation of the State of California and operated as a bona fide public eating place.

Licenses issued on premises owned by the State, incorporated city, county, city and county, airport district, or other district or public corporation of the State of California, shall be renewable as set forth in Sections 24048.1 or 24048.3. Such licenses shall be excluded from the number of premises used in determining application of the limitations provided by this article. Such licenses shall be subject to the provisions of Section 23954.5 and shall be only transferable from person to per-

son at the same premises. Prior to the issuance of such licenses, the governmental agency owning such premises shall file with the department a written request that the license be issued and a written statement setting forth the reasons why issuance of the license would be in the public interest.

CHAPTER 534

An act to amend Section 609 of the Government Code, relating to the payment of federal claims out of credits owing by the State.

In effect September 15, 1961

[Approved by Governor May 27, 1961 Filed with Secretary of State May 27, 1961.]

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

SECTION 1. Section 609 of the Government Code is amended to read:

609. Whenever a governmental agency of the United States, in the collection of taxes or amounts owing to it, is authorized by federal law to levy administratively on credits owing to a debtor, it may avail itself of the provisions of this section and claim credits owing by the State to such debtor, in manner as follows:

It shall file a certification of the facts with the state department, board, office or commission owing such credit to said debtor prior to the time said state agency presents the claims of such debtor therefor to the State Controller or to the State Personnel Board. Said state agency in presenting the claim of the debtor shall note thereon the fact of the filing of such certificate and shall also note any amounts owed by the debtor to the State by reason of advances or for any other purpose.

Subject to the provisions of Sections 12419.4 and 12419.5 of this code, the State Controller shall issue his warrant payable to the United States Treasurer for the net amount due the debtor, after offsetting for any amounts advanced to the debtor or by him owing to the State, or as much thereof as will satisfy in full the amount owing by the debtor to the United States as so certified; any balance shall be paid to the debtor.

CHAPTER 535

An act to add Section 34329.1 to, and to amend Section 36503 of, the Government Code, relating to terms of office of city councilmen.

In effect September 15, 1961

[Approved by Governor May 27, 1961 Filed with Secretary of State May 27, 1961.]

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

SECTION 1. Section 34329.1 is added to the Government Code, to read:

First election within one year of incorporation

34329.1. If the first general municipal election following an incorporation election will occur less than one year after the incorporation election, all of the city councilmen elected at

the incorporation election shall hold office until the second general municipal election following the incorporation election and until their successors are elected and qualified. Of the five councilmen elected at such second general municipal election, the three receiving the lowest number of votes shall hold office for two years and until their successors are elected and qualified, and the two receiving the highest number of votes shall hold office for four years and until their successors are elected and qualified. Subsequent council members shall hold office for four years from the Tuesday succeeding their election, and until their successors are elected and qualified.

This section shall apply only to councilmen elected at an incorporation election held after the effective date of this section. If this section applies, the first general municipal election following the incorporation election shall not be held unless either a proposition is to be voted upon or offices other than councilmanic offices are to be filled.

SEC. 2. Section 36503 of said code is amended to read:

36503. Unless otherwise required by Section 34329.1 of this code, a general municipal election shall be held on the second Tuesday in April in each even-numbered year. Except as otherwise provided in this title, city councilmen, the city clerk, and the city treasurer shall be elected by the city electors at a general municipal election City councilmen, the city clerk, and the city treasurer shall hold office for four years from the Tuesday succeeding their election, and until their successors are elected and qualified. Election of officers

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CHAPTER 536

An act to add Sections 20804.3 and 21701.5 to, and to amend Section 19593 of, the Education Code, relating to school district elections.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 27, 1961.] In effect September 15, 1961

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

SECTION 1. Section 20804.3 is added to the Education Code, to read:

20804.3. Notwithstanding any provision of law to the contrary, no election for the purpose of increasing or decreasing any maximum tax rate for any school district shall be held within 45 days of a statewide election unless consolidated therewith. Consolidation with statewide elections

SEC. 2. Section 21701.5 is added to said code, to read:

21701.5. Notwithstanding any provision of law to the contrary, no election shall be held pursuant to this chapter (commencing with Section 21701) within 45 days of a statewide election unless consolidated therewith. Same

SEC. 3. Section 19593 of said code is amended to read:

Same

19593. The election by a school district upon the acceptance, expenditure, and repayment of an apportionment prescribed by Section 19590 may be called and held either before or after the making of an apportionment except that no such election shall be held within 45 days of a statewide election unless consolidated therewith.

CHAPTER 537

An act to amend Sections 17017, 17018, 17505, 17511, 18190, 18191, 18192, 18201 and 19408 of and to amend and renumber Section 17210 of the Revenue and Taxation Code, relating to personal income taxes.

In effect September 15, 1961

[Approved by Governor May 27, 1961 Filed with Secretary of State May 27, 1961.]

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

SECTION 1. Section 17017 of the Revenue and Taxation Code is amended to read:

"United States"

17017. "United States," when used in a geographical sense, includes the states, the District of Columbia, and the possessions of the United States.

SEC. 2. Section 17018 of said code is amended to read:

"State"

17018. "State" includes the District of Columbia, and the possessions of the United States.

SEC. 3. Section 17505 of said code is amended to read:

Tax exempt foreign trust

17505. For purposes of Sections 17503 and 17504, a stock bonus, pension, or profit-sharing trust which would qualify for exemption from tax under Section 17501 except for the fact that it is a trust created or organized outside the United States shall be treated as if it were a trust exempt from tax under Section 17501.

SEC. 4. Section 17511 of said code is amended to read:

Taxation of employee annuities Under qualified annuity plan

17511. Except as provided in subsection (a), if an annuity contract is purchased by an employer for an employee under a plan with respect to which the employer's contribution is deductible under Section 17515 or Chapter 12 of Part 11, Division 2, of this code, or if an annuity contract is purchased for an employee by an employer described in Section 23701d of the Bank and Corporation Tax Law which is exempt from tax under Section 23701 of such law, the employee shall include in his gross income the amounts received under such contract for the year received as provided in Sections 17101 to 17108, inclusive.

(a) If—

(1) An annuity contract is purchased by an employer for an employee under a plan which meets the requirements of Section 17501(c), (d), (e), and (f);

(2) Such plan requires that refunds of contributions with respect to annuity contracts purchased under such plan be used to reduce subsequent premiums on the contracts under the plan; and

(3) The total amounts payable by reason of an employee's death or other separation from the service, or by reason of the death of an employee after the employee's separation from the service, are paid to the payee within one taxable year of the payee,

then the amount of such payments, to the extent exceeding the amount contributed by the employee which employee contributions shall be reduced by any amounts theretofore paid to him which were not includable in gross income, shall be considered a gain from the sale or exchange of a capital asset held for more than six months

"Total amounts"

(b) For purposes of subsection (a), the term "total amounts" means the balance to the credit of an employee which becomes payable to the payee by reason of the employee's death or other separation from the service, or by reason of his death after separation from the service.

SEC. 5. Section 18190 of said code is amended to read:

Exceptions

18190. (a) Section 18187(a) or 18189 shall not apply to the gain or loss, respectively, on any quantity of property used to close such short sale which is in excess of the quantity of the substantially identical property referred to in the applicable subsection.

Definitions

(b) For purposes of Sections 18187 and 18189—

(i) The term "property" includes only stocks and securities (including stocks and securities dealt with on a "when issued" basis), and commodity futures, which are capital assets in the hands of the taxpayer;

(ii) In the case of futures transactions in any commodity on or subject to the rules of a board of trade or commodity exchange, a commodity future requiring delivery in one calendar month shall not be considered as property substantially identical to another commodity future requiring delivery in a different calendar month; and

(iii) In the case of a short sale of property by an individual the term "taxpayer," in the application of this section and Sections 18187 and 18189, shall be read as "taxpayer or his spouse"; but an individual who is legally separated from the taxpayer under a decree of divorce or of separate maintenance shall not be considered as the spouse of the taxpayer.

(c) Where the taxpayer enters into two commodity futures transactions on the same day, one requiring delivery by him in one market and the other requiring delivery to him of the same (or substantially identical) commodity in the same calendar month in a different market, and the taxpayer subsequently closes both such transactions on the same day, Sections 18187 and 18189 shall have no application to so much of the commodity involved in either such transaction as does not exceed in quantity the commodity involved in the other.

(d) (1) In the case of a taxpayer who is a dealer in securities (within the meaning of Section 18196)—

(i) If, on the date of a short sale of stock, substantially identical property which is a capital asset in the hands of the taxpayer has been held for not more than six months, and

(ii) If such short sale is closed more than 20 days after the date on which it was made,

Section 18187(b) shall apply in respect of the holding period of such substantially identical property.

(2) For purposes of subparagraph (1)—

(i) The last sentence of Section 18187 applies; and

(ii) The term "stock" means any share or certificate of stock in a corporation, any bond or other evidence of indebtedness which is convertible into any such share or certificate, or any evidence of an interest in, or right to subscribe to or purchase, any of the foregoing.

SEC. 6. Section 18191 of said code is amended to read:

Options or privileges

18191. (a) Gain or loss attributable to the sale or exchange of, or loss attributable to failure to exercise, a privilege or option to buy or sell property shall be considered gain or loss from the sale or exchange of property which has the same character as the property to which the option or privilege relates has in the hands of the taxpayer (or would have in the hands of the taxpayer if acquired by him).

(b) For purposes of subsection (a), if loss is attributable to failure to exercise a privilege or option, the privilege or option shall be deemed to have been sold or exchanged on the day it expired.

(c) This section shall not apply to—

(1) A privilege or option which constitutes property described in subdivision (a) of Section 18161;

(2) In the case of gain attributable to the sale or exchange of a privilege or option, any income derived in connection with such privilege or option which, without regard to this section, is treated as other than gain from the sale or exchange of a capital asset;

(3) A loss attributable to failure to exercise an option described in Section 18188; or

(4) Gain attributable to the sale or exchange of a privilege or option acquired by the taxpayer before March 1, 1959, if in the hands of the taxpayer such privilege or option is a capital asset.

SEC. 7. Section 18192 of said code is amended to read:

Patents

18192. A transfer (other than by gift, inheritance, or devise) of property consisting of all substantial rights to a patent, or an undivided interest therein which includes a part of all such rights, by any holder shall be considered the sale or exchange of a capital asset held for more than six

months, regardless of whether or not payments in consideration of such transfer are—

(a) Payable periodically over a period generally coterminous with the transferee's use of the patent; or

(b) Contingent on the productivity, use, or disposition of the property transferred.

SEC. 8. Section 18201 of said code is amended to read:

18201. (a) In the case of a sale or exchange, directly or indirectly, of property described in subsection (b)— Sale or exchange between spouses, etc

(1) Between a husband and wife; or

(2) Between an individual and a corporation more than 80 percent in value of the outstanding stock of which is owned by such individual, his spouse, and his minor children and minor grandchildren;

any gain recognized to the transferor from the sale or exchange of such property shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in Sections 18181 and 18182.

(b) This section shall apply only in the case of a sale or exchange by a transferor of property which in the hands of the transferee is property of a character which is subject to the allowance for depreciation provided in Sections 17208 to 17212, inclusive.

SEC. 9. Section 19408 of said code is amended to read:

19408. Any person required under this part to collect, account for, and pay over any tax or amount required to be withheld who willfully fails to collect or truthfully account for and pay over such tax or amount shall, in addition to other penalties provided by law, be guilty of a felony, and, upon conviction thereof, shall be fined not more than two thousand dollars ($2,000) or imprisoned in the state prison for not more than five years, or both. Felony

SEC. 10 Section 17210 of said code is amended and renumbered to read:

17234 In computing taxable income there shall be allowed as a deduction political contributions by any person not in excess of one hundred dollars ($100), in any primary or general election Political contributions

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CHAPTER 538

An act to amend Sections 6545, 6546, 6560, 6560.5, and 6561 of the Business and Professions Code, relating to the practice of barbering.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 27, 1961.] In effect September 15, 1961

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

SECTION 1. Section 6545 of the Business and Professions Code is amended to read:

Certificate of registration to practice barbering

6545. Any person is qualified to receive a certificate of registration to practice barbering if he complies with each of the following:

(a) He is qualified under the provisions of Section 6546 of this chapter.

(b) He is at least 18 years of age, except that a person applying after January 1, 1963, shall be at least 19 years of age.

(c) He is of good moral character and temperate habits.

(d) He has practiced as a registered apprentice for a period of 18 months under the immediate personal supervision and employment of a registered barber.

(e) He has passed a satisfactory examination conducted by the board to determine his fitness to practice barbering.

An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the board, shall continue to practice as an apprentice for an additional six months under the immediate personal supervision and employment of a registered barber, before he is again entitled to take the examination.

SEC. 2. Section 6546 of said code is amended to read:

Registered apprentice

6546. Any person is qualified to receive a certificate of registration as a registered apprentice if he complies with each of the following:

(a) He has completed the proper grade in school as provided in Section 6546.5, or has an equivalent education, as determined by an examination conducted by an examining agency prescribed by the board.

(b) He is at least 16½ years of age, except that a person applying after January 1, 1963, shall be 17½ years of age.

(c) He is of good moral character and temperate habits.

(d) He has graduated from a college approved by the board.

(e) He has passed a satisfactory examination conducted by the board to determine his fitness to practice as a registered apprentice.

Any applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination shall complete a further course of study of not less than 250 hours to be completed within three months of not more than eight hours in any one working day, in a college approved by the board.

SEC. 3. Section 6560 of said code is amended to read:

Qualifications for examination

6560. Any person upon payment of the required fee, shall be granted permission to take an examination to determine his fitness to receive a certificate of registration to practice barbering if he complies with each of the following:

(a) He is at least 18 years of age, except that a person applying after January 1, 1963, shall be at least 19 years of age.

(b) He is of good moral character and temperate habits.

(c) He has completed the proper grade in school as provided in Section 6560.5, or has an equivalent education as

determined by an examination conducted by an examining agency prescribed by the board.

(d) He has either:

(1) A valid license or certificate of registration as a practicing barber from another state or country which has substantially the same requirements for licensing or registering barbers as required by this chapter.

(2) Affidavits from at least two persons stating that he has practiced as a barber in another state or country for a period of at least two years within the last five immediately prior to filing his application in this State.

If he fails to pass the examination, he may file a new application accompanied by the required fee and take another examination. In no event will he be permitted to practice barbering until such time as he satisfactorily passes an examination and receives a certificate of registration as a registered barber.

SEC. 4. Section 6560.5 of said code is amended to read:

Registered barber

6560.5. Any person applying pursuant to Section 6560 for a certificate of registration as a registered barber shall have completed the ninth grade, or shall have an equivalent education as determined by an examination conducted by an examining agency prescribed by the board. Any apprentice registered as an apprentice prior to January 1, 1960 or any student enrolled in an approved barber college prior to January 1, 1960 shall need to have completed only the eighth grade or shall have the equivalent education as determined by an examination conducted by the board.

SEC. 5. Section 6561 of said code is amended to read:

Qualifications for apprentice examination

6561. Any person, upon payment of the required fee, shall be granted permission to take an examination to determine his fitness to receive a certificate of registration as an apprentice, if he complies with each of the following:

(a) He is at least 16½ years of age, except that a person applying after January 1, 1963, shall be at least 17½ years of age.

(b) He is of good moral character and temperate habits.

(c) He has completed the proper grade in school as provided in Section 6546.5 or has an equivalent education as determined by an examination conducted by an examining agency prescribed by the board.

(d) He has either:

(1) A valid certificate of registration as an apprentice in another state or country which has substantially the same rerequirements for registering an apprentice as required by this chapter.

(2) Affidavits that he has practiced as an apprentice in another state or country for at least six months within the last two years immediately prior to making application in this State.

If he passes the required examination, a certificate of registration as a registered apprentice shall be issued to him and the time spent in such other state or country as apprentice

shall be credited upon the period of apprenticeship required by this chapter as a qualification to take the examination to determine his fitness to receive a certificate of registration as a registered barber.

If he fails to pass a satisfactory examination, he shall complete a further course of study of not less than 250 hours to be completed within three months with not more than eight hours in any one working day in a college of barbering approved by the board before he is eligible to file another application for an examination to determine his fitness to receive an apprentice certificate.

CHAPTER 539

An act to amend Section 2898 of and to add Section 2901.5 to, the Education Code, relating to unified school districts.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 2898 of the Education Code is amended to read:

Lapse of unified school districts

2898. Whenever any unified school district fails to establish a high school within its boundaries within three years following the effective date of the establishment of the district for all purposes, or whenever the average daily attendance of pupils in grades 9 through 12 of any unified school district is 10 or less, the county superintendent of schools shall, during July of the next fiscal year, report the fact to the board of supervisors. The attendance of pupils in high schools in an adjoining state pursuant to Article 2 (commencing at Section 20151), Chapter 1 of Division 15 shall be deemed for the purposes of this section to be in high schools established and maintained by the unified district. Upon receiving the report of the county superintendent of schools the board of supervisors shall declare the unified school district lapsed and attach the territory of the lapsed district to a contiguous unified district or to a contiguous elementary district which is part of a high school district. The property, funds, and obligations of the lapsed district shall become the property, funds, and obligations of the district to which the territory is attached.

SEC. 2. Section 2901.5 is added to said code, to read:

Out-of-state placement

2901.5. Whenever any unified school district provides for the high school education of the pupils of the district who reside in the district by the attendance of such pupils at the schools of a school district in an adjoining state pursuant to Article 2 (commencing at Section 20151), Chapter 1 of Division 15, such unified school district shall be deemed to have complied with the requirement of Section 2901 that every unified school district shall maintain at least one four year high school or one junior high school and one senior high school

CHAPTER 540

An act to amend Section 2152 of the Streets and Highways Code, relating to county road funds.

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961]

In effect September 15, 1961

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

SECTION 1. Section 2152 of the Streets and Highways Code is amended to read:

2152. The report shall contain the following:

(a) A detailed statement of all money available from all sources during the fiscal year covered by the report, including money made available by the United States, the State, the county or city, any other governmental agency, and money available from bond issues, special assessments, or from any other source whatever for expenditure for street or road purposes.

(b) A detailed statement of all expenditures during the fiscal year covered by the report for street or road purposes, including obligations incurred but not yet paid. The statement shall be broken down into expenditure categories, such as expenditures for rights-of-way or other property, new construction, reconstruction, widening, resurfacing, maintenance, repair, and acquisition and maintenance of equipment. Construction expenditures on the county primary road system shall be separately reported.

The State Controller, with the advice of the department, may prescribe such other expenditure categories and may require such detail as may be deemed necessary by him fully to disclose the nature and extent of all financial transactions by the county or city relating to streets or roads.

(c) A detailed statement of all expenditures during the fiscal year covered by the report for snow removal, including expenditures of money apportioned to the county pursuant to subdivision (a) of Section 2110. The statement shall include equipment costs in connection with snow removal on an hourly rental basis or on such other annual basis as the State Controller may require.

CHAPTER 541

An act to amend Sections 10703 and 23802 of the Education Code, relating to funds of student organizations.

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 10703 of the Education Code is amended to read:

10703. The funds of any student body organization established in the public schools of any school district shall, subject

Investment of student body funds

to approval of the governing board of the school district, be deposited or invested in one or more of the following ways:

(a) Deposits in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.

(b) Investment certificates or withdrawable shares in state chartered savings and loan associations and savings accounts of federal savings and loan associations provided such associations are doing business in this State and have their accounts insured by the Federal Savings and Loan Insurance Corporation.

(c) Purchase of United States Savings Bonds (Series F and G) as authorized for investment by subdivision (a) of Section 16430 of the Government Code.

The funds shall be expended subject to such procedure as may be established by the student body organization subject to the approval of an employee or official of the school district designated by the governing board.

SEC. 2. Section 23802 of said code is amended to read:

Collection of student body organization fees

23802. Notwithstanding any provision of law to the contrary, student body organization membership fees authorized under the provisions of Section 23801 hereof shall be collected by the officials of the college, together with all tuition and material and service fees, at the time of registration. Money collected on behalf of student body organizations shall be transmitted by the business manager to the student body treasurer and such money shall, subject to the approval of the trustees, be deposited or invested by said treasurer in one or more of the following ways:

(a) Deposits in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.

(b) Investment certificates or withdrawable shares in state chartered savings and loan associations and savings accounts of federal savings and loan associations provided such associations are doing business in this State and have their accounts insured by the Federal Savings and Loan Insurance Corporation.

(c) Purchase of any of the securities authorized for investment by Section 16430 of the Government Code.

All money received by a state college from any agency of the state or federal government for the payment of student body organizations membership fees of students attending the college shall be in a like manner transmitted by the business manager to the treasurer of the student body organization and deposited or invested as provided above.

CHAPTER 542

An act to add Section 2001 to, and to amend Sections 2075, 2080, 2082, 2083, 2106, 2111, 2350, 2353, 3871, 3873, 3878, and 3880 of, the Elections Code, to add Section 6001 to, and to amend Sections 6050, 6055, 6057, 6058, 6085, 6088, 6170, 6173, 10261, 10262, 10263, and 10265 of, the Elections Code as proposed by Assembly Bill No. 8, relating to the selection of delegations to national party conventions.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 2001 is added to the Elections Code, to read:

Application

2001. This chapter applies both to the nomination of a slate of delegates pledged to the candidacy of a particular candidate and to the nomination of a slate of delegates not expressing a preference for a particular candidate.

SEC. 2. Section 2075 of said code is amended to read:

Nomination committee

2075. Any three or more voters of the State who are registered as intending to affiliate with the same political party may join as a committee in proposing the nomination of a group of candidates for delegates. The committee may elect its officers, select the candidates for delegates, select the chairman of the committee, arrange for the appointment of verification deputies, secure the endorsement of the person, if any, preferred by the committee as candidate for presidential nominee, appoint alternates, assemble and file all necessary papers, and take all other action which may be necessary for the organization and election of the group. The committee in performing its functions may act through its officers or designated representatives.

SEC. 3. Section 2080 of said code is amended to read:

Endorsement of candidate

2080. Each group of candidates for delegates, which intends to pledge itself to the candidacy of a particular candidate for presidential nominee, shall have the endorsement of the candidate for presidential nominee for whom the members of the group have filed a preference. The endorsement of the candidate for presidential nominee shall be filed with the Secretary of State before the circulation of any nomination papers of a group of candidates pledged to the support of his candidacy as presidential nominee.

SEC. 4. Section 2082 of said code is amended to read:

Affidavit of candidate for delegate

2082. Each candidate for delegate to his national party convention shall file with the Secretary of State before circulating the nomination papers of the group of candidates of which he is a member an affidavit which shall state:

(a) His residence, with street and number, if any.

(b) His election precinct.

(c) That he is a voter in the precinct in which he resides.

(d) That he is a candidate for office of delegate.

(e) That he will not withdraw as a candidate before the presidential primary.

(f) That he will qualify as a delegate if elected.

(g) In the case of a candidate for delegate on a slate of delegates pledging itself to the candidacy of a particular candidate for presidential nominee, the following statement: "I personally prefer _____ as nominee of my political party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall to the best of my judgment and ability, support _____ as nominee of my party for President of the United States."

(h) In the case of a candidate for delegate on a slate of delegates not expressing a preference for a particular candidate, the following statement: "I express no preference for a particular candidate. The chairman of my group is _____."

The name of a candidate shall not be placed on the ballot unless this affidavit has been properly filed.

SEC. 5. Section 2083 of said code is amended to read:

Form of affidavit

2083. The affidavit of a candidate for delegate shall be in substantially the following form:

AFFIDAVIT OF CANDIDATE FOR DELEGATE

State of California }
County of _____ } ss.

I, _____, reside at No. _____ Street, in the City (or Town) of _____, in the County of _____ in the _____ Congressional District, State of California; my election precinct is _____ Assembly District and I reside and am a voter therein, my post-office address is _____, County of _____.

I desire to be a candidate, at the presidential primary to be held on the _____ day of _____, 19___, for delegate to the next national convention of the _____ Party, and if elected as delegate I will qualify.

I personally prefer _____ as nominee of my political party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall to the best of my judgment and ability, support _____ as nominee of my party for President of the United States

(The statement of preference shall be omitted where the candidate for delegate is part of a slate not expressing a preference for a particular candidate.)

I express no preference for a particular candidate. The chairman of my group is _____. (This statement shall be

omitted where the candidate for delegate is part of a group expressing a preference for a particular candidate.)

(Signed)_____

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

_____

(SEAL) Notary Public (or other official)

SEC. 6. Section 2106 of said code is amended to read:

2106. Any nomination paper may be presented in sections. Each section shall contain the names of candidates comprising the group and state that they are candidates for delegates, and, if such be the case, that they have expressed a preference for a named person as candidate for presidential nominee of the party. Each section shall bear the name of the city, if any, and also the name of the county in which it is circulated. Only voters of the county registered as intending to affiliate with the political party by which the nominations are to be made are competent to sign. Any section circulated within an incorporated city may be signed only by voters of that city. Nomination papers

SEC. 7. Section 2111 of said code is amended to read:

2111. The nomination paper for a group of candidates shall be in substantially the following form: Form of nomination paper

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF GROUP OF CANDIDATES

Section_____ Page_____

County of _____, City or Town of _____ (if any). Nomination paper of group of candidates for election as delegates by __ _____ Party pledged to the candidacy of _____ as presidential nominee or expressing no preference, as the case may be.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the City or Town of _____, County of _____, State of California, and am registered as intending to affiliate with the _____ Party. I hereby nominate the following:

Number	Names	Residence city or town	County
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____

(to such number as may be required.) Etc., as candidates for delegates to the _____ Party National Convention, to be voted for at the presidential primary to be held on the _____ day of _____, 19___. I have not signed the nomination paper of any other candidates for the same office, and I further declare that I intend to support for nomination the candidates named herein.

Number	Precinct	Signature	Residence	Date
1				
2				
3				
Etc.				

VERIFICATION DEPUTY'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the _____ Party as delegates to represent the State of California in the party's next national convention; that all the signatures on this section of the nomination paper numbered from 1 to ___, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

(Signed) _____
Verification Deputy

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

_____
(SEAL) Notary Public (or other official)

SEC. 8. Section 2350 of said code is amended to read:

Certified list of candidates

2350. At least 45 days before a presidential primary the Secretary of State shall transmit to each county clerk a certified list containing the names and addresses of the candidates for delegate for whom nomination papers have been filed and who are entitled to be voted for at the presidential primary.

The certified list shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES FOR DELEGATE

DEPARTMENT OF STATE

To the County Clerk of _____ County:

I, _____, Secretary of State, do hereby certify that the following list contains the name and post office address of each person for whom nomination papers have been filed in my office

and who is entitled to be voted for at the presidential primary to be held on the _____ day of _____, 19___, as delegate to the next national convention of that party under which his name hereinafter appears; I further certify that in the list under the name of each party, and under the name of the person for whom a preference as nominee of the party for President has been expressed or under the name of the chairman of a group not expressing a preference, there is stated the name of each candidate for delegate who has filed a statement pursuant to Section 2082 of the Elections Code, and who may be voted for as one of a group.

LIST OF CANDIDATES

_____Party

Candidates preferring	Candidates preferring	No preference (name of chairman)
Name Address Top of group	Name Address Top of group	Name Address Top of group
1 _____	1 _____	1 _____
2 _____	2 _____	2 _____
3 _____	3 _____	3 _____
etc._____	etc._____	etc._____

_____Party

(etc., as above with each political party)

Dated at Sacramento, California, this _____ day of _____, 19___.

_____

(SEAL) Secretary of State

SEC. 9. Section 2353 of said code is amended to read:

2353. The notice of the list of candidates published by the county clerk shall be in substantially the following form: Form of notice by county clerk

NOTICE BY COUNTY CLERK OF TIME AND PLACE OF PRESIDENTIAL PRIMARY ELECTION, POLITICAL PARTIES ENTITLED TO PARTICIPATE THEREIN, AND NAMES AND ADDRESSES OF CANDIDATES FOR DELEGATE

Notice is hereby given that a presidential primary election is to be held in the County of _____on the _____day of _____, 19___, and that hereinafter under the designation of each of the political parties entitled to participate therein there is stated the name and address of each person for whom nomination papers have been filed in the office of the Secretary of State and who is entitled to be voted for, at the election, as delegate to the next national convention of that party

under which his name appears; and that under the name of each party, and under the name of the person for whom a preference as nominee of that party for President has been expressed or under the name of the chairman of the group if the group has no preference for a particular person, there is stated the name of each of those candidates for delegate who has filed a statement pursuant to Section 2082 of the Elections Code, and who may be voted for as one of a group·

LIST OF CANDIDATES

_____Party

Candidates preferring	Candidates preferring	No preference (name of chairman)
Name Address Top of group	Name Address Top of group	Name Address Top of group
1 _____	1 _____	1 _____
2 _____	2 _____	2 _____
3 _____	3 _____	3 _____
etc._____	etc._____	etc._____

_____Party

(etc., as above with each political party)

Notice is also hereby given that at the presidential primary the polls will be open from the hour of 7 o'clock a.m. to the hour of 7 o'clock p.m. on the day thereof.

Dated this _____ day of _____, 19___.

_____County Clerk

SEC. 10. Section 3871 of said code is amended to read:

Arrangement of ballot

3871. The names of the candidates for delegate of any political party shall not appear upon the ballot. In lieu thereof the names of the persons preferred for President by each group of candidates, or the name of the chairman of a group that has designated no preference, shall be arranged upon the ballot of the party in a column 2½ inches wide. The person preferred by that group of candidates, or the chairman of a group expressing no preference, which first files its nomination paper with the Secretary of State shall be entitled to the first or top space; the person preferred by the group which next files its nomination paper shall be entitled to the second space; and similarly for all other persons or chairmen preferred by other groups

SEC. 11. Section 3873 of said code is amended to read:

Voting square

3873. At the right of the name of the person preferred for President by each group or the name of the chairman of

each group expressing no preference, there shall be a voting square three-eighths of an inch square.

SEC. 12. Section 3878 of said code is amended to read:

Heading and instructions

3878. At the top of the ballot shall be printed "Official presidential primary election ballot," and the instructions to voters shall be as follows: "To vote for the group of candidates preferring a person whose name appears on the ballot, stamp a cross (+) in the square opposite the name of the person preferred. To vote for a group of candidates not expressing a preference for a particular candidate, stamp a cross (+) in the square opposite the name of the chairman of the group."

SEC. 13. Section 3880 of said code is amended to read:

Form of ballot

3880. The ballot shall be printed substantially in the following form:

OFFICIAL PRESIDENTIAL PRIMARY ELECTION BALLOT

REPUBLICAN PARTY

Fifty-seventh Assembly District, June ___, 19___

To vote for the group of candidates preferring a person whose name appears on the ballot, stamp a cross (+) in the square opposite the name of the person preferred To vote for a group of candidates not expressing a preference for a particular candidate, stamp a cross (+) in the square opposite the name of the chairman of the group.

FOR DELEGATES TO NATIONAL CONVENTION	Vote for One Group Only
Candidates Preferring JOHN P MONROE	
Candidates Preferring WILLIAM ADAMS	
Candidates Preferring HENRY JACKSON	
Candidates Preferring JOE BLACK	
Candidates Expressing No Preference JOHN WHITE (Chairman)	
Candidates Expressing No Preference ROBERT JONES (Chairman	

NOTE: The sections of the Elections Code affected by this chapter appear in their proper places in that code, Chapter 23 of Statutes of 1961, as required by Section 9702 of the Government Code

Effect· Stats 1961, Ch. 23

SEC 27. Sections 14 through 26 of this act shall become operative only if the Elections Code as proposed by Assembly Bill No. 8 is enacted by the Legislature at its 1961 Regular

Session, and in such case at the same time as Assembly Bill No. 8 takes effect; at which time the provisions of the Elections Code as added or amended by Sections 1 through 13 of this act are repealed.

CHAPTER 543

An act to amend Section 1191 of the Labor Code, relating to special minimum wage permits for handicapped women and minors.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 1191 of the Labor Code is amended to read:

1191. For any occupation in which a minimum wage has been established, the commission may issue to a woman who is mentally or physically handicapped, or both, or to a minor so handicapped, a special license authorizing the employment of the licensee for a period not to exceed one year from date of issue, at a wage less than the legal minimum wage. The commission shall fix a special minimum wage for the licensee. Such license may be renewed on a yearly basis.

CHAPTER 544

An act to add Section 23405 to the Business and Professions Code, relating to alcoholic beverages.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 23405 is added to the Business and Professions Code, to read:

23405. (a) Any corporation holding a license under this division shall maintain a stock register at the principal office of the corporation in California and the stock register shall be available to the department for inspection. Such corporation shall report to the department in writing any of the following:

(1) Issuance or transfer of any shares of stock to any person where the issuance or transfer results in the person owning 10 percent or more of the corporate stock.

(2) Change in any of the corporate officers which are required by Section 821 of the Corporations Code.

(3) Change of the members of its board of directors.

The report shall be filed with the department within 30 days after the issuance or transfer of corporate stock, change

in corporate officers, or change in members of the board of directors, as the case may be.

(b) Any licensee within the purview of this section who is required by federal law to report to the federal government under the provisions of the Federal Alcohol Administration Act or the Internal Revenue Code the information required by this section may send to the department a copy of the report at the same time as it is sent to the federal government, and the copy of the report sent to the department by the licensee shall be deemed sufficient compliance with the provisions of this section.

(c) The provisions of this section shall not apply to any of the following:

(1) A corporation the stock of which is listed on a stock exchange in this State or in the City of New York, State of New York.

(2) A bank, trust company, financial institution or title company to which a license is issued in a fiduciary capacity.

(3) A corporation which is required by law to file periodic reports with the Securities and Exchange Commission.

(d) The department may suspend or revoke any license of a corporation subject to the provisions of this section where conditions exist in relation to any person holding 10 percent or more of the corporate stock of such corporation which would constitute grounds for disciplinary action against such person if he was a licensee.

CHAPTER 545

An act to add Sections 25257, 25258 and 25259 to the Government Code, relating to the financial powers of county boards of supervisors.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 25257 is added to the Government Code, to read:

Discharge from accountability

25257. Any county department, officer or employee or any officer of a judicial district located within the county charged by law with the collection of any county tax assessment, penalty or cost, license fees or money owing the county for any reason, or any fine, assessment or penalty imposed by a justice court, which is due and payable, may file a verified application with the board of supervisors for a discharge from accountability for the collection of such tax assessment, penalty or cost, license fees or money owing the county for any reason, or fine, assessment or penalty imposed by a justice court, if the amount is too small to jusify the cost of collection.

SEC. 2. Section 25258 is added to said code, to read:

Application for discharge

25258. The application for a discharge from accountability shall include:

(a) A statement of the nature of the amount owing.

(b) The names of the assessees or persons liable and the amounts owed by each.

(c) The estimated cost of collection and, if applicable, the reason the collection of the amount owing is improbable.

(d) Any other fact warranting the discharge, except where the board of supervisors determines that the circumstances do not warrant the furnishing of detailed information.

SEC. 3. Section 25259 is added to said code, to read:

Order of discharge

25259. The board of supervisors may make an order discharging the department, officer, or employee from further accountability and direct the county auditor to adjust any charge against said department, officer or employee in a like amount. Such discharge from accountability does not constitute a release of any person from liability for payment of any amount.

CHAPTER 546

An act to amend Sections 6900 and 6907 of the Government Code, relating to vending stands in public buildings.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 6900 of the Government Code is amended to read:

Vending stands: Operation

6900. For the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of this chapter, except as otherwise provided, may operate vending stands, snack bars and cafeterias in any building owned or occupied by the State or by any county or city for the vending of articles pursuant to this chapter.

As used in this chapter "vending stands" shall include vending machines.

SEC. 2. Section 6907 of said code is amended to read:

Use of vending stand

6907. A vending stand operated pursuant to this chapter shall be used for the vending of newspapers, periodicals, candies, chewing gum, tobacco products, picture post cards, hot and cold foods, and such other articles as are approved by the bureau and by the person, governing board, or legislative body having the care, custody, and control of the building in which the stand or vending machine, or both are operated. Hot and cold beverages may be sold pursuant to this section only if they are sold through a vending machine.

CHAPTER 547

An act to add Chapter 8 (commencing with Section 15600) to Division 9 of the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to punchcard voting systems.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.] In effect September 15, 1961

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

NOTE: The sections of the Elections Code affected by this chapter appear in their proper places in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 548

An act to add Article 11 (commencing with Section 53910) to Chapter 4, Part 1, Division 2, Title 5 of the Government Code, relating to local government funds.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.] In effect September 15, 1961

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

SECTION 1. Article 11 (commencing with Section 53910) is added to Chapter 4, Part 1, Division 2, Title 5 of the Government Code, to read:

Article 11. Payment of Claims

Form, etc., payment of warrants by county, etc.

53910. In addition to any other provision of law for the issuance and payment of warrants of any county, city and county, city, district, or other political subdivision of the State, other than school districts, the governing body thereof may by resolution authorize such practices with respect to form, issuance, delivery, endorsement and payment of warrants as it deems convenient, efficient and in the public interest, conforming substantially to those practices specified in Sections 53911, 53912 or 53913.

Check warrants

53911. The governing body may authorize the use of check-warrant forms, to be drawn by its appropriate warrant issuing officer or officers upon the custodian of its funds, so prepared that the custodian may, by subscribing a direction to the depository of the funds to pay the funds to the order of the payee, convert the instrument to a check or, by subscribing an endorsement that the warrant is not paid for want of funds, convert the instrument to an interest bearing warrant and the governing body may direct that check-warrants shall not be delivered to the payees named therein until the direction or indorsement has been subscribed by the custodian of its funds.

Payment of approved claim

53912. The governing body may provide that when funds are available for the payment of approved claims, the approval of claims for payment shall, without the issuance of any warrant, be authority to the custodian of its funds to pay the claims by check.

Custodian of funds authorized to pay warrants

53913. When authorized by the governing body, the custodian of funds may direct the depository of the funds to pay any warrant drawn upon the custodian upon presentment of the warrant to the depository, to the same extent and with the same effect as though the warrant were a check drawn upon the depository by the custodian. The direction shall be in writing and shall identify by name and signature the warrant issuing officer or officers and the depository may rely upon such direction and identification in the payment of warrants.

This chapter non-mandatory

53914. Nothing contained in this chapter (commencing with Section 53910) shall be construed as requiring any county, city and county, city, district or other political subdivision or any custodian of public funds to exercise any of the powers conferred by this chapter.

CHAPTER 549

An act to amend Sections 3014, 3014.5 and 3016.5 of the Civil Code, relating to trust receipts.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 3014 of the Civil Code is amended to read:

Trust receipt transaction

3014. (1) A trust receipt transaction within the meaning of this chapter is any transaction to which an entruster and a trustee are parties, for one of the purposes set forth in subdivision (3) of this section, whereby

(a) The entruster or any third person delivers to the trustee goods, documents or instruments in which the entruster (i) prior to the transaction has, or for new value (ii) by the transaction acquires or (iii) as the result thereof is to acquire promptly, a security interest; or

(b) The entruster gives new value in reliance upon the transfer by the trustee to such entruster of a security interest in instruments or documents which are actually exhibited to such entruster, or to his agent in that behalf, at a place of business of either entruster or agent, but possession of which is retained by the trustee; provided, that the delivery under paragraph (a) or the giving of new value under paragraph (b) either:

(i) Be against the signing and delivery by the trustee of a writing designating the goods, documents or instruments concerned, and reciting that a security interest therein remains

in or will remain in, or has passed to or will pass to, the entruster, or

(ii) Be pursuant to a prior or concurrent written and signed agreement of the trustee to give such a writing.

The security interest of the entruster may be derived from the trustee or from any other person, and by pledge or by transfer of title or otherwise.

If the trustee's rights in the goods, documents or instruments are subject to a prior trust receipt transaction, or to a prior equitable pledge, Section 3016 5 and Section 3015, respectively, of this chapter, determine the priorities.

"Trust receipt"

(2) A writing such as is described in subdivision (1) paragraph (i), of this section signed by the trustee, and given in or pursuant to such a transaction, is designated in this chapter as a "trust receipt." No further formality of execution or authentication shall be necessary to the validity of a trust receipt.

(3) A transaction shall not be deemed a trust receipt transaction unless the possession of the trustee thereunder is for a purpose substantially equivalent to any one of the following:

(a) In the case of goods, documents or instruments, for the purpose of selling or exchanging them, or of procuring their sale or exchange; or, also, in the case of durable goods having a per unit retail value of at least five hundred dollars ($500), for the purpose of leasing them in the ordinary course of business; or

(b) In the case of goods or documents, for the purpose of manufacturing or processing the goods delivered or covered by the documents, with the purpose of ultimate sale, or for the purpose of loading, unloading, storing, shipping, transshipping or otherwise dealing with them in a manner preliminary to or necessary to their sale; or

(c) In the case of instruments, for the purpose of delivering them to a principal, under whom the trustee is holding them, or for consummation of some transaction involving delivery to a depositary or registrar, or for their presentation, collection, or renewal.

SEC. 2. Section 3014.5 of said code is amended to read:

Trust receipt transactions

3014 5. A trust receipt transaction is also one in which, pursuant to a trust receipt, a motor vehicle, house trailer, trailer, semitrailer or aircraft dealer or a dealer in other durable goods as trustee obtains new value from an entruster upon the transfer to the entruster of a security interest in new or used motor vehicles, house trailers, trailers, semitrailers or aircraft or upon the transfer to the entruster of a security interest in new or used other durable goods having a per unit retail value of at least five hundred dollars ($500), whether or not such vehicles, trailers, aircraft or other durable goods are owned or possessed by the trustee prior or subsequent to the execution of the trust receipt document, and whether or not such vehicles, trailers, aircraft or other durable goods are thereafter retained in the trustee's possession.

All provisions of this chapter which are applicable to the trust receipt transactions enumerated in Section 3014 are applicable to the trust receipt transaction specified in this section.

SEC. 3. Section 3016.5 of said code is amended to read:

Negotiable instruments

3016.5. (1) Purchasers of negotiable documents or instruments. (a) Nothing in this chapter shall limit the rights of purchasers in good faith and for value from the trustee of negotiable instruments or negotiable documents, and purchasers taking from the trustee for value, in good faith, and by transfer in the customary manner instruments in such form as are by common practice purchased and sold as if negotiable, shall hold such instruments free of the entruster's interest; and filing under this chapter shall not be deemed to constitute notice of the entruster's interest to purchasers in good faith and for value of such documents or instruments, other than transferees in bulk.

Negotiation by trustee

(b) The entrusting (directly, by agent, or through the intervention of a third person) of goods, documents or instruments by an entruster to a trustee, under a trust receipt transaction or a transaction falling within Section 3015 of this chapter be equivalent to the like entrusting of any documents or instruments which the trustee may procure in substitution, or which represent the same goods or instruments or the proceeds thereof, and which the trustee negotiates to a purchaser in good faith and for value.

Rules where purchaser is not protected

(2) Where a purchaser from the trustee is not protected under subdivision (1) hereof, the following rules shall govern:

(a) Sales by trustee in the ordinary course of trade.

(i) Where the trustee, under the trust receipt transaction, has liberty of sale and sells to a buyer in the ordinary course of trade, whether before or after the expiration of the 30-day period specified in subdivision (1) of Section 3016.4 of this chapter, and whether or not filing has taken place, such buyer takes free of the entruster's security interest in the goods so sold, and no filing shall constitute notice of the entruster's security interest to such a buyer. When the trustee, under the trust receipt transaction, has liberty to lease and leases to a lessee in the ordinary course of trade, whether before or after the expiration of the 30-day period specified in subdivision (1) of Section 3016.4, and whether or not filing has taken place, such lessee takes his interest as lessee under the lease free of the entruster's security interest in the goods so leased, and no filing shall constitute notice of the entruster's security interest to such a lessee, but the entruster's security interest continues and shall not be otherwise affected by such lease

(ii) No limitation placed by the entruster on the liberty of sale granted to the trustee shall affect a buyer in the ordinary course of trade, unless the limitation is actually known to the latter.

(b) Purchasers other than buyers in the ordinary course of trade. In the absence of filing, the entruster's security interest in goods shall be valid, as against purchasers, save as provided in this section; but any purchaser, not a buyer in the ordinary course of trade, who, in good faith and without notice of the entruster's security interest and before filing, either (i) gives new value before the expiration of the 30-day period specified in subdivision (1) of Section 3016.4, or (ii) gives value after said period, and who in either event before filing also obtains delivery of goods from a trustee shall hold the subject matter of his purchase free of the entruster's security interest; but a transferee in bulk can take only under (ii) of this paragraph (b).

(c) Liberty of sale. If the entruster consents to the placing of goods subject to a trust receipt transaction in the trustee's stock in trade or in his sales or exhibition rooms, or allows such goods to be so placed or kept, such consent or allowance shall have like effect as granting the trustee liberty of sale.

Purchase on credit

(3) As to all cases covered by this section the purchase of goods, documents or instruments on credit shall constitute a purchase for new value, but the entruster shall be entitled to any debt owing to the trustee and any security therefor, by reason of such purchase; except that the entruster's right shall be subject to any setoff or defense valid against the trustee and accruing before the purchaser has actual notice of the entruster's interest.

CHAPTER 550

An act to add Section 58862 to the Government Code, relating to proposals submitted to the county boundary commission.

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961]

In effect September 15, 1961

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

SECTION 1. Section 58862 is added to the Government Code, to read:

58862. If a proposal for a change of boundaries or incorporation of a new city or formation of a new district has been submitted to and a report made by the county boundary commission, and no further action has been taken by the proponents of the proposal for one year after such submission, the proposal shall be resubmitted to the commission before further proceedings may be conducted, in the same manner as if no submission to the commission had been made.

CHAPTER 551

An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to property taxation.

In effect September 15, 1961

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961]

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

"Taxing agency"

SECTION 1. As used in this act, "taxing agency" includes the State, county, and city. "Taxing agency" also includes every district that assesses property for taxation purposes and levies taxes or assessments on the property so assessed.

"Revenue district"

SEC. 2. As used in this act, "revenue district" includes every city and district for which the county officers assess property and collect taxes or assessments.

Validation of prior acts

SEC. 3. Every act and proceeding heretofore taken by any taxing agency or revenue district or the officers thereof relative to the preparation, transmitting, computing, determining or fixing the budget or the tax rate or rates of any taxing agency or revenue district, or to the assessment or equalization of property or to the levy of taxes thereon or to tax sales or certificates of tax sales, tax deeds or other conveyances, are hereby confirmed, validated and declared legally effective.

Limitations

SEC. 4. (a) This act is limited to the correction of defects, irregularities and ministerial errors which the Legislature originally could have omitted from the statutory requirements of law under which the acts hereby confirmed, validated and declared legally effective were taken.

Same

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

Same

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

Severability

SEC. 5. If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act and the application of its provisions to other persons or circumstances is not affected.

CHAPTER 552

An act to amend Section 13407 of the Government Code, relating to the purchase of supplies for state agencies.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 13407 of the Government Code is amended to read:

13407. Whenever a contract or purchase order under this article is not to be awarded to the lowest bidder, such bidder shall be notified by telegram 24 hours prior to awarding the contract or purchase order to another bidder. Upon written request by any bidder who has submitted a bid, notice of the proposed award shall be posted in a public place in the offices of the department at least 24 hours prior to awarding the contract or purchase order. If prior to making the award, any bidder who has submitted a bid files a protest with the department against the awarding of the contract or purchase order on the ground that he is the lowest responsible bidder meeting specifications, such contract or purchase order shall not be awarded until either the protest has been withdrawn or the Board of Control has made a final decision as to the action to be taken relative to the protest. In computing the 24 hour periods provided for in this section Saturdays, Sundays and legal holidays shall be excluded.

Within 10 days after filing a protest, the protesting bidder shall file with the Board of Control a full and complete written statement specifying in detail the ground of the protest and the facts in support thereof.

CHAPTER 553

An act to amend Section 1557 of, and to add Section 584.1 to, the Probate Code, relating to investment of funds.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 584.1 is added to the Probate Code, to read:

584.1. Pending the settlement of an estate, an executor or administrator may, in his discretion, without prior court authorization, invest and reinvest in direct obligations of the United States maturing not later than one year from the date of making the investment or reinvestment.

Investment by executor, etc.

SEC. 2. Section 1557 of said code is amended to read:

Investment by guardian

1557. On the application of the guardian or of any person interested in the estate of the ward, the court may authorize and require the guardian to invest the proceeds of sales, and any other of his ward's money in his hands, in real property, or in any other manner most to the interest of the ward; and the court may make such orders and give such directions as are needful for the management, investment and disposition of the estate as circumstances require. Where the court authorizes investment in bonds issued by any state of the United States or of any city, county, city and county, political subdivision, public corporation, district or special district of any state of the United States, the order therefor may authorize the guardian to make selection from among bonds issued by any such issuer, without specifying any particular issuer or issue of bonds, if the type of issuer is designated in general terms, and if the order specifies as to such bonds a minimum quality rating as shown in a recognized investment service, a minimum interest coupon rate and a minimum yield to maturity, and the date of maturity within a five-year range. Upon the filing of the application, the clerk shall set the same for hearing by the court and shall give notice thereof by causing a notice to be posted at the courthouse of the county where the proceeding is pending at least five days before the day of hearing in the manner prescribed in Section 1200 of this code. At least five days before the day of hearing, the applicant shall cause a copy of the notice to be mailed to the guardian if he is not the applicant, and to all persons who have requested special notice. Where, however, the application is by the guardian, the court or judge may order the notice to be given for a shorter period or dispensed with.

CHAPTER 554

An act to amend Section 10350 of the Health and Safety Code, and Section 69 of the Civil Code, relating to marriage.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 10350 of the Health and Safety Code is amended to read:

Contents: First section

10350. The certificate of registry of marriage shall contain as nearly as can be ascertained the following and such other items as the State Registrar may designate: The first section shall include the personal data of parties married, including the date of birth, full name, birthplace, residence, names and birthplaces of the parents, maiden name of the mothers, the number of previous marriages, marital status, and the maiden name of the female if previously married; the second section shall include the signatures of parties married, license to marry, county and date of issue of license, and the marriage

Second section

license number; and the third section shall include the certification of the person performing the ceremony, which shall show his official position including the denomination if he is a priest, minister or clergyman, and the signature and address of one or more witnesses to the marriage ceremony. The person performing the marriage ceremony shall also type or print his name and address on the certificate. The certificate shall not contain any reference to the race or color of parties married. Third section

SEC. 2. Section 69 of the Civil Code is amended to read:

69. All persons about to be joined in marriage must first obtain a license therefor, from a county clerk, which license must show: Marriage license

1. The identity of the parties.
2. Their real and full names, and places of residence; and
3. Their ages.

No license must be granted when either of the parties, applicants therefor, is an imbecile, or insane, or is at the time of making the application, for said license, under the influence of any intoxicating liquor, or narcotic drug If the male is under the age of 21 years, or the female is under the age of 18 years, and such person has not been previously married, no license may be issued by the county clerk unless both parties are capable of consenting to and consummating marriage as provided for in Section 56 of this code and such consent or consents must be filed by the clerk, and he must state such facts in the license. For the purpose of ascertaining all the facts mentioned or required in this section, the clerk, at the time the license is applied for may, if he deems it necessary in order to satisfy himself as to matters enumerated in this section, examine the applicants for a license on oath, which examination shall be reduced to writing by the clerk, and subscribed by them. Applicants for a license pursuant to this section shall not be required to state, for any purpose, their race or color. Grounds for withholding license

The forms for the application for license to marry and the marriage license shall be prescribed by the State Department of Public Health, and shall be adapted to set forth the facts required in this section. Forms for application

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CHAPTER 555

An act to convey certain tide and submerged lands, situated in Mendocino County, to the Noyo Harbor District, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, and providing for the government, management, use and control thereof.

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961] In effect September 15, 1961

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

SECTION 1. There is hereby granted to the Noyo Harbor District, and to its successors, all of the right, title, and in- Grant to Noyo Harbor District

terest of the State of California, held by said State by virtue of its sovereignty, in and to all of the tide and submerged lands situated in Noyo Harbor and along the Noyo River within the boundaries of the Noyo Harbor District as such boundaries exist on the effective date of this act.

To be forever held by said district, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said district, and its successors, only for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, and said district, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said district, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases.

Nothing contained in this paragraph (a) shall be deemed to affect the validity or term of any franchise granted by said district under the Broughton Act, and any such franchise shall be effective with respect to said lands when title thereto passes to said district hereunder.

(b) That said lands shall be improved by said district without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said district or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the district, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

(g) That within 10 years from the effective date of this act said lands shall be substantially improved by said district without expense to the State, and if the State Lands Commission determines that the district has failed to improve said lands as herein required, all right, title, and interest of said district in and to all lands granted by this act shall cease and said lands shall revert and rest in the State.

Severability

SEC. 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Other state funds

SEC. 3. Nothing contained in this act shall preclude the district from accepting and retaining any grant of funds from the State made available for the purpose of aiding in the development of said lands for any public purpose not inconsistent with the promotion and accommodation of commerce and navigation, or shall preclude the State from expending funds for the purpose of aiding in such development.

Description, recording

SEC. 4. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the office of the County Recorder of Mendocino County, the area of state lands described in this act. Said district shall enter into a contract with the State Lands Commission for surveying, monumenting and platting the area of state lands described in this act, and shall, upon submission of invoices by the State Lands Commission, pay said costs.

CHAPTER 556

An act to amend Section 4138 of the Agricultural Code, relating to dairy products.

In effect September 15, 1961

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 4138 of the Agricultural Code is amended to read:

4138. Refrigeration facilities may be furnished by a distributor to retail stores and other wholesale customers, only to the extent that they are reasonably necessary for the preservation of frozen dairy products distributed by said distributor on a rental basis for reasonable compensation as determined by the director after conducting a survey. Such compensation must provide for interest on investment, reasonable depreciation, and cost of repairs and maintenance during normal life of such facilities.

CHAPTER 557

An act to add Section 21.5 to the Vallejo Sanitation and Flood Control District Act (Chapter 17, Statutes of 1952, First Ex. Sess.), relating to the Vallejo Sanitation and Flood Control District.

In effect September 15, 1961

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 21.5 is added to the Vallejo Sanitation and Flood Control District Act (Chapter 17, Statutes of 1952, First Ex. Sess.), to read:

Sec. 21 5. The board of trustees may adopt a resolution declaring its intention to issue refunding bonds of the district for the purpose of refunding any or all outstanding bonds of the district. The board of trustees shall thereafter prepare a notice of its intention to issue refunding bonds and set a date for the hearing of all interested parties as to whether the refunding bonds should be issued. The notice shall contain a statement of the time and place of the hearing and of the advantages and disadvantages which might accrue to the district, and the taxpayers thereof, by the issuance of refunding bonds. The notice shall be published in a newspaper of general circulation, printed and published in the district, at least once each week for two successive weeks before the date set for the hearing.

At the hearing any person interested may appear and be heard. The trustees may continue the hearing by public announcement from time to time until the hearing is completed.

At the conclusion of the hearing the board of trustees may by resolution call a special election for the purpose of submitting to the qualified electors of the district the proposition of incurring a bonded debt to refund existing indebtedness of the district. Thereafter the board of trustees shall proceed with the issuance of refunding bonds in the manner provided by this act for the issuance and sale of the general obligation bonds of the district, except that refunding bonds may be issued only during the period of two years following the date of the election at which such bonds were approved.

Refunding bonds may be issued in a principal amount sufficient to provide funds for:

(a) The payment of the bonds to be refunded thereby.

(b) All expenses incidental to the calling, retiring, or payment of the outstanding bonds and the issuance of the refunding bonds, including the difference in amount between the par value of the refunding bonds and any amount less than par for which they may be sold.

(c) Any amount necessary to be made available for the payment of interest upon the refunding bonds from the date of their sale to the date of maturity or payment of the bonds to be refunded out of the proceeds of the sale, or the date upon which the bonds to be refunded will be paid pursuant to call thereof or agreement with the holders thereof.

(d) The premium, if any, necessary to be paid in order to call or retire the outstanding bonds.

CHAPTER 558

An act to amend Section 655 of the Harbors and Navigation Code, relating to vessels.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 655 of the Harbors and Navigation Code is amended to read:

655. (a) No person shall operate any motorboat or vessel or manipulate any water skis, aquaplane or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person. The commission shall adopt regulations for the operation of motorboats, undocumented vessels, water skis, aquaplanes or similar devices in a manner which will minimize the danger to life, limb, or property consistent with reasonable use of the equipment for the purpose for which it was designed.

(b) No person shall operate any motorboat or vessel or manipulate any water skis, aquaplane or similar device while under the influence of intoxicating liquor or under the influence of any narcotic drug, barbiturate or marijuana.

CHAPTER 559

An act to amend Sections 17214 and 24357 of the Revenue and Taxation Code, relating to deductions under the corporate franchise, income, and personal income, taxes.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 17214 of the Revenue and Taxation Code is amended to read:

Charitable, etc., contributions and gifts

17214. In computing taxable income there shall be allowed as a deduction, in the case of an individual, contributions or gifts payment of which is made within the taxable year to or for the use of:

(a) The United States, any state, territory, or any political subdivision thereof, or the District of Columbia, for exclusively public purposes.

(b) A corporation, or trust, or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation. For disallowance of certain charitable, etc., deductions otherwise allowable under this subsection, see Article 6 of Chapter 9.

(c) The special fund for vocational rehabilitation authorized by Section 12 of the World War Veterans' Act, 1924.

(d) Posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if the posts, organizations, units, or societies are organized in the United States and if no part of their net earnings inures to the benefit of any private shareholder or individual.

(e) A fraternal society, order, or association, operating under the lodge system, but only if the contributions or gifts are to be used exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals.

(f) A cemetery company owned and operated exclusively for the benefit of its members, or any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, if such company or corporation is not operated for profit and no part of the net earnings of such company or corporation inures to the benefit of any private shareholder or individual.

SEC. 2. Section 24357 of said code is amended to read:

24357. There shall be allowed as a deduction contributions or gifts payment of which is made within the income year to or for the use of: Deductions for contributions or gifts

(a) The United States, any state, territory, or any political subdivision thereof or the District of Columbia, or any possession of the United States, for exclusively public purposes; or

(b) A corporation, trust, or community chest, fund, or foundation, created or organized in the United States or in any possession thereof or under the law of the United States, or of any state or territory, or of the District of Columbia, or of any possession of the United States, organized and operated exclusively for religious, charitable, scientific, veteran rehabilitation service, literary, or educational purposes or for the prevention of cruelty to children or animals (but in the case of contributions or gifts to a trust, chest, fund, or foundation, only if such contributions or gifts are to be used within the United States or any of its possessions exclusively for such purposes), no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation. For disallowance of certain charitable, etc., deductions, otherwise allowable under this subsection, see Section 24359; or

(c) Posts or organizations of war veterans, or auxiliary units of, or trusts or foundations for, any such posts or organizations, if such posts, organizations, units, trusts, or foundations are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual; or

(d) A corporation or organization which is organized in the United States or any of its possessions by or for members of the armed forces of the United States for the purpose of aiding or assisting members of such forces or their relatives if no part of the net earnings of such corporation or organization inures to the benefit of any private shareholder or individual.

(e) A cemetery company owned and operated exclusively for the benefit of its members, or any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, if such company or corporation is not operated for profit and no part of the net earnings of such company or corporation inures to the benefit of any private shareholder or individual.

(f) The amount of aggregate deductions allowable under subsections (a), (b), (c), (d), and (e) of this section is limited to the extent it does not exceed 5 percent of the taxpayer's net income as computed without the benefits of this subsection. Limitation

Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the Franchise Tax Board.

CHAPTER 560

An act to repeal Section 647 of, and to add Section 647 to, and to amend Section 290 of, the Penal Code, relating to criminal offenses.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

Repeal

SECTION 1. Section 647 of the Penal Code is repealed.

SEC. 2. Section 647 is added to said code, to read:

Disorderly conduct

647. Every person who commits any of the following acts shall be guilty of disorderly conduct, a misdemeanor:

(a) Who solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view.

(b) Who solicits or who engages in any act of prostitution.

(c) Who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms.

(d) Who loiters in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act.

(e) Who loiters or wanders upon the streets or from place to place without apparent reason or business and who refuses to identify himself and to account for his presence when requested by any peace officer so to do, if the surrounding circumstances are such as to indicate to a reasonable man that the public safety demands such identification.

(f) Who is found in any public place under the influence of intoxicating liquor, or any drug, or the combined influence of intoxicating liquor and any drug, in such a condition that he is unable to exercise care for his own safety or the safety of others, or by reason of his being under the influence of intoxicating liquor, or any drug, or the combined influence of intoxicating liquor and any drug, interferes with or obstructs or prevents the free use of any street, sidewalk or other public way.

(g) Who loiters, prowls or wanders upon the private property of another, in the nighttime, without visible or lawful business with the owner or occupant thereof; or who, while loitering, prowling or wandering upon the private property of another, in the nighttime, peeks in the door or window of any inhabited building or structure located thereon, without visible or lawful business with the owner or occupant thereof.

(h) Who lodges in any building, structure or place, whether public or private, without the permission of the owner or person entitled to the possession or in control thereof

SEC. 3. Section 290 of said code is amended to read:

Registration of sex offenders

290. Any person who, since the first day of July, 1944, has been or is hereafter convicted in the State of California of the

offense of assault with intent to commit rape or the infamous crime against nature, under Section 220, or of any offense defined in Sections 266, 267, 268, 285, 286, 288, 288a, subdivision 1 of Section 647a, subdivision 3 or 4 of Section 261, subdivision (a) or (d) of Section 647, or subdivision 1 or 2 of Section 311 of this code, or of any offense involving lewd and lascivious conduct under Section 702 of the Welfare and Institutions Code; or any person who since said date has been or is hereafter convicted of the attempt to commit any of the above-mentioned offenses; or any person who since said date or at any time hereafter is discharged or paroled from a penal institution where he was confined because of the commission or attempt to commit one of the above-mentioned offenses; or any person who since said date or at any time hereafter is determined to be a sexual psychopath under the provisions of Chapter 4 of Part 1 of Division 6 of the Welfare and Institutions Code; or any person who has been since said date or is hereafter convicted in any other state of any offense which, if committed or attempted in this State, would have been punishable as one or more of the above-mentioned offenses shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

Notice of duty to register

Any person who, after the first day of August, 1950, is discharged or paroled from a jail, prison, school, road camp, or other institution where he was confined because of the commission or attempt to commit one of the above-mentioned offenses or is released from a state hospital to which he was committed as a sexual psychopath under the provisions of Chapter 4 of Part 1 of Division 6 of the Welfare and Institutions Code shall, prior to such discharge, parole, or release, be informed of his duty to register under this section by the official in charge of the place of confinement or hospital and the official shall require the person to read and sign such form as may be required by the State Bureau of Criminal Identification and Investigation, stating that the duty of the person to register under this section has been explained to him. The official in charge of the place of confinement or hospital shall obtain the address where the person expects to reside upon his discharge, parole, or release and shall report such address to the State Bureau of Criminal Identification and Investigation. The official in charge of the place of confinement or hospital shall give one copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

Notice of duty to register

Any person who after the first day of August, 1950, is convicted in the State of California of the commission or attempt to commit any of the above-mentioned offenses and who is released on probation or discharged upon payment of a fine shall, prior to such release or discharge, be informed of his duty to register under this section by the court in which he has been convicted and the court shall require the person to read and sign such form as may be required by the State Bureau of Criminal Identification and Investigation, stating that the duty of the person to register under this section has been explained to him. The court shall obtain the address where the person expects to reside upon his release or discharge and shall report within three days such address to the State Bureau of Criminal Identification and Investigation. The court shall give one copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

Contents of registration

Such registration shall consist of (a) a statement in writing signed by such person, giving such information as may be required by the State Bureau of Criminal Identification, and (b) the fingerprints and photograph of such person. Within three days thereafter the registering law enforcement agency shall forward such statement, fingerprints and photograph to the State Bureau of Criminal Identification and Investigation.

Change of address

If any person required to register hereunder changes his residence address he shall inform, in writing within 10 days, the law enforcement agency with whom he last registered of his new address. The law enforcement agency shall, within three days after receipt of such information, forward it to the State Bureau of Criminal Identification and Investigation. The State Bureau of Criminal Identification and Investigation shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

Penalty

Any person required to register under the provisions of this section who shall violate any of the provisions thereof is guilty of a misdemeanor.

Records not public

The statements, photographs and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer.

CHAPTER 561

An act to add Sections 6510.5, 6517 and 7615.5 to, and to amend Sections 5510, 5601, 5652, 6001, 6010, 6204, 6207, 6504, 6506, 6551, 7615 and 7616 to, the Financial Code, relating to savings and loan associations.

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961]

In effect September 15, 1961

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

SECTION 1. Section 6510.5 is added to the Financial Code, to read:

6510.5. Minimum term shares are shares upon which a single payment of dues amounting to the par value of the shares is paid at the time of subscription and which have a date expressed therein before which notice of intention to withdraw cannot be given, or which require written notice from the holder to the association for a period specified therein before the expiration of which period notice of intention to withdraw cannot be given. On and after such date, or upon and after the expiration of the specified period following such written notice, such shares cease to be a minimum term share and become full paid shares, subject to the same withdrawal rights and restrictions as full paid shares.

Minimum term shares

SEC. 2. Section 6517 is added to the said code, to read:

6517. Upon the withdrawal of any sum evidenced by any share issued after January 1, 1962, other than a share issued to a bank, no dividends shall be paid upon any sum which is received by the association on account of such share within six months prior to its withdrawal, except that dividends may be paid in respect to sums received on installment shares within six months prior to the date of the final payment which the holder is obligated to make thereon. All shares issued after January 1, 1962, shall expressly state the limitation upon the holder's right to dividends, as provided by this section Nothing in this section requires an association, in paying a withdrawal, to make a deduction for dividends which it has paid or credited on any share on any date when it regularly pays or credits such dividends, provided such dates of payment or credit as to any particular share are not more frequent than quarterly and provided the association's bylaws state that such deduction shall not be made.

Limitation on dividends

SEC. 3. Section 7615.5 is added to the said code, to read:

7615.5. Every director shall have the right at any reasonable time to inspect all books, records, documents of every kind, and the physical properties of the association, domestic or foreign, of which he is a director. Such inspection by a director may be made in person or by agent or attorney, and the right of inspection includes the right to make extracts. In the case of foreign associations this right extends only to such

Inspection of books, etc., by directors

books, records, documents, and property of such associations as are kept or located in this State.

SEC. 4. Section 5510 of said code is amended to read:

Notice to existing associations

5510. Upon the receipt of an application for a certificate to form a proposed association the commissioner, unless he finds that such certificate must be refused pursuant to this article, shall give written notice to each association existing in this State that an application for the issuance of a certificate has been made. The notice shall state the name of the proposed association, and the time and place that a hearing will be held. The hearing shall not be held less than 20 days after the mailing of the notice

SEC. 5. Section 5601 of said code is amended to read:

Notice of director's sale of stock, etc

5601. Every director who sells or hypothecates all the stock, shares or investment certificates owned by him, or so much thereof that he ceases to be the owner, free from encumbrances, of the amount of stock, shares or investment certificates required by Section 5600, shall immediately notify the commissioner in writing of such sale or hypothecation and that director may be removed from the office of director by the commissioner.

SEC. 6. Section 5652 of said code is amended to read:

Amendment of bylaws

5652. Upon the adoption of any amendment to the bylaws of an association, a copy of such amendment, certified by the secretary or assistant secretary of the association, and a complete copy of the association's bylaws as constituted after inclusion therein of said amendment, certified by the secretary or assistant secretary of the association, shall be delivered or mailed to the commissioner immediately.

SEC. 7. Section 6004 of said code is amended to read:

Notice to existing associations

6004. Upon receipt of an application for a branch license, the commissioner, unless he finds that such application must be denied pursuant to this chapter, shall give written notice to each association existing in this State that an application for the issuance of a branch license has been made. The notice shall state the name of the association, the name of the city or area in which such branch is proposed, and the time and place that a hearing will be held. The hearing shall not be held less than 20 days after the mailing of the notice.

SEC. 8. Section 6010 of said code is amended to read:

Designation of branch

6010. An association which maintains one or more branch offices shall give to each branch office a specific designation by name and include in the designation the word "branch" and shall prominently display the designation at the place of business of the branch.

When an association is operating a branch office or offices, all advertising of or by any such branch office shall state clearly the location of the principal office of such association.

SEC. 9. Section 6204 of said code is amended to read:

Bond

6204. Each applicant for a license as agent or salesman shall file with the commissioner a bond in the amount of five

thousand dollars ($5,000), or more in the discretion of the commissioner, in favor of the commissioner for the benefit of any person sustaining injury. The bond shall be executed by the applicant as principal and by sufficient sureties approved by the commissioner.

SEC. 10. Section 6207 of said code is amended to read:

Collector's bond

6207. If a collector is not otherwise bonded under the provisions of this part, and if the commissioner shall in his case require a bond, the collector shall furnish a bond in the sum of five thousand dollars ($5,000), or more in the discretion of the commissioner, similar in form to bonds for agents and salesmen, except that such bond shall be in favor, and shall inure solely to the benefit of the association.

SEC. 11. Section 6504 of said code is amended to read:

Consideration for shares

6504. Except in connection with mergers, consolidations or transfers pursuant to this part, no shares shall be issued for any consideration other than cash or cancellation of outstanding shares or investment certificates of the same association of equal value or, with the approval of the commissioner, of different values

SEC. 12. Section 6506 of said code is amended to read:

Classes of shares

6506. Shares may be issued as fully paid shares, installment shares, accumulative shares, prepaid shares, or minimum term shares Differences between the rates of return or the bases of participation for two or more of such classes of shares may be prescribed in the bylaws.

SEC. 13. Section 6551 of said code is amended to read:

Consideration for investment certificates

6551. Except in connection with mergers, consolidations or transfers pursuant to this part, no investment certificate shall be issued for a consideration other than cash or cancellation of outstanding investment certificates or shares of the same association of equal value or, with the approval of the commissioner, of different values.

SEC. 14. Section 7615 of said code is amended to read:

Inspection of books by stockholders

7615. The register of investors, the books of account and the minutes of an association shall be subject to inspection upon the written demand of any stockholder, but only with the prior approval of the commissioner, after notice to the association which approval shall not be given unless the commissioner determines that such inspection is not contrary to the best interests of the association and its stockholders

Hearing

The commissioner, unless he approves the stockholder's request for inspection, shall hold a hearing to determine these issues The hearing shall be held upon 20 days written notice to the association concerned.

Limitation

Shareholders and certificate holders, as such, shall have no right to inspect the register of investors, the books of account, or the minutes or other records of an association.

SEC 15. Section 7616 of said code is amended to read:

Derivative actions

7616 No action may be instituted or maintained in the right of any association by any shareholder or certificate

holder, as such. Such action may not be instituted or maintained by a stockholder of any association, unless all of the following conditions exist:

Conditions

(1) The plaintiff alleges in the complaint that he was a registered stockholder at the time of the transaction or any part thereof of which he complains or that his stock thereafter devolved upon him by operation of law from a holder who was a holder at the time of the transaction or any part thereof complained of.

(2) The plaintiff alleges in the complaint with particularity his efforts to secure from the board of directors such action as he desires and alleges further that he has either informed the association or such board of directors in writing of the ultimate facts of each cause of action against each defendant director or delivered to the association or such board of directors a true copy of the complaint which he proposes to file, and the reasons for his failure to obtain such action or the reasons for not making such effort.

(3) The commissioner shall have determined, after a hearing upon at least 20 days' written notice to such association and each of its directors, that such action (a) is proposed in good faith and (b) there is reasonable possibility that the prosecution of such action will benefit the association and its stockholders.

Subdivisions (b) and (c) of Section 834 of the Corporations Code shall be applicable in the case of any such action.

CHAPTER 562

An act to amend Sections 19426, 19439, 19441, 19596, 19608, 19614, and 19617 of the Education Code, relating to school building aid.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 19426 of the Education Code is amended to read:

Restriction on apportionment to a school district

19426. No apportionment shall be made to a school district for any grade level if the estimated cost of the project, as approved by the Director of Finance, is (1) an amount which would result in an apportionment to the district exceeding the amount authorized at the district election held under Section 19422, or (2) is an amount which if raised by the issuance and sale of bonds of the district running for 25 years bearing the current going rate of interest as determined by the board and the principal of which is payable in 25 equal annual payments, would require the levy of a tax under Section 22101 upon property in the district which would, when added to the

tax actually being levied upon property in the district for the grade level as determined by the Director of Finance under said section, amount to less than thirty cents ($0.30) on each one hundred dollars ($100) of assessed valuation of property in the district during the next fiscal year.

Interest

At the time the board makes an apportionment, it shall, with the approval of the Director of Finance, fix the interest to be paid by the district on the sum apportioned to it at a rate equal to the effective rate paid by the State upon the bonds sold from the proceeds of which the apportionment is made, giving effect to the price at which the bonds are sold and the premium, if any, paid thereon, adjusted to the next highest one-eighth of 1 percent, to cover the cost of sale and issuance of the bonds and costs of administration, to be compounded annually through the 30th day of June of each year.

SEC. 2. Section 19439 of said code is amended to read:

Deduction for apportionment and interest

19439. The State Controller shall make the deduction provided by Section 19436 during each fiscal year, as herein provided, until the principal amount of the apportionment made to the district for such grade level, and all accrued interest due thereon, has been withheld; but no interest shall accrue or become due and payable to the State with respect to the principal amount of any such apportionment after the expiration of 25 years from the first day of July of the fiscal year next succeeding the date of the warrant issued by the State Controller covering the payment to the county treasurer of each portion of such apportionment. At the expiration of 30 years from the first day of July of the fiscal year next succeeding the date of the warrant issued by the State Controller covering the payment to the county treasurer of each portion of such apportionment, any unpaid balance of the principal amount of any such apportionment, including all interest included in such principal amount, shall be canceled on the books of the State Controller, and the State shall have no further right to the repayment of such unpaid balance.

Cancellation

SEC. 3. Section 19441 of said code is amended to read:

Record of amount due

19441. The State Controller shall determine and maintain a record of the amount due the State in connection with each apportionment made to each grade level of a district under the provisions of this chapter (Sections 19401 to 19486, inclusive). He shall compute interest on the original amount of the apportionment at the rate fixed by the board, from the date of issuance of the State Controller's warrant covering the payment to the county treasurer of any portion of the apportionment until the first day of July of the fiscal year next succeeding that in which such warrant was issued. Thereafter, interest shall accrue to and be compounded as a part of the principal amount due the State pursuant to such apportionment through the 30th day of the following June of each year, until the principal and interest have been paid, or until the interest ceases to accrue, as provided in this chapter (Sections 19401 to 19486, inclusive). Interest on unpaid school building aid ap-

portionments shall be computed as if the annual repayment were credited on the first day of July of the fiscal year in which such repayment is withheld.

SEC. 4 Section 19596 of said code is amended to read:

Fixing rate of interest

19596 Notwithstanding any provision to the contrary after June 28, 1955, at the time the board makes an apportionment, the board, with the approval of the Director of Finance, shall, pursuant to this section, fix the rate of interest to be paid by the district on the sum apportioned to it. The board shall compute the average of the rates of interest which the State pays upon the state school building bonds, authorized by Article XVI, sold at the three sales of state school building bonds occurring immediately prior to the apportionment, or, if the board so determines, at all of the sales of such bonds occurring in the two years immediately prior to the apportionment, giving effect to the price at which the state school building bonds sold at such sales, and the premium, if any paid, thereon. Such average rate shall be adjusted to the next highest one-tenth of 1 percent to cover the cost of sale and issuance of the bonds and costs of administration. Such adjusted average rate shall be the rate paid by the district on its apportionment, and shall be compounded annually through the 30th day of June of each year.

SEC. 5 Section 19608 of said code is amended to read:

Multipurpose room

19608. If an apportionment is made for a project which includes a multipurpose room the board shall determine and specify the portion of the apportionment that is allocated to the cost of the multipurpose room.

If a district receives an apportionment a portion of which is for a multipurpose room it shall repay the principal amount of such portion of the apportionment as an additional payment as provided by this section. Interest on the total apportionment shall be paid as provided in Section 19614. Such repayment is in addition to the repayments required on the total of all apportionments to the district, which shall be repaid as otherwise provided in this chapter (Sections 19551 to 19689, inclusive).

Notwithstanding the provisions of Sections 19614 and 19616 for cancellation of the principal amount of apportionments the State Controller shall continue to make the deduction provided by Section 19611 during each fiscal year thereafter until the principal amount of the portion of the apportionment that was allocated to the cost of the multipurpose room and was made and disbursed to the district has been withheld, or for an additional period of 10 years, whichever first occurs. At the expiration of 40 years from the first day of July of the fiscal year next succeeding the fiscal year in which such apportionment became final, the unpaid balance of the principal amount of such portion of the apportionment shall be canceled on the books of the State Controller and the provisions of Section 19614 shall thereupon become applicable thereto and the board

shall execute a conveyance to the district as provided in Section 19616.

SEC. 6. Section 19614 of said code is amended to read:

Deduction for apportionment and interest

19614. The State Controller shall make the deduction provided by Section 19611 during each fiscal year, as herein provided, until the principal amount of the apportionment made and disbursed to the district for such grade level, and all accrued interest due thereon, has been withheld; but no interest shall accrue, or become due and payable, to the State with respect to the principal amount of any such apportionment, or any portion thereof, for any period of time following the expiration of 25 years after the first day of July of the fiscal year next succeeding the fiscal year in which such apportionment becomes final. At the expiration of 30 years from the first day of July of the fiscal year next succeeding the fiscal year in which such apportionment became final, any unpaid balance of the principal amount of any such apportionment disbursed to such district, including all interest included in such principal amount as provided in Section 19617, shall be canceled on the books of the State Controller, and the State shall have no further right to the repayment of such unpaid balance. Notwithstanding the provisions of this section, that portion of the "annual repayment," if any, computed by the State Controller under Section 19607 prior to the date of cancellation of the principal amount of an apportionment under the provisions of this section, which has not been withheld by the State Controller, as provided by Section 19611, prior to the date of such cancellation, shall be withheld by the State Controller, as provided by said Section 19611, subsequent to the effective date of such cancellation; and the amount so withheld shall be credited to the school district in determining the principal amount of the apportionment, including all interest included therein, which is canceled under the provisions hereof. Such grade level shall be excluded from any computations provided under Sections 19601, 19602, 19606, and 19607, in making the computations, after the effective date of such cancellation, to determine the "annual repayment," if any, that may thereafter be due the State from such school district with respect to other grade levels thereof.

Cancellation

SEC. 7. Section 19617 of said code is amended to read:

Record of apportionment

19617. The State Controller shall determine and maintain a record of the amount due the State in connection with each apportionment made to each grade level of a district under the provisions of this chapter (Sections 19551 to 19689, inclusive). He shall compute interest, at the rate fixed by the board, on each amount disbursed by the State pursuant to any such apportionment, from the date of issuance of the State Controller's warrant covering the payment to the county treasurer of such amount until the first day of July of the fiscal year next succeeding that in which such warrant was issued. Thereafter, interest shall accrue to and be compounded as a part of the principal amount due the State pursuant to such

Interest computation

apportionment, through the 30th day of the following June of each year, until the principal and interest have been paid, or until the interest ceases to accrue, as provided in this chapter (Sections 19551 to 19689, inclusive). Interest on unpaid school building aid apportionments shall be computed as if the annual repayment were credited on the first day of July of the fiscal year in which such repayment is withheld.

Operative date

SEC. 8. This act shall become operative on January 2, 1962.

CHAPTER 563

An act to add Section 106 to the Fish and Game Code, relating to the Fish and Game Commission.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 106 is added to the Fish and Game Code, to read:

106. All meetings of the commission shall be open and public and all persons shall be permitted to attend any meetings of the commission.

CHAPTER 564

An act to add Chapter 2.5 (commencing at Section 68701) to Title 8 of the Government Code, relating to the Commission on Judicial Qualifications, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Chapter 2.5 (commencing at Section 68701) is added to Title 8 of the Government Code, to read:

CHAPTER 2.5. COMMISSION ON JUDICIAL QUALIFICATIONS

Article 1. General Provisions

Definitions

68701. As used in this chapter, "commission" means the Commission on Judicial Qualifications provided for in Section 1b and Section 10b of Article VI of the Constitution, "masters" means special masters appointed by the Supreme Court pursuant to said Section 10b, and "judge" means a justice or judge who is the subject of an investigation or proceeding under said Section 10b.

68702. The commission may employ such officers, assistants, and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred upon the commission and upon the masters, may arrange for and compensate medical and other experts and reporters, may arrange for attendance of witnesses, including witnesses not subject to subpoena, and may pay from funds available to it all expenses reasonably necessary for effectuating the purposes of Section 1b and Section 10b of Article VI of the Constitution, whether or not specifically enumerated herein. The Attorney General shall, if requested by the commission, act as its counsel generally or in any particular investigation or proceeding. The commission may employ special counsel from time to time when it deems such employment necessary. Employees

68703. Each member of the commission and each master shall be allowed his necessary expenses for travel, board, and lodging incurred in the performance of his duties, but shall not receive any compensation for his services. Allowance for expenses

Article 2. Co-operation of Public Officers and Agencies

68725. State and local public bodies and departments, officers and employees thereof, and officials and attaches of the courts of this State shall co-operate with and give reasonable assistance and information to the commission and any authorized representative thereof, in connection with any investigations or proceedings within the jurisdiction of the commission. Co-operation by governmental agencies

68726. It shall be the duty of the sheriffs, marshals, and constables in the several counties, upon request of the commission or its authorized representative, to serve process and execute all lawful orders of the commission.

Article 3. Investigations and Hearings

68750. In the conduct of investigations and formal proceedings, the commission or the masters may (a) administer oaths; (b) order and otherwise provide for the inspection of books and records; and (c) issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony relevant to any such investigation or formal proceeding. Conduct of investigations

The power to administer oaths, to issue subpoenas, or to make orders for or concerning the inspection of books and records may be exercised by a member of the commission or a master, unless the commission shall otherwise determine.

68751. In any investigation or formal proceeding in any part of the State the process extends to all parts of the State. A person is not obliged to attend as a witness in any investigation or proceeding under this chapter at a place out of the county in which he resides, unless the distance is less than 150 miles from his place of residence. Witnesses

Enforcement of subpoenas

68752. If any person refuses to attend or testify or produce any writings or things required by any such subpoena, the commission or the masters may petition the superior court for the county in which the hearing is pending for an order compelling such person to attend and testify or produce the writings or things required by the subpoena before the commission or the masters. The court shall order such person to appear before it at a specified time and place and then and there show cause why he has not attended or testified or produced the writings or things as required. A copy of the order shall be served upon him If it appears to the court that the subpoena was regularly issued, the court shall order such person to appear before the commission or the masters at the time and place fixed in the order and testify or produce the required writings or things. Upon failure to obey the order, such person shall be dealt with as for contempt of court.

Depositions

68753. In any pending investigation or formal proceeding, the commission or the masters may order the deposition of a person residing within or without the State to be taken in such form and subject to such limitations as may be prescribed in the order. If the judge and counsel for the commission do not stipulate as to the manner of taking the deposition, either the judge or counsel may file in the superior court a petition entitled "In the Matter of Proceeding of Commission on Judicial Qualifications No. _____ (state number)," and stating generally, without identifying the judge, the nature of the pending matter, the name and residence of the person whose testimony is desired, and, directions, if any, of the commission or masters, asking that an order be made requiring such person to appear and testify before a designated officer. Upon the filing of the petition, the court may make an order requiring such person to appear and testify. A subpoena for such deposition shall be issued by the clerk and the deposition shall be taken and returned, in the manner prescribed by law for depositions in civil actions. If the deposition is that of a person residing or present within this State, the petition shall be filed in the superior court of the county in which such person resides or is present; otherwise in the superior court of any county in which the commission maintains an office.

Witness fees

68754. Each witness, other than an officer or employee of the State or a political subdivision or an officer or employee of a court of this State, shall receive for his attendance the same fees and all witnesses shall receive the same mileage allowed by law to a witness in civil cases. The amounts shall be paid by the commission from funds appropriated for the use of the commission.

Costs

68755. No award of costs shall be made in any proceeding before the commission, masters, or Supreme Court.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and

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

At the November, 1960 general election the people approved the establishment of the Commission on Judicial Qualifications with power to recommend the removal or retirement of any judge to the Supreme Court. It is essential to the public peace, health, and safety that statutory provisions implementing the Constitution and providing for the effective functioning of the commission be placed in immediate effect.

CHAPTER 565

An act to add Part 2.7 (commencing with Section 13801) to Division 12 of, and to add Sections 14022, 14328, 14407, and 14606 to, the Health and Safety Code, relating to fire protection districts.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.] In effect September 15, 1961

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

SECTION 1. Part 2.7 (commencing with Section 13801) is added to Division 12 of the Health and Safety Code, to read:

PART 2.7. FIRE PROTECTION DISTRICT LAW OF 1961

CHAPTER 1. GENERAL PROVISIONS

13801. This part shall be known and may be cited as the Fire Protection District Law of 1961. Short title

13802. "District," as used in this part, means a district created or reorganized pursuant to this part or pursuant to any law which it supersedes. "District"

13803. "City," as used in this part, includes city and county. "City"

13804. If the area proposed to be organized or reorganized as a district lies within more than one county, or if, subsequent to any annexation or consolidation, a district contains territory lying within more than one county, "principal county," as used in this part, means that county having the greatest proportion of the total assessed valuation of the district or proposed district, and that county shall remain the principal county even though subsequent changes occur, the result of which being that another county may then contain the greatest proportion of the total assessed valuation of the district. "Principal county"

13805. Unless otherwise provided herein, whenever in this part a duty or responsibility is given to a county or the board of supervisors or any county official, and the district or pro- Discharge of responsibility by board

posed district lies within more than one county, such duty shall be performed or responsibility discharged by the county which is the principal county or by the board of supervisors or the designated county official of the principal county. In any existing district lying within more than one county, the principal county shall be that county now acting as such.

"Supervising authority"

13806. "Supervising authority," as used in this part, means the board of supervisors, unless the proposed district is composed entirely of incorporated territory. If the proposed district is composed entirely of incorporated territory the city council of the city or, if two or more cities are included in the proposed district, the city council of the city with the largest population shall be the supervising authority.

"District board"

13807. "District board," as used in this part means the board of directors of a district.

"Employees"

13808. "Employees," as used in this part, means all duly appointed officers and employees of the district and the fire department, including those regular, volunteer and call firemen who are employed and paid on a full-time or part-time basis, and including such persons as may be requested or appointed by the officer in charge of a fire, with authorization of the district board, to assist in the suppression of a fire.

Exemption from "District Investigation Act of 1933"

13809. Districts formed or proposed to be formed under this part are not subject to any provisions of the "District Investigation Act of 1933."

Validation of prior proceedings

13810. In the case of districts created or reorganized under this part or any statutory predecessor thereof subsequent to 1935, and in the case of districts created prior to 1935 and subsequently reorganized under this part or any statutory predecessor thereof, no assessment or act relating to the assessment or collection of taxes, nor any election held under this part, is illegal, void or voidable on account of any error, omission or informality or failure to comply strictly with the provisions of this part, nor on account of any misnomer.

Limitation on commencement of proceedings

13811. Any proceeding in which the validity of the organization or reorganization of a district is questioned shall be commenced within three months after the date of the first appointment or election of members of the district board or the date of such reorganization; otherwise such organization or reorganization and the legal existence of said district, and all proceedings in respect thereto, are valid and in every respect legal and incontestable.

Certificate evidencing organization, etc

13812. When a district is organized or reorganized, and upon receipt of notice of such organization or reorganization, the Secretary of State shall issue to the district board of such district a certificate evidencing the existence of such district under such organization or reorganization.

Report to the Legislature

13813. The State Fire Marshal shall, from time to time, study and investigate the law relating to the formation and organization of districts and shall, following each such study and investigation, report to the Legislature the results of his

investigation and study and also his conclusions and recommendations regarding needed legislation in order better to accomplish the purposes of the law.

Liberal construction

13814. This part is necessary for the public health, safety, and welfare, and shall be liberally construed to effectuate its purpose.

CHAPTER 2. AREA

Areas subject to organization

13821. Any incorporated or unincorporated territory, or any combination thereof, which does not include any timbered, brush, or grass-covered lands declared to be the responsibility of the State for fire protection by Article 1 (commencing with Section 4000), Chapter 1, Division 4 of the Public Resources Code, except as provided in this section, may be organized as a district pursuant to this part.

Notice of proposed organization

Upon the adoption of a resolution or upon receipt of a petition for the formation of or the annexation to a district, if the proposed formation or annexation contains an area declared by Article 1 (commencing with Section 4000), Chapter 1, Division 4 of the Public Resources Code to be the fire protection responsibility of the State, the board of supervisors, in the case of formation, or the district board, in the case of annexation, shall file with the State Forester a notice of such proposal including a map and legal land subdivision description of the proposed district or annexation. Upon formation of or annexation to a district, including such lands, the fire protection responsibility for timbered, brush and grass lands shall remain that of the State. The district shall have the fire protection responsibility for structures in the area. Commercial forest lands which are timbered lands declared to be the responsibility of the State for fire protection by Article 1 (commencing with Section 4000), Chapter 1, Division 4 of the Public Resources Code shall not, however, be included within a district.

This section shall apply to districts hereafter formed and to annexations to existing districts.

Areas subject to organization

13822. Contiguous or noncontiguous portions of unincorporated territory may be included within districts governed by the board of supervisors or their appointees

Same

13823. Incorporated territory which is completely surrounded by another city, or cities, may be included within a district governed by a board of supervisors or its appointees at any time prior to June 30, 1962.

CHAPTER 3. FORMATION

Methods of formation. Action by supervising authority

13825. Any one of the following alternative methods may be used to form a district:

(a) The supervising authority or supervising authorities may determine, by resolution, that certain territory not served by a regularly organized fire department of a city and not served by an existing fire department of a district is in need

of fire protection and should be formed into a district. The board of supervisors shall then proceed to hold a public hearing and an election as prescribed in Article 4 (commencing with Section 58090) and Article 5 (commencing with Section 58130), Chapter 1, Division 1, Title 6 of the Government Code.

Petition of voters, and election

(b) A petition for the formation of a district which is signed by registered voters in the proposed district equal in number, at least, to 25 percent of all the votes cast within the proposed district for all the candidates for Governor at the last preceding general election at which a Governor was elected. The board of supervisors shall then proceed to hold a public hearing and an election as prescribed in Article 4 (commencing with Section 58090) and Article 5 (commencing with Section 58130) of Chapter 1, Division 1, Title 6 of the Government Code.

Petition of voters, and order of supervisors

(c) If a petition for the formation of a district is presented to the board of supervisors which is signed by registered voters in the proposed district equal in number at least, to 51 percent of all the votes cast within the proposed district for all the candidates for Governor at the last preceding general election at which a Governor was elected, the board of supervisors, after holding a public hearing as prescribed in Article 4 (commencing with Section 58090), Chapter 1, Division 1, Title 6 of the Government Code, may, by resolution, declare the district formed without recourse to an election.

CHAPTER 4. BOARD OF DIRECTORS

Methods of selecting board of directors

13831. A petition or resolution which proposes the formation of a district shall specify one of the following methods of selecting the board of directors of the district:

(a) That the board of directors shall be composed of the supervising authority.

(b) That the board of directors shall have 5 or 11 members appointed by and from the board of supervisors and by and from the city councils of the cities included within the district.

If unincorporated territory and territory of one or more cities, or portions thereof, are included within the district, or if all or a portion of the unincorporated territory in a district subsequently becomes incorporated territory the directors shall be appointed from the incorporated territory and the unincorporated territory according to the proportionate share of population of the incorporated and unincorporated territory included within the district.

Directors representing the unincorporated territory included within the district shall be appointed by and from members of the board of supervisors. Directors representing the incorporated territory included in the district shall be elected by and from the city councils of those cities so included.

When two or more cities, or portions thereof are included within the district, each city council shall appoint one of its

members to cast their vote in determining which of the combined councilmen shall be members of the board of directors from the incorporated territory within the district.

Whenever unincorporated territory and all or portions of one or more cities are included within the district, at least one director shall be appointed by and from the board of supervisors and at least one director shall be appointed by and from the city councils of the cities included within the district.

Terms

The members of the board of directors of the board first appointed shall serve for four-year terms and for two-year terms and shall determine by lot which three members shall serve for four-year terms and which of two members shall serve for two-year terms. Vacancies resulting from a member's loss of his office on the board of supervisors or a city council, or from other causes, shall be filled by the appointing authority for the unexpired term.

(c) That the board of directors shall be composed of three or five members to be elected as provided in this part.

First elected board of directors

13832. At the election for the formation of a district, or at the election of the first board of directors of a district formed without recourse to an election, in which the district shall be governed by an elected board of directors, the terms of the first elected board of directors shall be determined as follows:

(a) If the petition or resolution proposing the formation of a district specifies a board of directors composed of three members the nominee receiving the highest vote shall be considered as having been elected for a three-year term and the nominee receiving the second and third largest number of votes shall be considered as having been elected for terms of two years and one year respectively.

(b) If the petition or resolution proposing the formation of a district specifies a board of directors composed of five members the two nominees receiving the largest and second largest number of votes shall be considered as having been elected for three-year terms, the two nominees receiving the third and fourth largest number of votes shall be considered as having been elected for two-year terms, and the nominee receiving the fifth largest number of votes shall be considered as having been elected for a one-year term

Increasing the membership

13833. Subsequent to the formation of a district with a board of directors consisting of three elected members or the consolidation of two or more districts, if, by petition of 50 or more electors or by unanimous resolution of the district board, it is proposed to increase the number of directors from three to five, the district board shall, upon receipt of such petition or upon adoption of such resolution, call a special election on the proposition of such change, such election to be held concurrently with the next general district election If a majority of the votes cast are in favor of the proposition, the board of supervisors shall, at their next meeting, appoint two new directors, one of whom shall serve for a three-year term and the other for a two-year term.

In case of ties

13834. If pursuant to Section 13832 two or more nominees for the district board receive the same number of votes, the supervising authority shall cast the deciding vote to determine the election and tenure of office of the nominees concerned.

Terms

13835. The terms of office of the first elected members of the district board, or of a consolidated district board, shall run until the third Tuesday of April of the first, second and third years next succeeding their election, except that if the first district board or a consolidated district board is elected within less than six months before the first Tuesday of April their terms shall run until the third Tuesday of April of the second, third and fourth years next succeeding their election. The directors shall hold office until their successors shall be elected or appointed and qualified.

Date of election

13836. On the first Tuesday of April of the year next succeeding the first election or if the first district board or consolidated district board is elected within less than six months before the first Tuesday of April, then on the first Tuesday of April of the second year succeeding the first election, and on the first Tuesday of April of every year thereafter, an election shall be held for the election of the required number of members of the district board who shall take office on the third Tuesday in the same month and shall hold office for the term of three years, or until their successors are elected or appointed and qualified.

Election not to be held

13837. If at 12 o'clock noon on the 54th day prior to a general district election only one person has been nominated for each of the positions to be filled at that election or no person has been nominated for any such office or offices, and a petition signed by five percent (5%) of the voters requesting that the election be held has not been presented to the district board, an election shall not be held.

Publication when no election is held

13838. In such case the publication provided for in Section 13891 shall, instead of calling an election, state that no election is to be held but that the supervising authority shall appoint those nominated for the positions of member of the board of directors or shall, if no persons have been nominated, appoint any qualified persons to the positions.

Appointment when no election is held

13839. If pursuant to Sections 13837 and 13838 a general district election is not held, the supervising authority shall, at a meeting held prior to the day fixed for the election, appoint to the positions of member of the board of directors those persons nominated, or shall, if no persons have been nominated, appoint any qualified persons to such positions. Any person thus appointed shall qualify, take office and serve as if elected at a general district election.

Vacancies

13840. Any vacancy in the office of a member elected to the district board shall be filled by appointment by the district board for the unexpired term.

Meetings

13841. Within 30 days after their first election or appointment and after each general district election or unopposed election, and whenever vacancies in any office may occur and are

filled, the district board shall meet and organize as a board, electing a president from their number, and a secretary, after which they may transact business. Regular meetings shall be held not less than once every three months. Regular and special meetings shall be called and conducted as prescribed by Sections 54953, 54954 and 54956 of the Government Code.

Quorum

13842. A majority of the district board shall constitute a quorum for the transaction of business.

Vote required

13843. The district board shall act only by ordinance, resolution or motion. A majority vote of the members of the district board is required on each action taken, and the vote shall be recorded.

Compensation

13844. Each member of the district board shall receive such sum as may be fixed by the board, not exceeding ten dollars ($10), for each meeting of the district board attended by him, not exceeding four meetings in any calendar month.

Expenses

13845. Members of the district board may be allowed actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the district board.

Recall

13846. All or any of the members of the district board may be recalled at any time by the voters by following the recall procedure set forth in Chapter 2 (commencing with Section 11050), Division 13 of the Elections Code.

CHAPTER 5. GENERAL POWERS AND DUTIES

Perpetual succession

13851. The district board shall have perpetual succession.

Powers of board

13852. The district board shall have and exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this part, including but not limited to the power:

(a) To sue and be sued.

(b) To take or acquire real or personal property of every kind or any interest therein, within the district, by grant, purchase, gift, devise or lease, and to hold, manage, occupy, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district.

(c) To exercise the right of eminent domain. No action in eminent domain to acquire property or interests therein outside the boundaries of the county or counties in which the district is located shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

(d) To establish, equip and maintain a fire department, and to establish and enforce rules and regulations for the administration, operation and maintenance thereof.

(e) To appoint and employ necessary employees, and to define their qualifications, duties and responsibilities, and to provide for a pay schedule and for payment in a reasonable sum for the performance of such duties.

(f) To employ counsel.

(g) To enter into and perform all necessary contracts, including but not limited to contracts for the supply and distribution of water where necessary for the purposes of fire protection, and for the furnishing of necessary services to or the receipt of such services from another district.

(h) To provide and maintain any and all special service functions necessary for the prevention of fire and for the protection of life and property from fire and panic, including the investigation of fire and prosecution of crimes of arson.

(i) To acquire and construct facilities within the district for the development, transmission, storage, and distribution of water where necessary or convenient for the purpose of providing fire protection.

Same: Ambulances

13853. The district board may purchase and maintain ambulances and operate ambulances or ambulance services within and without the district.

Same Rescue, etc., services

13854. The district board may establish, equip, maintain and operate rescue and first aid services within and without the district.

Same: Contracts

13855. The district board may contract with other governmental agencies.

Same: Civil service system

13856. The district board may, by ordinance, provide for a civil service system for employees of the district.

Same Bonds

13857. The district board may require any employee of the district to be bonded, the cost of such bonds to be borne by the district.

Same: Lease, etc., vehicles

13858. The district board may lease or rent private vehicles or equipment owned by district employees or others and reimburse them for use of same within budgetary limitation.

Same: Hospital service contracts

13859. The district board may enter into group hospital service contracts with hospitals and hospital districts for hospital service for the members of the district board and the employees of its fire department relating to injuries suffered by such persons in the performance of duty; and for such purpose the fire district is construed to be a district within the meaning and effect of Section 11512 2 of the Insurance Code and other laws related thereto.

Same: Accident insurance

13860. In addition to compensation insurance required by law, the district board may insure its members and employees against accidental death and injury in the performance of their duties.

Same: Group service and insurance

13861. Notwithstanding the provisions of Section 13859 and Section 13860 of this code, nothing herein shall be construed to limit the district board from entering into group hospital service contracts with hospitals and hospital districts for hospital service, or from adopting a system of group health, sickness, accident or disability insurance, for the benefit of its members and employees pursuant to any other procedure therefor established by law.

Same: Association memberships

13862. The district board, on behalf of its fire department, may maintain membership in any local, state or national group

or association organized and operated for the promotion of the preservation of life and property from the hazards of fire and panic.

Same: Professional meetings

13863. The district board may authorize the attendance of its members and employees at professional or vocational meetings and may authorize payment of reasonable expenses therefor, including transportation to and from such meetings.

Equipment

13864. The purchase of all equipment for fire protective purposes shall conform to the standardization provisions of Section 13025.

Seal

13865. The district may adopt a seal.

Records

13866. The district board shall keep a record of all its acts, and of all money received and disbursed by it. The books shall be open to public inspection.

Removal of flammable material

13867. The district board may clear or order the clearing of land or remove or order the removal of dry grass, stubble, brush, rubbish, litter, or other flammable material, if, in its judgment, the flammable material endangers the public safety by creating a fire hazard. The provisions of Part 5 (commencing with Section 14875), Division 12, of this code are made applicable to districts organized and existing pursuant to this part, including, but not limited to, the provisions with respect to the assessment of property owners for the expense of abatement, and the procedure set forth therein shall apply to dry grass, stubble, brush, rubbish, litter or other flammable material which endangers the public safety by creating a fire hazard. In the application of the provision of Part 5 (commencing with Section 14875), Division 12, to proceedings under this part, the terms "board of supervisors," or "board" when used in Part 5, shall mean the district board acting under this part; and the officers designated in Section 14890, of Part 5, shall mean the employees of the fire department designated by the district board.

Clearing land

13868. The district board may clear any or all town lots, homesites, villa lots, or lands immediately adjacent within the district of dry grass, weeds, stubble, brush, rubbish, litter, or other flammable material.

Fire prevention ordinances

13869. The district board may, after publication of notice and hearing adopt and enforce reasonable ordinances for the prevention and suppression of fires and conflagrations and for the protection and preservation of life and property against the hazards of fire and conflagration.

Copies

13870. Each ordinance shall be signed by the members of the district board and published. Copies of all district ordinances shall be available, in the office of the district board, for public distribution.

Fire prevention code

13871. Notwithstanding the provisions of Section 13870, the district board may by ordinance adopt a fire prevention code by reference in the same manner as legislative bodies of local agencies are authorized to adopt primary and secondary codes by reference pursuant to Sections 50022.1 to 50022.8, inclusive, of the Government Code, and for the purposes of

such sections of the Government Code the district board shall be deemed a legislative body and the district shall be deemed a local agency.

Penalties

No penalty clauses or sanctions contained in any fire prevention code adopted by reference pursuant to this section shall be effective.

Every person who violates any provision of an ordinance adopted pursuant to this section or of a fire prevention code adopted by reference in such ordinance is guilty of a misdemeanor.

Citations

13872. The district board may provide by ordinance for the issuance of citations by the chief of the fire department of the district, or his duly authorized agent, for violations of district ordinances in the same manner as a county, city, or city and county is authorized to so provide by Chapter 5b (commencing with Section 853.1), Title 3, Part 2 of the Penal Code.

Penal offenses

13873. Every person who violates any of the provisions of a district ordinance adopted pursuant to Section 13869, or who fails or refuses to correct or eliminate a fire or life hazard after written order of the district board or its authorized representative, or who falsely personates a member of the district board or any officer of the district is guilty of a misdemeanor.

Hearing and review

13874. If any person who has been ordered, pursuant to Section 13873, to correct or eliminate a fire or life hazard believes that strict compliance with the order would cause undue hardship, he may, within 10 days, present a written request to the district board for a hearing on and a review of such order. The request shall state the reasons therefor, and the district board shall, within 30 days of the receipt of same, hold a hearing, and may, if they determine that the circumstances appear to justify such action, modify, vacate, or affirm the order.

Power of peace officers

13875. The officers of a fire department of the district shall have the powers of peace officers while engaged in the performance of their duties with respect to the prevention and suppression of fires and the protection and preservation of life and property against the hazards of fire and conflagration.

Permit to burn

13876. If, within any area of the district, the district board has established regulations for the control of open fires, no person desiring or required to burn flammable material shall do so except under a permit issued by the district. No permit to burn flammable materials shall be issued in conflict with burning regulations of an air pollution control district, or regulations established pursuant to the Public Resources Code.

Fire prevention education

13877. The district board shall encourage the adoption of fire prevention measures by means of education, and may prepare or cause to be prepared and disseminated information relating to the subject of fire prevention and extinguishment.

Firemen's training

13878. The district board may establish or cause to be established a program of firemen's training or may authorize

the participation of district firemen in such a program as otherwise established.

Firefighting equipment

13879. The district board may authorize the use of the apparatus, equipment, and firefighting force of the district for the purpose of extinguishing any fire occurring outside the territory of the district, upon such terms and conditions as the district board may prescribe.

Governing body: Powers

13880. When more than one district is governed by the same governing body, the governing body may:

(a) Adopt the same set of civil service rules, regulations, and procedures for any or all districts.

(b) Authorize one examination for the combined districts for each rank of candidates, to establish one eligible list, permit qualified candidates to transfer from one district to another, in the interest of efficiency, and allow requested changes in assignment.

(c) Adopt one seniority list to be used in the layoff of all employees of the combined districts. Persons laid off due to lack of work shall be eligible for re-employment and shall be re-employed in preference to new applicants.

Status of employees

13881. The board of supervisors may change to district status any employee of a county fire warden department and the status of any district employee may be changed to that of a county employee, subject to charter provisions relating to civil service, and the rules, regulations, and procedures of the civil service commission of the county employing the employee and the approval of the district board.

Same

13882. If the civil service commission or body performing the functions thereof for the district finds that any person has been employed by a city which has, or any portion of which has, been annexed to or included within a district, in a position the duties of which, and the qualifications for which are substantially the same as those of any position in the district, at the request of the governing body of the district, the civil service commission or such other body, may certify, without examination, such person as eligible to hold such district position. If a person is employed by a district after certification without examination by the civil service commission or similar body because of his employment in a position of similar duties by a city, all time employed in such city position shall be considered as time employed by the district, for the purpose of determining seniority rights and salary rates.

Chapter 6. Provisions Relating to Elections

Notice and elections

13891. The district board shall call elections, subsequent to the organization of the district, and the provisions of Section 58171 of the Government Code notwithstanding, notice of each election shall be given as provided in Article 1 (commencing with Section 58000), Chapter 1, Division 1, Title 6 of the Government Code. No other notice of such elections need be given,

and neither sample ballots nor polling place notices need be mailed for such elections.

Duties of county clerk

13892. Where a district has not already been formed the county clerk shall perform such duties as may be required incident to the election, which duties would otherwise normally be performed by the district board or the secretary thereof.

Manner of holding elections

13893. All district elections shall be called, held and conducted in all respects as nearly as practicable in conformity with the provisions of law governing elections in general law cities except as otherwise provided herein.

Eligibility

13894. No person shall be a candidate for or be appointed to or hold office on the district board unless he is a voter of the district or proposed district.

Ballots

13895. The ballots used at elections on propositions shall set them forth in terms conforming to the requirements of law for elections on measures in cities.

Expenses of election

13896. The expense of the election held relative to the formation of a district shall be paid by the county if the proposition fails to carry, but if the formation is approved such expense shall be a charge against the district and repaid to the county from the first moneys collected by the district. The expense of all other elections shall be a charge against the district.

CHAPTER 7. FINANCE, TAXATION AND BONDS

Expenditures

13901. The district board may, for any purpose for which the district is authorized to expend funds without the necessity of calling or holding an election in the district, borrow money and incur indebtedness in anticipation of the revenue for the current year in which the indebtedness is incurred or of the ensuing year thereafter. Such indebtedness shall not exceed 85 percent of the estimated tax income for the current year.

Preliminary budget. Classes

13902. On or before the 15th day of May of each year the district board shall estimate and determine the annual amount of money required for the district and shall adopt a preliminary budget which may be divided into the following main classes:

(a) Maintenance and operation.

(b) Cost of furnishing additional protection and prevention service desired by incorporated areas.

(c) Capital outlay.

(d) Bonded or other indebtedness interest and redemption.

(e) Capital outlay reserve.

(f) Unappropriated reserve.

(g) General reserve.

Notice of preliminary budget: Form

13903. On or before the 15th day of May of each year the district board shall publish a notice stating:

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

(b) That on a specified date and at a specified time and place the district board will meet for the purpose of fixing the final budget, and that any taxpayer may appear and be heard regarding the increase, decrease, or omission of any item of the budget or for the inclusion of additional items.

Publication

The notice required by this section shall be published pursuant to Section 6066 of the Government Code in at least one newspaper published in the district. The first publication shall be at least two weeks prior to the date specified for the meeting of the district board If there is no newspaper published in the district, the notice shall be posted in three public places in the district not less than two weeks prior to the date specified for the meeting of the district board. No other notice of the meeting need be given.

Meetings. Appearance

13904. At the time and place designated in the published notice for the meeting, any taxpayer may appear and be heard regarding the increase, decrease, or omission of any item of the budget or for the inclusion of any additional items.

Same Continuance

13905. The hearing on the budget may be continued from time to time until concluded.

Final budget

13906. The district board shall report the final budget to the board of supervisors or to each board of supervisors concerned, after the budget hearing but not later than the first day of July of each year, after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases, or additions.

Tax Counties

13907. The board of supervisors of each county concerned shall, at the time of levying the county taxes, levy a tax upon all the property taxable by the district lying within the county, sufficient to meet the amount set forth in the final budget submitted by the district board.

The tax levied within the incorporated areas of the district may be sufficiently higher than that levied within the unincorporated area in order to defray the cost of furnishing additional fire protection and prevention desired by such areas.

Same: Incorporated areas

13908. The tax levied within an incorporated area of a district may be paid from the funds of the city if the governing body of such city so determines and notifies the board of supervisors. The funds to be paid by the city in lieu of the general property tax shall be collected at the same time as other taxes provided for herein.

Assessment

13909. The taxes so levied shall be computed and entered on the assessment roll and collected at the same time and in the same manner as county taxes, and when collected shall be placed in the county treasury for use of the district. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such taxes.

Emergencies

13910. On finding of emergency affecting the ability of the district to furnish adequate fire protection, the district board may, by resolution adopted by unanimous vote, provide the moneys received but not specifically set forth as revenue in the

adopted budget be made available for appropriation and expenditure during the current fiscal year.

The district board may further provide by resolution for transfers or revisions of unencumbered funds within the general classes of the adopted budget, other than transfers from the capital outlay reserve.

Reserves

13911. The district board may establish a reserve for capital outlays. If such reserve is established, the board shall declare the purposes for which the reserve is to be used and shall include in the annual tax levy for the district an item stating the amount to be included for such purposes.

Transfers to reserve

13912. At any time after the creation of a capital outlay reserve, the board may transfer to such reserve any unencumbered surplus reserve remaining to the credit of the district at the end of any fiscal year.

Purpose of capital outlay

13913. Whenever a capital outlay reserve is established, it shall be used only for the purposes specified at the time the reserve was established except that if, at the beginning of every fiscal year, it is found that the reserve is no longer required for such purposes, the board may, by unanimous vote, discontinue the reserve or transfer so much thereof as is no longer required for such purposes to the district general fund.

Treasurer

13914. The county treasurer shall act as the treasurer of the district, and shall receive no compensation for the receipt and disbursement of money of the district.

Claims

13915. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

Method of payment

13916. Subject to the provisions of Section 13915, claims against the district shall be audited, allowed, and paid by the district board by warrants drawn on the county treasurer. As an alternative, the district board may instruct the county auditor to audit, allow and draw his warrant on the county treasurer, for all legal claims presented to him and authorized by a majority of the district board. The county treasurer shall pay the warrants in the order in which they are presented.

Insufficient funds

13917 When any warrant of the district, properly drawn on any fund in the official custody of the county treasurer, is presented to the county treasurer for payment, and it is not paid for want of funds, the county treasurer shall endorse thereon "not paid for want of funds" and the date and time of presentation and sign his name thereto. From that time until paid the warrant bears interest at the rate of not to exceed 7 percent a year.

Interest on returned warrants

Bonded indebtedness Resolution

13918. Whenever the district board deems it necessary for the district to incur a general obligation bonded indebtedness for (a) the acquisition, construction, completion, or repair of any or all improvements, works, or property mentioned in this chapter, or (b) the funding or refunding of any outstanding indebtedness of the district, including premiums, if any be

payable, the district board shall, by resolution, so declare and call an election to be held in the district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district.

Contents of resolution

13919. The resolution shall state:

(a) The purpose for which the proposed debt is to be incurred, which may include expenses of the proceedings for the authorization, issuance, and sale of the bonds.

(b) The amount of debt to be incurred.

(c) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 30 years.

(d) The maximum rate of interest to be paid, which shall not exceed 6 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the year.

(e) The measure to be submitted to the voters.

(f) The date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred.

(g) The designation of the precincts, the location of the polling places, and the names of the officers selected to conduct the election.

Notice of election

13920. Notice of the holding of the election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code in at least one newspaper published in the district. The first publication shall be at least two weeks prior to the date of the election. If there is no newspaper published in the district, the resolution shall be posted in three public places in the district not less than two weeks prior to the date of the election No other notice of the election need be given.

Qualification to vote: Elections Code to govern

13921. At the election any qualified and registered elector residing within the district may vote. The returns of the election shall be made, the votes canvassed, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code governing elections in general law cities, except as in this part otherwise provided.

Conduct of election

13922. No irregularities or informalities in conducting the election shall invalidate the election, if the election shall have been otherwise fairly conducted.

More than two-thirds vote required

13923. If from the returns it appears that more than two-thirds of the votes cast upon the measure were in favor of and assented to the incurring of the general obligation bonded indebtedness, then the district board may, by resolution, at such time or times as it deems proper, issue bonds of the district for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of the bonds authorized shall have been issued

Bond series

13924 The full amount of bonds may be divided into two or more series and different dates fixed for the bonds of each series The maximum term which the bonds of any series shall

run before maturity shall not exceed 30 years from the date of each series, respectively.

Form of bonds, etc.

13925. The district board shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable The payment of the first installment or principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series, respectively.

Bond interest

13926. The bonds shall bear interest at a rate, or rates, not to exceed 6 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the year.

Call, redemption, etc

13927. The district board may also provide for the call and redemption of bonds prior to maturity at such time and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

Denomination

13928. The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars ($100).

Payment

13929. The principal and interest shall be payable in lawful money of the United States at the office of the county treasurer or at such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

Technical formalities

13930. The bonds shall be dated, numbered consecutively, and be signed by the presiding officer of the district and the county treasurer. The interest coupons of such bonds shall be signed by the county treasurer of said district. All such signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of the signatures on said bonds shall be manually affixed.

Continuing validity of officer's signature

If any officer whose signature appears on any bonds or coupons ceases to be an officer before the delivery of the bonds to the purchaser, the signature either on the bonds or the coupons, or on both, is nevertheless valid and sufficient for all purposes the same as if the officer had remained in office until the delivery of the bonds, and the signature upon the coupons of the person who is county treasurer at the date of the bonds is valid although the bonds themselves may be attested by a different person who is county treasurer at the time of delivery of the bonds.

Invitation for bids

13931. Before selling the bonds or any part thereof, the board shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Special bond service fund

13932. All premiums and accrued interest received shall be deposited with the county treasurer in a special bond service fund to be used for the payment of principal of and interest on the bonds, and the remainder of the proceeds of the bonds shall be placed to the credit of the proper improvement fund and applied exclusively to the purpose and object recited in the proposition; provided, however, that when the purpose and object have been accomplished any moneys remaining in the improvement fund shall be transferred to the special bond service fund. When the purpose and object have been accomplished and all principal and interest on the bonds have been paid, any balance of money then remaining shall be transferred to the general fund of the district.

California taxation exemption

13933. Any general obligation bonds issued by a district are hereby given the same force, value, and use as bonds issued by any city and the bonds and the interest thereon shall be exempt from all taxation within the State of California.

Maximum indebtedness

13934. The district shall not incur a bonded indebtedness exceeding 10 percent of the assessed value of all the taxable property in the district.

Tax levy to pay interest

13935. After the incurring of any general obligation indebtedness, whether evidenced by bonds, notes, or other similar evidences of indebtedness, and annually thereafter until such indebtedness is paid or until there is a sum in the county treasury in a special bond service fund set apart for that purpose sufficient to meet all payments of principal of and interest on such indebtedness as it becomes due, the district board shall cause a tax to be levied, as herein provided, sufficient to pay such interest and principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. The tax shall be in addition to all other taxes levied for the district and shall be collected in the same manner and at the same time as county taxes.

Rate of tax

13936. The board of supervisors shall, in fixing the rate of the tax for bonds issued under this part, allow not to exceed 15 percent for anticipated delinquencies.

If the board of supervisors fail to do so, the county auditor shall fix the rate of the tax for bonds issued under this part.

Costs

13937. All costs incurred by the county in connection with the issuance of bonds pursuant to this part shall be reimbursed to it by the district issuing the bonds.

CHAPTER 8. CONTRACTS

Contract for fire protection By property owners

13941. Owners or occupants of property in the vicinity of the district, when such property is not included within the territory of any city or any other governmental agency providing fire protection, may contract with the district for one year or more for fire protection service for the property described in the contract. Such contract shall provide for fixed annual payment of agreed amount by such contracting party to the district, to be paid in advance at the date of the making

of such contract, and on the even date thereof for each subsequent year covered by the contract.

Same: By cities

13942. Any city, all or part of which is included within the boundaries of a district, may if it desires provide for acquiring and maintaining firefighting implements, apparatus and equipment, including water mains, hydrants, and water, in addition to those acquired and maintained therein by the district. The city may defray the cost of acquiring and maintaining such additional firefighting implements, apparatus and equipment from the general tax revenues of the city and may contract with the district regarding the acquisition, maintenance and use thereof.

CHAPTER 9. CHANGE IN BOUNDARIES

Annexion to districts

13945. At any time after the formation of a district, the district board may, by resolution, determine that territory not included within a fire district should be annexed to the district. A verified copy of the resolution shall be transmitted to the board of supervisors.

Same Petition

13946. A petition for the annexation of territory not included within a fire district to a district, which is signed by 25 percent of the registered voters in the territory proposed to be annexed, may be filed with the board of supervisors.

Same: Proceeding

13947 The board of supervisors, upon receipt of a resolution or petition which proposes the annexation of territory to a d strict shall proceed in the manner that is prescribed in Article 8 (commencing with Section 58230), Chapter 1, Division 1. Title 6 of the Government Code for a governing body to proceed upon the filing of a petition. For the purpose of Section 58238 of the Government Code, the requisite number of petitioners protesting annexation shall be more than 10 percent of the registered voters in the area proposed to be annexed. In any event, if the board of supervisors finds that protest has been made by the owners of real property within the area proposed to be annexed the assessed value of which, as shown by the last equalized assessment roll, constitutes more than half of the total assessed value of the real property within the area proposed to be annexed, the proceeding may be terminated by the board of supervisors

Same Cities

13948. Any city, or portion thereof, may be included within a district upon the adoption of an ordinance by the city governing body requesting the inclusion which is approved by the district board. The district board may require as a condition to the inclusion that the city or portion thereof included within the district remain a part of the district for a period of time not to exceed 10 years. Other land may be included in a district by order of the board of supervisors if the board of supervisors determines by resolution that the land will be benefited by being included within the district.

Exclusion from district

13949. The board of supervisors may exclude land from a district if it determines, by resolution, that the land will not be benefited by remaining in the district. Upon the exclusion of any territory from a district, if the remainder of the district continues to exist as such, all property previously acquired by the district shall remain vested in the district and be used for purposes of the district.

Dissolution of district

13950. Whenever all of the territory in a district is annexed to, or otherwise included within, any city, the district may be dissolved. Such dissolution shall be effective upon the filing with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor, of copies of a resolution of the legislative body of the city, describing the district and declaring such district dissolved; provided, that if the district is not dissolved within one year after the effective date of the inclusion, the district may be dissolved thereafter only pursuant to the provisions of Chapter 10 (commencing with Section 13965). Upon the dissolution of the district, the property of the district becomes the property of the city.

Same

13951. Whenever all of the territory of a district is annexed to, or otherwise included within, two or more cities, the district may be dissolved in the manner set forth in Section 13950, and the board shall apportion the property of the district and its unexpended funds between the cities in proportion to the respective assessed valuations of the property annexed to each city.

Withdrawal of portion of district

13952. Whenever any portion of a district is included within a city by annexation such portion may be withdrawn from the district. The legislative body of the city may within one year after the annexation proceedings are complete provide by resolution that such territory shall be withdrawn from the district. Such withdrawal shall be effective on the date fixed by the legislative body of the city, which date shall not be more than two years after the annexation proceedings are complete. Where the withdrawal is effective on or before February 1st of the fiscal year the district shall furnish fire protection services to the territory until the first day of July next succeeding. Where the withdrawal is effective subsequent to February 1st of the fiscal year and where the territory is subject to district taxation and assessment the district shall furnish fire protection services to the territory until the 30th day of June of the fiscal year next succeeding.

If the portion of the district included within a city by annexation is not withdrawn within two years after the annexation is complete, or before January 1, 1962, whichever is later, it may be withdrawn thereafter only by the adoption of a measure authorizing such withdrawal by a majority of the voters at a city election held pursuant to the provisions of Part 2 (commencing with Section 9480), Division 11 of the Elections Code.

Same

13953. Whenever any portion of a district is included within a city by reason of the incorporation of the city, such portion may be withdrawn from the district by resolution of the governing body of the city within one years after the effective date of the incorporation of the city. If not withdrawn within one years, it may be withdrawn thereafter only by adoption of a measure authorizing such withdrawal by a majority of the voters at a city election held pursuant to the provisions of Part 2 (commencing with Section 9480), Division 11 of the Elections Code.

Effect of withdrawal Property and assets

13954. Upon the withdrawal of any territory of a district, by inclusion within a city:

(a) If the assessed value of the real property within the area withdrawn represents one-half of 1 percent, or less, of the total assessed value of the real property within the district prior to the withdrawal, as determined from the last equalized assessment roll of the property within the district, all of the property and assets of the district shall be retained by the district.

Equitable distribution of property and assets

(b) If the assessed value of the real property in the area withdrawn exceeds the amount prescribed by subdivision (a), the city and the district shall have six months from the effective date of the withdrawal in which, after giving consideration to all factors involved, including population, assessed valuation, the effect of the annexation or change of boundaries on the remaining portion of the district, the length of time the portion being withdrawn has paid taxes and the total amount of such taxes paid, and such other matters as should be considered in arriving at an equitable distribution, they may establish a mutually agreeable basis for the distribution of the property and assets of the district between the city and the remaining district. If, within such period a mutually agreeable basis is reached, the property and assets of the district shall be distributed between the city and the remaining district upon such basis.

Division of property and assets

(c) If, under the provisions of subdivision (b), no mutually agreeable basis for the distribution of the property and assets of the district is reached within the six-month period, on the date the district ceases to furnish fire protection service to the area withdrawn or upon the end of the six-month period, whichever is the last to occur, all of the property and unencumbered funds of the district shall be divided between the city and the remaining district in proportion to the average assessed value of the real property within the area withdrawn to the average assessed value of the real property within the entire district during the five-year period prior to the effective date of the withdrawal, as determined from the equalized assessment rolls for such period.

Sale of property

All funds and property received by the city shall be used exclusively and directly for the prevention and extinguishment of fires; provided, that nothing herein shall prevent the sale of property not needed for such purposes for its fair market

value if the funds derived from such sale are used solely for such purposes.

Unencumbered funds

For the purpose of this section, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected amounts in excess of an amount sufficient to pay all claims and accounts against the district, but shall not include funds necessary for the maintenance and operation of the district for any period for which the district has the duty to provide fire protection services within the area withdrawn.

Consolidation: Public hearing

13955. If the board of supervisors determines, by resolution, that two or more districts should be consolidated, or if the district boards of two or more districts, whether contiguous or not, determine by resolution that the districts should be consolidated and file a verified copy of the resolutions with the board of supervisors, the board of supervisors shall proceed to hold a public hearing as prescribed in Article 4 (commencing with Section 58090), Chapter 1, Division 1, Title 6 of the Government Code.

Election: When required

13956 If not more than 5 percent of the registered voters in any district which it is proposed to consolidate protest the consolidation, the board of supervisors may, by resolution declare the districts consolidated. If more than 5 percent of the registered voters of any district protest the consolidation, the board of supervisors shall either call an election in such district as prescribed in Article 6 (commencing with Section 58160), Chapter 1, Division 1, Title 6 of the Government Code or abandon the proceeding for the consolidation of the districts. If a majority of the voters voting at each election which is held vote in favor of the consolidation, the board of supervisors may, by resolution, declare the districts consolidated. No district in which a majority of the voters voting vote against the consolidation shall be included in a consolidation. The board of supervisors may, by resolution, declare the remaining districts consolidated, or may abandon the proceedings for the consolidation.

Method of selection of board members

13957. If the method of selection of the members of the board of directors of each district which is consolidated is the same, that method of selection shall be the method of selection of the board of directors of the consolidated district. If the method of selection of the members of the board of directors of two or more districts which are consolidated is different, the board of supervisors shall call and hold an election, in accordance with the provisions of Part 2 (commencing with Section 9480) of Division 11 of the Elections Code, in the consolidated district for the purpose of submitting to the voters of the consolidated district, the method of selection of the members of the board of directors, together with the nominees for the members of an elective board. The members of an elective board shall be determined and hold office as prescribed in Chapter 4 (commencing with Section 13831).

Territory subject to bond taxation

13958. Territory excluded or withdrawn from the district shall continue to be subject to taxation for the payment of the principal of and interest on any indebtedness, whether evidenced by bonds, notes, or other similar evidences of indebtedness and for all other obligations of the district outstanding at the time of adoption by the district board of the order ordering withdrawal or exclusion as fully as though the territory had not been withdrawn or excluded; and for the purpose of discharging the indebtedness and interest thereon and other obligations, the territory shall be considered a part of the district the same as though not withdrawn or excluded; and all provisions which could have been used to compel the payment by the withdrawn or excluded territory of its portion of the indebtedness and interest thereon and other obligations had the withdrawal or exclusion not occurred can be used to compel the payment on the part of the withdrawn or excluded territory of the portion for which it is liable.

Succession to funds, etc

13959. Upon the filing required by Section 58268 of the Government Code, and in addition to the provisions of Section 58269 of the Government Code, the consolidated district shall succeed to all the funds and other property, and be subject to all the indebtedness, bonded or otherwise, of the consolidated districts.

Employees of consolidated district

13960. Upon the consolidation of two or more districts, the employees of each district consolidated shall be blanketed into the employment of the consolidated district. The relative standing with respect to seniority and position of all employees blanketed into the employment of the consolidated district shall be determined upon the basis of their position and the seniority credits to which each such employee was entitled by virtue of his prior service in the districts.

CHAPTER 10. DISSOLUTION OF DISTRICT

Dissolution Petition

13965. If a petition signed by at least 25 percent of the registered voters in a district requesting the dissolution of the district is filed with the district board, the district board shall, by resolution, call and publish notice of an election on dissolution.

Same Election

13966. The election on dissolution shall be conducted in accordance with Article 10 (commencing with Section 58300), Chapter 1, Division 1, Title 6 of the Government Code, except that only a majority vote in favor of dissolution shall be required for the dissolution of the district.

Same Order of board of supervisors

13967. A district may also be dissolved by order of the board of supervisors if the board of supervisors determines, by resolution, that the territory remaining in the district after a withdrawal of territory from the district would not be benefited by the continued existence of the district.

Same
Disposition
of property

13968. The provisions of Article 10 (commencing with Section 58300), Chapter 1, Division 1, Title 6 of the Government Code shall govern the disposition of the property and the winding up of the affairs of a dissolved district.

Same
Disposition
of funds

13969. Upon the dissolution of the district all the funds of the district remaining on hand shall be divided between any city and county in the proportion that the total assessed value of the real property of the territory of the district in the city and without the city bears to the total assessed value of the real property within the district prior to dissolution, as determined by the last equalized assessment roll of the county or counties.

Same:
Bond
taxation

13970. Upon dissolution of a district, the territory of the district shall continue to be subject to taxation for the payment of the principal of and interest on any indebtedness, whether evidenced by bonds, notes, or other similar evidences of indebtedness and for all other obligations of the district outstanding at the time of adoption of the order ordering dissolution as fully as though the district had not been dissolved; and all provisions which could have been used to compel the payment by the territory of the district of said indebtedness and interest thereon and other obligations had the dissolution not occurred can be used to compel the payment on the part of the territory of the dissolved district.

CHAPTER 11. REORGANIZATION

Reorganization

13975. Any fire department or district organized or reorganized under the acts which this part supersedes, or under this part, or organized under any of the provisions of Part 3 (commencing with Section 14001), may be reorganized as a district under this part.

Same
Petition

13976. Fifty or more taxpayers or registered voters of a district, or a majority of the governing body may petition the board of supervisors of the county in which the fire department or district is situated for reorganization

Same
Contents of
petition

13977. The petition shall be verified by at least one of the petitioners, and shall set forth the boundaries and name of the district and pray that the fire department or district be reorganized under this chapter. The petition shall also specify one of the methods prescribed by Section 13831 of selecting the board of directors of the district. If the method specified is the election of the board of directors, the petition shall either specify that the board shall be composed of three members or of five members.

Publication
of petition

13978. The petition shall be published by the board of supervisors for at least two weeks preceding the hearing in a newspaper of general circulation published in the county, with a notice stating the time when the petition will be heard and that all persons interested may appear and be heard.

Hearing on
petition

13979. At the time fixed for hearing the board of supervisors shall hear the petition.

Boundaries not to be reduced

13980. The board of supervisors shall not modify the boundaries of the fire department or district as set forth in the petition so as to exclude from the fire department or district any land within the boundaries of the previously formed fire department or district at the time of the filing of the reorganization petition.

Same

13981. Any territory originally within the boundaries of the previously formed district shall not be excluded from the boundaries of a district reorganized pursuant to this part by reason of the fact that at the time of the filing of the petition for reorganization the territory shall then be included within a city.

Action on petition

13982. If the board of supervisors finds that the statements in the petition are correct it may make an order describing the exterior boundaries of the territory included within the district as determined by the board and may order that the territory be organized as a district under this part.

Powers of reorganized district

13983. From and after the making of the order, the fire department or district is organized as a district under this part with all the powers conferred in this part.

Effect of reorganization Employees and board

13984. Reorganization shall not affect or impair the status or rights of any duly appointed employees of the fire department or district. Reorganization shall not affect or impair the status or rights of the governing body of the fire department or district if the petition for reorganization specifies (a) that the same elected board without change in number be retained; or (b) that the district board should be selected in the manner prescribed by subdivision (c) of Section 13831, except that a board of three or five directors, as prescribed in the petition for reorganization, shall be elected as provided in Chapter 4 (commencing with Section 13831) of this part at the next district election in April following the date of reorganization of the fire department or district under this part. The terms of the directors so elected shall be determined in the same manner as provided in Chapter 4 of this part in connection with the formation of a district hereunder.

Same: Property

13985. The reorganization shall not affect or impair the title to any property owned or held by, or in trust for, the district, or any debts, demands, liabilities, or obligations existing in favor of or against the district, or any pending proceedings.

Same Obligations, etc.

13986. Any and all such titles, debts, demands, liabilities, obligations, and proceedings shall have the same validity, force and effect as if acquired, incurred, accrued, or taken while the district was organized under the provisions of this part.

Same: Ordinances

13987. Reorganization shall not operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed nor to discharge any person from any liability then existing for any violation of such ordinance. Such ordinances, so far as they are not in conflict with general laws shall remain in force until repealed or amended by competent authorities.

Same: Proceedings

13988. After reorganization, proceedings theretofore commenced shall be conducted in accordance with this part.

Same: Legality

13989. The legality or existence of a fire department or district reorganized as provided for in this part shall not be affected by reason of any defect or illegality in the formation of the previously formed fire department or district. It is the intention of this chapter to provide a procedure for the reorganization as a district under this chapter of all fire departments or districts as may not have legal existence or may desire to be governed by this part.

CHAPTER 12. CREATION OF SPECIAL FIRE PROTECTION ZONES

Special fire protection zones

13991 The district board may on its own motion, or upon the filing of a petition with the district board signed by 51 percent of the taxpayers, or the owners of 51 percent of the property, based on assessed valuation, in a specific area, the district board shall, by resolution, initiate proceedings for the creation of a special fire protection zone in the district for the purpose of paying for the installation of capital improvements such as fire mains, fire plugs, or any other similar improvement, which is of sole benefit to the territory in a zone, or for purchase of equipment or employment of personnel over and above the equipment and personnel which the district can afford to furnish to a zone out of its general district tax.

Special minimum fire protection zone

13992. The district board may on its own motion, or upon the filing of a petition with the district board signed by 51 percent of the taxpayers, or the owners of 51 percent of the property, based on assessed valuation, in a specific rural or agricultural area where the number of registered voters per square mile is 300 or less, the district board shall, by resolution, initiate proceedings for the creation of a special minimum fire protection zone in the district in which only the improvements shall be subject to taxation by the district.

Contents of resolution

13993. The resolution initiating the proceedings shall describe the boundaries of the proposed special fire protection zone, declaring that public interest and necessity demands its creation, and the reasons therefor, and set a date for a public hearing on the question of the creation of the zone before the district board.

Notice of hearing

13994. Notice of the hearing shall be given by the publication of a copy of the resolution in the manner prescribed for the publication of notices in Article 1 (commencing with Section 58000), Chapter 1, Division 1, Title 6 of the Government Code.

Objections

13995. Any person interested, at or before the hearing, may file with the district board a written objection to the creation of the zone or to the inclusion of his property in it. At the hearing the district board shall hear and determine all protests and objections. At the conclusion of the hearing the district board shall decide and determine whether the zone

shall be formed with the boundaries as described in the original resolution, except that it may revise the proposed boundaries by reducing the size of the zone.

Special fire protection zone Tax levy

13996. The district board shall levy a tax upon all taxable property in a special fire protection zone to provide a fund for expenditure for the purposes stated in the resolution proposing the creation of the zone which the district board determines will be for the sole benefit of the zone.

Same Abolition

13997. Any special fire protection zone may be abolished by resolution of the district board, after hearing held in the manner provided for in this article for the original creation of the zone, whenever the district board determines that the public interest and necessity mentioned in the original order of creation no longer exists.

CHAPTER 13. REPORTS

Reports of boundary changes

13998. The district board shall file a report of the following types of action, together with a map describing the new boundaries when changes are made, with the Secretary of State, State Board of Equalization, and the county assessor:

(a) District formation, annexations, inclusions, consolidation, and dissolution.

(b) Inclusion of a city in the district.

(c) Withdrawal of a city due to incorporation or otherwise.

(d) The creation or abolishment of special fire protection zones.

Filing copy of proposed budget

13999 The district board shall file a copy of the proposed budget of the district with the county treasurer, or with the county auditor in counties having a county auditor, prior to each fiscal year.

SEC. 2 Section 14022 is added to said code, to read:

Organization after September 15, 1961

14022. No district shall be created or organized pursuant to this chapter after the effective date of this section. At any time within five years after the effective date of this section, any district heretofore created or organized pursuant to this chapter may elect to come under the provisions of Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code and shall by resolution of the governing body of a district with an elected board of directors, or by resolution of the supervising authority of a district with an appointed board of directors, certify to the Secretary of State that the district has elected to conform to the provisions of that part.

Organization prior to September 15, 1961

Any district organized prior to the effective date of this section which has not, within five years after the effective date of this section, elected to come under the provisions of Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code shall automatically be considered as organized and operating under that part Upon the automatic reorganization of a district, the governing body of the former district

shall be deemed to be the governing body of the reorganized district and the assets and liabilities of the former district shall vest in the reorganized district.

SEC. 3. Section 14328 is added to said code, to read:

Organization after September 15, 1961

14328. No district shall be created or organized pursuant to this chapter after the effective date of this section. At any time within five years after the effective date of this section, any district heretofore created or organized pursuant to this chapter may elect to come under the provisions of Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code and shall by resolution of the governing body of a district with an elected board of directors, or by resolution of the supervising authority of a district with an appointed board of directors, certify to the Secretary of State that the district has elected to conform to the provisions of that part.

Organization prior to September 15, 1961

Any district organized prior to the effective date of this section which has not, within five years after the effective date of this section, elected to come under the provisions of Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code shall automatically be considered as organized and operating under that part. Upon the automatic reorganization of a district, the governing body of the former district shall be deemed to be the governing body of the reorganized district and the assets and liabilities of the former district shall vest in the reorganized district.

SEC. 4. Section 14407 is added to said code, to read:

Organization after September 15, 1961

14407. No district shall be created or organized pursuant to this chapter after the effective date of this section. At any time within five years after the effective date of this section, any district heretofore created or organized pursuant to this chapter may elect to come under the provisions of Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code and shall by resolution of the governing body of a district with an elected board of directors, or by resolution of the supervising authority of a district with an appointed board of directors, certify to the Secretary of State that the district has elected to conform to the provisions of that part.

Organization prior to September 15, 1961

Any district organized prior to the effective date of this section which has not, within five years after the effective date of this section, elected to come under the provisions of Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code shall automatically be considered as organized and operating under that part. Upon the automatic reorganization of a district, the governing body of the former district shall be deemed to be the governing body of the reorganized district and the assets and liabilities of the former district shall vest in the reorganized district.

SEC 5. Section 14606 is added to said code, to read:

Organization after September 15, 1961

14606. No district shall be created or organized pursuant to this chapter after the effective date of this section. At any

time within five years after the effective date of this section, any district heretofore created or organized pursuant to this chapter may elect to come under the provisions of Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code and shall by resolution of the governing body of a district with an elected board of directors, or by resolution of the supervising authority of a district with an appointed board of directors, certify to the Secretary of State that the district has elected to conform to the provisions of that part.

Organization prior to September 15, 1961

Any district organized prior to the effective date of this section which has not, within five years after the effective date of this section, elected to come under the provisions of Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code shall automatically be considered as organized and operating under that part. Upon the automatic reorganization of a district, the governing body of the former district shall be deemed to be the governing body of the reorganized district and the assets and liabilities of the former district shall vest in the reorganized district.

CHAPTER 566

An act to add Section 24385.5 to the Health and Safety Code, relating to meetings of the Motor Vehicle Pollution Control Board.

In effect September 15, 1961

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961]

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

SECTION 1. Section 24385.5 is added to the Health and Safety Code, to read:

24385.5. All meetings of the board shall be open and public and all persons shall be permitted to attend any meetings of the board.

CHAPTER 567

An act to add Section 22706 to the Education Code, relating to meetings of the Co-ordinating Council for Higher Education.

In effect September 15, 1961

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961]

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

SECTION 1. Section 22706 is added to the Education Code, to read:

22706. All meetings of the council shall be open and public and all persons shall be permitted to attend any meetings of the council.

CHAPTER 568

An act to amend Section 13493 of the Government Code, relating to meetings of technical advisory committees for the Commissioner of the Economic Development Agency.

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961]

In effect September 15, 1961

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

SECTION 1. Section 13493 of the Government Code is amended to read:

13493. One or more technical advisory committees may be created by the Governor to advise the commissioner in carrying out his functions under this chapter. The members of such committees shall be appointed by the Governor upon the nomination of the commissioner. In no event shall the total membership of all of such committees exceed 20 members. The members of such committees, to the extent possible, shall be selected on the basis of their knowledge, ability, and interest in the field of industrial and economic development. Such committees shall act in an advisory capacity only and shall have no administrative authority or responsibility. The committee members shall serve without compensation but shall be reimbursed for their actual and necessary travel expenses in attending committee meetings.

All meetings of the committees shall be open and public and all persons shall be permitted to attend any meetings of the committees.

CHAPTER 569

An act to add Section 12933.5 to the Water Code, relating to meetings of the California Water Resources Development Finance Committee.

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961]

In effect September 15, 1961

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

SECTION 1. Section 12933.5 is added to the Water Code, to read:

12933.5. All meetings of the committee shall be open and public and all persons shall be permitted to attend any meetings of the committee.

CHAPTER 570

An act to amend Section 65020.7 of, and to add Section 65020.10 to, the Government Code, relating to the Planning Advisory Committee.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 65020.7 of the Government Code is amended to read:

Meetings

65020.7. The committee shall meet at the call of the chairman and at such places as the committee may designate. With the exception of those meetings, or portions thereof, devoted to a discussion of personnel matters, all meetings of the committee shall be open and public and all persons shall be permitted to attend any meetings of the committee.

SEC. 2. Section 65020.10 is added to said code, to read:

Records

65020.10. All records of the committee, with the exception of those pertaining to personnel matters, shall be open to inspection by the public during regular office hours.

CHAPTER 571

An act to add Section 13507 to the Penal Code, relating to meetings of the Commission on Peace Officer Standards and Training.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 13507 is added to the Penal Code, to read:

13507. All meetings of the commission shall be open and public and all persons shall be permitted to attend any meetings of the commission.

CHAPTER 572

An act to amend Section 31401 of the Vehicle Code, relating to farm labor buses and trucks.

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 31401 of the Vehicle Code is amended to read:

31401. Farm labor buses and enclosed farm labor trucks, other than two-axle trucks weighing less than 3,000 pounds, having an enclosed seating capacity and used for the transportation of farm laborers, shall, in addition to the requirements of Section 31400 of this code, meet the following specifications:

(a) Every passenger compartment shall be provided with at least two exits, remotely located from each other. Each exit shall be provided with an adequate door, guardrail or other closure which opens outward and is capable of being opened from either the interior or exterior of the vehicle. Such exits shall be equipped with positive devices to keep them closed when not in use and of such character as to permit them to be opened readily when necessary, without undue accessibility for unauthorized use.

Exits shall conform to the following minimum specifications:

(1) No obstruction shall be placed over the handle of an exit.

(2) Signs reading "Exit" shall be printed on the interior and exterior of the vehicle at the exits. The signs shall be printed in English and in the language of the workers currently being transported. All letters shall be at least two inches in height.

(3) No part of a seat shall be a part of or attached to an exit.

(b) Aisles shall be provided so that every passenger has ready access to at least one of two exits.

Where seating is face to face, the nearest portion of the back of the facing seats shall be not less than 43 inches apart.

CHAPTER 573

An act to amend Section 31406 of the Vehicle Code, relating to transportation of farmworkers.

In effect September 15, 1961

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961]

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

SECTION 1. Section 31406 of the Vehicle Code is amended to read:

31406. No farm labor truck used primarily or regularly for the transportation of farm laborers may be operated unless such truck provides at least eighteen (18) inches of seat space for each passenger. No farm labor bus used primarily or regularly for the transportation of farm laborers may be operated where more passengers are being carried in each seat than the number for which that seat was originally designed and in no case shall the amount of seat space provided be less than 16 inches for each passenger. No such bus or truck may carry more passengers than the maximum number of passengers such bus or truck may accommodate affording each passenger such minimum seat space. The maximum number so determined shall be plainly marked on the outside of the vehicle near the door or entrance It is unlawful for any driver or other person in control to permit passengers in excess of the number so determined to ride in or upon the vehicle.

CHAPTER 574

An act to amend Section 35404 of the Vehicle Code, relating to buses.

In effect September 15, 1961

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 35404 of the Vehicle Code is amended to read:

35404. A passenger bus equipped with three or more axles and having an outside turning radius of not more than 45 feet, may exceed 35 feet in length but shall not exceed a length of 40 feet. An articulated bus may exceed 35 feet but shall not exceed 60 feet in length.

CHAPTER 575

An act to amend Section 16056 of the Education Code, relating to school district property.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 16056 of the Education Code is amended to read:

16056. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it and shall specify the minimum price or rental and the terms upon which it will be sold or leased and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.

CHAPTER 576

An act to amend Section 21051 of the Education Code, relating to local school financial management.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 21051 of the Education Code is amended to read:

21051. Whenever prior to the receipt by any school district or county school service fund of its state, county, city and county, or district funds, any school district or county school service fund of a county or city and county does not have sufficient money to its credit to meet current expenses of maintenance, the board of supervisors of the county or city and county shall order, and the auditor and treasurer of the county or city and county shall make a temporary transfer from any funds of the county or city and county not immediately needed to pay claims against them to the school fund of the district or county school service fund of the amount needed, not exceeding 85 percent of the amount of money which will accrue to the school district or county school service fund during the

fiscal year. Upon the making of the transfer the auditor shall immediately notify the superintendent of schools of the county or city and county of the amount transferred. Each transfer of funds requested under this section shall be granted in order of receipt by the board of supervisors, regardless of whether sufficient county funds are available for transfer to meet pending or anticipated requests of school districts.

The funds transferred under this section to the credit of a school district or county school service fund shall be retransferred by the auditor and treasurer to the fund from which they were taken from the first moneys accruing to the school district or county school service fund and before any other obligation of the school district or county school service fund is paid from the money accruing.

CHAPTER 577

An act to amend Sections 21750 and 21751 of the Vehicle Code, relating to driving rules.

In effect September 15, 1961

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961]

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

SECTION 1. Section 21750 of the Vehicle Code is amended to read:

Pass to left

21750. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle, subject to the limitations and exceptions hereinafter stated.

SEC. 2. Section 21751 of said code is amended to read:

Exception

21751. On a two-lane highway, no vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction. In any event the overtaking vehicle shall return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

This section shall not apply upon a one-way roadway.

CHAPTER 578

An act to add Section 1231 to the Government Code, relating to malpractice insurance for officers and employees of public agencies.

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961]

In effect September 15, 1961

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

SECTION 1. Section 1231 is added to the Government Code, to read:

1231. Each county, city, district, or other political subdivision of the State may purchase and maintain in force and pay the premiums for malpractice insurance policies to protect all of its medical and dental personnel employees against liability for any claims or actions for malpractice that may be filed or brought against such employees.

CHAPTER 579

An act to amend Section 5103 of the Welfare and Institutions Code, relating to transportation of the mentally ill.

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5103 of the Welfare and Institutions Code is amended to read:

5103. The mentally ill person, together with certified copies of the petition, order for detention, report of the apprehending officer concerning the safeguarding and disposition of the mentally ill person's property, the order for hearing and examination, order of commitment of the judge, and the certificate of the physicians, shall be delivered to the sheriff of the county and by him shall be delivered to the officer in charge of the designated state hospital or licensed hospital or sanitarium, to which the mentally ill person is committed. No female mentally ill person shall be taken to any state or other hospital without the attendance of some other female or of some relative of the mentally ill person.

The sheriff in transporting mentally ill persons delivered to him may use a vehicle that is not visibly marked as an official county vehicle and may wear apparel other than his uniform.

CHAPTER 580

An act to amend Section 17352 of the Education Code, relating to the State School Fund.

In effect September 15, 1961

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 17352 of the Education Code is amended to read:

17352. (a) The Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in each month of each year in the amounts and manner as herein prescribed as to provide in each warrant a portion of the total amount certified by the Superintendent of Public Instruction as apportioned under the provisions of Sections 11256, 11257, 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, during the fiscal year from the State School Fund to the school districts under the jurisdiction of the county superintendent of schools of the county, to the county school service fund, and to the county school tuition fund of the county.

(1) Warrants for amounts apportioned to county school service funds for supervision of instruction, health, attendance, and guidance services and other purposes under Section 18352 shall be for amounts equal to 8 percent in July, 16 percent in August, and 12 percent in September, of three-fourths of the amounts apportioned for such purposes by the Superintendent of Public Instruction, and shall constitute an advance upon the amounts payable as the principal apportionment. For all other amounts apportioned, warrants in the months of July, August and September shall be for amounts equal to 8 percent in July, 16 percent in August, and 12 percent in September of the amounts certified under Section 17401 by the Superintendent of Public Instruction and shall constitute an advance upon the amounts payable under Section 17402.

(2) Warrants in the months from October to June, inclusive, shall include, in addition to the amounts required by subdivisions (3), (4), and (5) of this subdivision, one-tenth of the difference between the amounts certified by the Superintendent of Public Instruction as apportioned under Section 17402, subject to the provisions of Section 17403, and the amounts advanced thereon in the warrants for July, August and September. An additional one-tenth of such difference shall be included in the warrants for the month of February.

Warrants for the months of December and January, at the discretion of the Controller, may be reduced not to exceed 50 percent and the amount reduced shall be included in the warrants for any later month or months in the fiscal year as the Controller shall determine.

(3) Warrants in December shall include four-tenths of the amounts certified by the Superintendent of Public Instruction as apportioned under Section 17405, and 17406 and subdivision (a) of Section 17404. An additional one-tenth of such amounts shall be included in the warrants for the months from January to June, inclusive.

(4) Warrants in February shall include the total amounts certified by the Superintendent of Public Instruction as apportioned under subdivision (a) of Section 17407.

(5) Warrants in June shall include the total amounts certified by the Superintendent of Public Instruction as apportioned under subdivision (b) of Section 17407 and Section 17408.

(b) The drawing of the warrants required to be drawn during any one of the months mentioned may be postponed by the Controller for not to exceed 30 days, but the total amounts due the several counties during any fiscal year shall be paid within the fiscal year. The warrants shall be paid by the State Treasurer from the State School Fund and are not subject to the provisions of Government Code Section 16003.

CHAPTER 581

An act to amend Section 255 of the Probate Code, relating to inheritance by illegitimate children.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 255 of the Probate Code is amended to read:

255. Every illegitimate child, whether born or conceived but unborn, in the event of his subsequent birth, is an heir of his mother, and also of the person who, in writing, signed in the presence of a competent witness, acknowledges himself to be the father, and inherits his or her estate, in whole or in part, as the case may be, in the same manner as if he had been born in lawful wedlock; but he does not represent his father by inheriting any part of the estate of the father's kindred, either lineal or collateral, unless, before his death, his parents shall have intermarried, and his father, after such marriage, acknowledges him as his child, or adopts him into his family; in which case such child is deemed legitimate for all purposes of succession. An illegitimate child may represent his mother and may inherit any part of the estate of the mother's kindred, either lineal or collateral.

CHAPTER 582

An act to add Sections 20141 and 20142 to the Government Code, relating to the State Employees' Retirement System.

In effect September 15, 1961

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961]

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

SECTION 1. Section 20141 is added to the Government Code, to read:

Special contributions

20141. The board may, in determining contributions required of contracting agencies, establish a contribution with respect to industrial disability allowances, special death benefits, and any other death benefit, singly or in any combination, separate from and independent of the contribution required for other benefits under their contracts. The total contribution, in such case, for the agencies as a group shall be established and from time to time adjusted by actuarial valuation of the liability for the benefit or benefits on account of the employees of all such agencies. Adjustments shall affect only future contributions and shall take into account the difference between contributions on hand and the amount required to fund the allowances or benefits for which entitlement has already been established as well as liability for future entitlements to benefits. The contribution as so established and adjusted from time to time shall be allocated between the agencies on a basis which in the opinion of the board, after recommendation of the actuary, provides an equitable distribution between the agencies; provided, however, that such allocation shall not be based on differences in the incidence of death or disability in the respective agencies.

SEC. 2. Section 20142 is added to said code, to read:

Separate accounts

20142. Whenever the board, pursuant to Section 20141, establishes a separate contribution, it shall maintain such contribution and any contributions required to be made by employees towards the cost of the benefit or benefits as a separate account, which shall be available only for payment of such benefit or benefits and shall not be a part of the accumulated contributions under the system of any of the employers or members included.

All contributions in such account, irrespective of the agency from which they were received, shall be available for payment of the benefit or benefits with respect to the employees of any agency included, and in the event of termination of any such agency's participation in the system the liability with respect to all such benefits to which the agency's employees have become entitled, after establishment of such rate and prior to the termination, shall be its contributions, as established under Section 20141, which have become due and payable as of the date of termination.

Operative date

SEC. 3. This act shall become operative on October 1, 1961.

CHAPTER 583

An act to amend Sections 13856, 14001.3, 14104, 14105 and 14411 of the Education Code, relating to Teachers' Retirement System.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 13856 of the Education Code is amended to read:

Crediting contributions

13856. The Retirement Board shall credit contributions of the members of the retirement system to the Retirement Annuity Fund, the Annuity Deposit Fund, and to the Permanent Fund on account of service rendered after July 1, 1944, and to other accumulated reserves, with interest at a rate or rates to be declared annually by the board. Earned interest not credited to contributions shall remain in the funds as a reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies. The board, however, may apply to reduce the book value of securities purchased, all or part of the excess of the proceeds of the sale or redemption prior to maturity of securities over the book value of the securities sold or redeemed; provided, the purchase of securities is made with said proceeds; and provided further, that the terms of both securities from the date of sale, redemption, or purchase, as the case may be, to the respective dates of maturity, do not differ by more than five years. All such applications of excess of sales or redemption proceeds, even with greater difference in terms, heretofore made by the board are hereby validated and confirmed.

SEC. 2. Section 14001.3 of said code is amended to read:

Previously excluded persons: Payment of back contributions

14001.3. A person who has been excluded from membership in this system under the provisions of subdivisions (d), (e), (f), or (g) of Section 14001 and who subsequently becomes a member shall receive credit for the service rendered while so excluded; provided, he elects to pay, and pays, prior to retirement and in a manner provided by the board, contributions with respect to such service with interest at the rates currently being used from time to time to credit interest on contributions made for service rendered after July 1, 1944 to date of payment. Said contributions shall be equal to what they would have been had he not been excluded from membership but calculated at the rate of contribution first applicable to him as a member, or upon his re-entry to membership.

SEC. 3. Section 14104 of said code is amended to read:

Same

14104. Any person to whom service rendered outside of the State after January 1, 1914, is credited and any person who has claimed exemption from the provisions of the retirement system or its predecessor or who is excluded from the retirement system because of being a member of another

retirement system while serving in a status requisite for membership in this retirement system or its predecessor, and who later becomes subject to its provisions shall pay, in addition to the sum due under Section 14101 for each year of credited service rendered prior to July 1, 1944, either outside the State or while exempt or while a member of any other system, interest at the rate of 5 percent per annum on the amount which would have been contributed had he been a member of the retirement system when the service was rendered. Interest shall begin on the first day of July next following the end of the school year in which the service was rendered, and shall end upon the date of retirement.

SEC. 4. *Section 14105 of said code is amended to read:*

Contributions due at retirement

14105. Every person who retires on or after July 1, 1944, and who is entitled to receive a retirement salary, but who at the time of retirement is not credited with the full amount of contributions to the Permanent Fund required of him by Section 14101, shall pay to the retirement system such additional amount as is necessary to bring the contributions credited to him up to the full amount of contributions to the Permanent Fund required of him by Section 14101. Such Permanent Fund contributions as are due for service rendered after July 1, 1944, shall accumulate interest at the rates currently being used from time to time to credit interest to member's contributions. Such interest shall accumulate from the first of the year following the year in which the service was rendered.

SEC. 5. Section 14411 of said code is amended to read:

Prior membership in other retirement system Deposit of back contributions

14411. If a member of this retirement system who is or has been a member of another retirement system ceases to be entitled to retirement benefits from the other retirement system for any service rendered after July 1, 1944, which qualifies for credit under this retirement system and for which he has not contributed to the Retirement Annuity Fund under Section 14108, but continues to be a member of this retirement system, upon receipt of refund of his contributions to the other retirement system he may elect at any time prior to retirement to deposit in the Retirement Annuity Fund an amount equal to the contributions which he would have been required to make during such service if he had not then been a member of the other retirement system, with interest from the first of the year next following the date on which such contributions would have been payable to the first of the month following the date said election is received in the office of the system in Sacramento, California, at the rates of interest currently being used from time to time to credit interest to Retirement Annuity Fund contributions.

Subject to minimum payments and time limits fixed by the board, the member may make the deposit of said amount in one or more sums, but if not made within 30 days after said election to deposit is received in the office of the system in Sacramento, California, the member shall also deposit in the

Retirement Annuity Fund interest on the unpaid portion of said amount at said rate.

Unless such deposit is made the member shall not be entitled to benefits from the Retirement Annuity Fund based upon service rendered after July 1, 1944, for which he has not contributed to the Retirement Annuity Fund pursuant to Section 14108, and the minimum retirement allowance applicable to such member shall be the minimum allowance calculated as if the deposit were made, and then reduced by the amount of the annuity which would have been the actuarial equivalent of such deposit. If the member elects to make the deposit, his rate of annuity fund contributions with respect to service rendered after the first of the month in which the election is received in the office of the system in Sacramento shall be based on his age at the beginning of the service under the other retirement system after July 1, 1944, or on a lower age, as determined under this chapter (commencing at Section 13801), because of other credited service. If the member does not make the election to deposit, his rate of annuity fund contributions shall be determined under this chapter.

If a member has elected to make the deposit and does not make it in accordance with rules established by the board, the election shall be canceled and his rate of annuity fund contributions shall be determined retroactively under this chapter and as it would have been had the election not been made; any payments made under the election shall be refunded to the member after deducting any retirement annuity fund contributions due because of the adjustment in his rate.

CHAPTER 584

An act to repeal Sections 22152.5, 22153 as added by Chapter 2066 of the 1959 Statutes, 22153 as added by Chapter 2067 of the 1959 Statutes, 22154, 22210, 22213 as added by Chapter 2066 of the 1959 Statutes, 22213 as added by Chapter 2067 of the 1959 Statutes, and 22214 of the Government Code, relating to participation in the Federal Old Age Survivors and Disability Insurance program by public employees.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 22152.5 of the Government Code is repealed. Repeal

SEC. 2. Section 22153 as added by Chapter 2066 of the 1959 Statutes is repealed. Repeal

SEC. 3. Section 22153 as added by Chapter 2067 of the 1959 Statutes is repealed. Repeal

SEC. 4. Section 22154 of said code is repealed. Repeal

Repeal

SEC. 5. Section 22210 of said code is repealed.

Repeal

SEC. 6. Section 22213 of said code, as added by Chapter 2066 of the 1959 Statutes, is repealed.

Repeal

SEC. 7. Section 22213 of said code, as added by Chapter 2067 of the 1959 Statutes, is repealed.

Repeal

SEC. 8. Section 22214 of said code is repealed.

CHAPTER 585

An act to amend Sections 60015, 60016, 60022, 60230, 60300, 60306, 60315, 60316, 60326, 60335, 60336, and 60341 of the Water Code, relating to water replenishment districts.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 60015 of the Water Code is amended to read:

"Ground water"

60015. "Ground water" means nonsaline water beneath the surface of the ground, whether or not flowing through known and definite channels.

SEC. 2. Section 60016 of said code is amended to read:

"Nonsaline water"

60016. "Nonsaline water" means water which has less than 1,000 parts of chlorides to 1,000,000 parts of water.

SEC. 3. Section 60022 of said code is amended to read:

"Annual overdraft"

60022. "Annual overdraft" means the amount, as determined by the board of directors of the replenishment district, by which the quantity of ground water removed by any natural or artificial means from the ground water supplies within such replenishment district during the water year exceeds the quantity of nonsaline water replaced therein by the replenishment of such ground water supplies in such water year by any natural or artificial means other than replenishment under the provisions of Part 6 of this act or by any other governmental agency or entity.

SEC. 4. Section 60230 of said code is amended to read:

District powers re replenishing ground water

60230. For the purposes of replenishing the ground water supplies within the district, a district shall have power:

(1) To have perpetual succession.

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

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

(4) To take by grant, purchase, gift, devise, or lease, to hold, use and enjoy, and to lease, convey or dispose of, real and personal property of every kind, within or without the district, necessary or convenient to the full exercise of its power.

(5) Within or outside of the district to construct, purchase, lease, or otherwise acquire, and to operate and maintain necessary waterworks and other works, machinery and facilities, canals, conduits, waters, water rights, spreading grounds, lands, rights and privileges useful or necessary to replenish the underground water basin within said district, or to augment the common water supplies of said district.

(6) For the common benefit of said district, to store water in underground water basins or reservoirs within or outside of said district, to appropriate and acquire water and water rights within or outside of said district, to import water into said district, and to conserve water within or outside of said district.

(7) To carry out the purposes of this act, to commence, maintain, intervene in, defend and compromise, in the name of said district, or otherwise, and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun to determine or adjudicate all or a portion of the rights to divert, extract, or use waters within the district, or within any segments thereof or subbasins therein, as between owners of or claimants to said rights, to prevent any interference with water or water rights used or useful to the lands, inhabitants, owners, operators, or producers within said district, or to prevent the diminution of the quantity or quality of the water supply of said district, or to prevent unlawful exportation of water from said district.

(8) To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the district or any portion thereof with replenishment water, except (a) water and water rights already devoted to beneficial use, and (b) property (other than water and water rights) already appropriated to public use unless the taking be for a more necessary public use than that to which the property is already appropriated; provided, the district in exercising such power shall in addition to the damage for taking, injuring, or destruction of property also pay the cost of removal, reconstruction or relocation of any structure, including, but not limited to, railways, mains, pipes, conduits, wires, cables, towers, or poles of any public utility which is required to be removed to a new location. No use by a district of property owned, at the time the action to condemn is brought, by an existing agency having powers to provide for the replenishment of ground waters, shall constitute a more necessary public use than the use to which the property is already appropriated. In proceedings relative to the exercise of such right, the district shall have all of the rights, powers and privileges of a city.

A district shall not exercise the right of eminent domain under this subdivision for the condemnation of property outside the boundaries of the principal county in which the district is situated unless it first obtains the consent thereto of

the board of supervisors of the county in which such property is located.

(9) To act jointly with or co-operate with the United States or any agency thereof, and, under the applicable laws of this State, co-operate and act jointly with the State of California, or any county or agency thereof, or any political subdivision or district therein, including flood control districts, public and private corporations, and any person, to the end that the purposes and activities of this district may be fully and economically performed.

(10) To cause assessments and/or charges to be levied as hereinafter provided to accomplish the purposes of this act and to maintain such reserve funds for the future purchase of water for replenishment purposes as are hereinafter authorized to be levied.

(11) To make contracts, to employ labor and to do all acts necessary for the full exercise of the foregoing powers.

(12) To carry on technical and other investigations of all kinds, necessary to carry out the provisions of this act, and for this purpose said district shall have the right of access through its authorized representative to all properties within said district.

(13) To borrow money and incur indebtedness and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the district or property thereof; also to issue warrants to pay the formation expenses of the district, which warrants may bear interest at a rate not exceeding 6 percent a year from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings, but shall not include the expenses of holding and conducting the formation election.

(14) To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the district, including its formation expenses and any warrants issued therefor.

(15) To fix the rates at which water shall be sold for replenishment purposes, and to establish different rates for different classes of service or conditions of service, provided the rates shall be uniform for like classes and conditions of service.

(16) To fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end a district may become a party to such contract and pay from district funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the district are directly or indirectly benefited by the resulting replenishment

SEC. 5. Section 60300 of said code is amended to read:

60300. Not later than the second Tuesday in February each year the board shall order an engineering survey and report to be made regarding the ground water supplies of the district. The same shall include, among all other information and data which the board may require, the following: Annual engineering survey and report on ground water

(1) Records, data and other information for the consideration of the board in its determination of the annual overdraft;

(2) Records, data and other information for the consideration of the board in its determination of the accumulated overdraft as of the last day of the preceding water year;

(3) A report, with supporting data, as to the total production of ground water from the ground water supplies within the replenishment district during the preceding water year;

(4) A report, with supporting data, as to the changes during the preceding water year in the pressure levels or piezometric heights of the ground water contained within pressure-level areas of the replenishment district, and as to the effects thereof upon the ground water supplies within such replenishment district;

(5) An estimate of the annual overdraft for the current water year and for the ensuing water year;

(6) An estimate of the accumulated overdraft as of the last day of the current water year;

(7) An estimate of the total production of ground water from the ground water supplies within the replenishment district for the current water year and for the ensuing water year;

(8) An estimate of the changes during the current water year in the pressure levels or piezometric heights of the ground water contained within pressure-level areas of the replenishment district, and of the effects thereof upon the ground water supplies within such replenishment district;

(9) An estimate of the quantity, source, and cost of water available for replenishment of the ground water supplies during the ensuing water year under the provisions of Section 60315;

SEC. 6. Section 60306 of said code is amended to read:

60306. If the board, by resolution, determines that all or a portion of the funds needed to purchase replenishment water shall be raised by the levy of a replenishment assessment, then the board shall immediately publish a notice that a public hearing will be held on the second Tuesday of April for the purpose of determining whether and to what extent the estimated cost of purchasing water for replenishment for the ensuing year shall be paid for by a replenishment assessment. Such notice shall contain a copy of said board's resolution, the time and place of said hearing, and an invitation to all interested parties to attend and be heard in support of or opposition to said proposed assessment, the engineering survey and report, and the board's determination, and shall invite inspection of the engineering survey and report upon which the board acted. The notice shall be published in each affected Replenishment assessments Notice of hearing

county pursuant to Section 6061 of the Government Code, at least 10 days before the hearing date.

SEC. 7. Section 60315 of said code is amended to read:

Findings of board

60315. Upon completing said hearing, but no later than the second Tuesday in May, the board shall, by resolution, find:

(1) The annual overdraft for the preceding water year;

(2) The estimated annual overdraft for the current water year;

(3) The estimated annual overdraft for the ensuing water year;

(4) The accumulated overdraft as of the last day of the preceding water year;

(5) The estimated accumulated overdraft as of the last day of the current water year;

(6) The total production of ground water from the ground water supplies within the replenishment district during the preceding water year;

(7) The estimated total production of ground water from the ground water supplies within the replenishment district for the current water year;

(8) The estimated total production of ground water from the ground water supplies within the replenishment district for the ensuing water year;

(9) The changes during the preceding water year in the pressure levels or piezometric heights of the ground water contained within pressure-level areas of the replenishment district, and the effects thereof upon the ground water supplies within such replenishment district;

(10) The estimated changes during the current water year in the pressure levels or piezometric heights of the ground water contained within pressure-level areas of the replenishment district, and the estimated effects thereof upon the ground water supplies within such replenishment district;

(11) The quantity of water which should be purchased for the replenishment of the ground water supplies of the replenishment district during the ensuing water year;

(12) The source and estimated cost of water available for such replenishment;

(13) The estimated costs of replenishing such ground water supplies with such water so purchased;

(14) The estimated costs of purchasing, in water years succeeding the ensuing water year, that portion of the quantity of water which should be purchased for the replenishment of the ground water supplies of the replenishment district during the ensuing water year, but which is estimated to be unavailable for purchase during said ensuing water year; said estimated costs shall be based on the estimated price of water for replenishment purposes during the ensuing water year.

(15) The estimated rate of the replenishment assessment required to be levied upon the production of ground water from the ground water supplies within the replenishment district

during the ensuing fiscal year for the purposes of accomplishing such replenishment and providing a reserve fund to purchase in future years, when available, that portion of the quantity of water which should be purchased for the replenishment of the ground water supplies of the replenishment district during the ensuing water year, but which is estimated to be unavailable for purchase during such ensuing water year.

SEC. 8. Section 60316 of said code is amended to read:

Payment of estimated cost

60316. Based on such findings the board shall, by resolution, determine what portion, if any, of the estimated cost of purchasing water for replenishment for the ensuing fiscal year shall be paid for by a replenishment assessment, and what portion, not exceeding 25 percent of the aforesaid portion, of the estimated cost of purchasing in the future that quantity of water which should be purchased during the ensuing water year, but which is estimated to be unavailable during that year, should be raised by a replenishment assessment.

SEC. 9. Section 60326 of said code is amended to read:

Operator's statements

60326. The operator of each water-producing facility within the district, on or before the last day of the month immediately following the respective quarterly periods ending March 31st, June 30th, September 30th, and December 31st of each year, shall file with the district a sworn statement setting forth the total production in acre-feet of ground water from such water-producing facility during the respective quarterly periods immediately preceding the filing of the respective statements, a general description or number locating such water-producing facility, and the method or basis of the computation of such ground water production. Each statement also shall contain such other information as the district may require. The first such statement required to be filed after the formation of such district shall cover the first calendar quarter commencing not less than thirty (30) days after such formation.

Additional reports

If the board by its resolution determines that additional reports or statements are necessary or useful to carry out the purposes of this act and to administer the replenishment of the ground water supplies within the district, then the board shall by its resolution so declare and shall give notice of the adoption of said resolution by immediately publishing the same in each affected county pursuant to Section 6061 of the Government Code. Effective thirty (30) days after such publication, the operator of each water-producing facility in such district shall file with the district the report or statement required by such resolution, at such times and in such manner and form as are provided in such resolution.

SEC. 10. Section 60335 of said code is amended to read:

Assessment delinquencies

60335. If any producer shall knowingly fail to pay a replenishment assessment within 30 days of when due, such producer shall become liable to the district for interest at the rate

of 1 percent per month on the delinquent amount of the assessment.

SEC. 11. Section 60336 of said code is amended to read:

Failure to register facility or file production statement

60336. Should any operator of a water-producing facility knowingly fail to register his water-producing facility or knowingly fail to file the ground water production statement, or knowingly fail to file and furnish any other reports or statements required by resolution of the board adopted pursuant to Section 60326, he shall, in addition to interest as provided in Section 60335, become liable to the district for a penalty of one hundred fifty dollars ($150).

SEC. 12. Section 60341 of said code is amended to read:

Collection of delinquent assessments

60341. The district may bring a suit in the court having jurisdiction against any producer of ground water from the ground water supplies within the district for the collection of any delinquent replenishment assessment, interest, or penalties. The court having jurisdiction of the suit may, in addition to any judgment, award interest and costs on any judgment as allowed by law. Should the district seek an attachment against the property of any named defendant therein, the district shall not be required to furnish bond or other undertaking as provided in Part 2, Title 7, Chapter 4 of the Code of Civil Procedure.

CHAPTER 586

An act to amend Section 12057 of the Government Code, relating to meetings of consumer counsel advisory committees.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 12057 of the Government Code is amended to read:

12057. The Governor, by executive order, may create such advisory committees as he deems necessary to assist the Consumer Counsel in carrying out his functions under this article. The Governor shall appoint the members thereof and they shall serve at his pleasure. The committees shall be under the direction of the Consumer Counsel. The members of such advisory committees shall receive no compensation for their services except that they shall receive their actual and necessary expenses incurred in the discharge of their duties.

All meetings of the advisory committees shall be open and public and all persons shall be permitted to attend any meetings of the advisory committees.

CHAPTER 587

An act to amend Section 8165 of the Government Code, relating to meetings of the Capitol Building and Planning Commission.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 8165 of the Government Code is amended to read:

8165. The commission shall meet in the City of Sacramento at such times as a majority of its members deems advisable. All meetings of the commission shall be open and public and all persons shall be permitted to attend any meetings of the commission.

CHAPTER 588

An act to add Section 5404.5 to the Agricultural Code, relating to meetings of the California Fish and Seafood Advisory Board.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5404.5 is added to the Agricultural Code, to read:

5404.5. All meetings of the board shall be open and public and all persons shall be permitted to attend any meetings of the board.

CHAPTER 589

An act to repeal Article 5 (commencing with Section 3406) of Chapter 2 of Title III of Part 1 of Division Fourth of, to amend Sections 1689 and 1691 of, and to add Sections 1692 and 1693 to, the Civil Code, and to amend Sections 337, 339, 427 and 537 of the Code of Civil Procedure, relating to rescission of contracts.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1689 of the Civil Code is amended to read:

1689. (a) A contract may be rescinded if all the parties thereto consent.

Rescission Consent of parties

Same: One party

(b) A party to a contract may rescind the contract in the following cases:

(1) If the consent of the party rescinding, or of any party jointly contracting with him, was given by mistake, or obtained through duress, menace, fraud, or undue influence, exercised by or with the connivance of the party as to whom he rescinds, or of any other party to the contract jointly interested with such party.

(2) If the consideration for the obligation of the rescinding party fails, in whole or in part, through the fault of the party as to whom he rescinds.

(3) If the consideration for the obligation of the rescinding party becomes entirely void from any cause.

(4) If the consideration for the obligation of the rescinding party, before it is rendered to him, fails in a material respect from any cause.

(5) If the contract is unlawful for causes which do not appear in its terms or conditions, and the parties are not equally at fault.

(6) If the public interest will be prejudiced by permitting the contract to stand.

(7) Under the circumstances provided for in Sections 39, 1533, 1566, 1785, 1789, 1930 and 2314 of this code, Section 2470 of the Corporations Code, Sections 331, 338, 359, 447, 1904 and 2030 of the Insurance Code or any other statute providing for rescission.

SEC. 2. Section 1691 of the Civil Code is amended to read:

Procedure to rescind

1691. Subject to Section 1693, to effect a rescission a party to the contract must, promptly upon discovering the facts which entitle him to rescind if he is free from duress, menace, undue influence or disability and is aware of his right to rescind:

Notice

(a) Give notice of rescission to the party as to whom he rescinds; and

Restoration

(b) Restore to the other party everything of value which he has received from him under the contract or offer to restore the same upon condition that the other party do likewise, unless the latter is unable or positively refuses to do so.

When notice of rescission has not otherwise been given or an offer to restore the benefits received under the contract has not otherwise been made, the service of a pleading in an action or proceeding that seeks relief based on rescission shall be deemed to be such notice or offer or both.

SEC. 3. Section 1692 is added to the Civil Code, to read:

Collateral relief

1692. When a contract has been rescinded in whole or in part, any party to the contract may seek relief based upon such rescission by (a) bringing an action to recover any money or thing owing to him by any other party to the contract as a consequence of such rescission or for any other relief to which he may be entitled under the circumstances or (b) asserting such rescission by way of defense, counterclaim or cross-complaint.

If in an action or proceeding a party seeks relief based upon rescission and the court determines that the contract has not been rescinded, the court may grant any party to the action any other relief to which he may be entitled under the circumstances.

Claim for damages

A claim for damages is not inconsistent with a claim for relief based upon rescission. The aggrieved party shall be awarded complete relief, including restitution of benefits, if any, conferred by him as a result of the transaction and any consequential damages to which he is entitled; but such relief shall not include duplicate or inconsistent items of recovery.

Adjustment of equities

If in an action or proceeding a party seeks relief based upon rescission, the court may require the party to whom such relief is granted to make any compensation to the other which justice may require and may otherwise in its judgment adjust the equities between the parties.

SEC. 4. Section 1693 is added to the Civil Code, to read:

Delay in rescinding

1693. When relief based upon rescission is claimed in an action or proceeding, such relief shall not be denied because of delay in giving notice of rescission unless such delay has been substantially prejudicial to the other party.

Delay in restoration

A party who has received benefits by reason of a contract that is subject to rescission and who in an action or proceeding seeks relief based upon rescission shall not be denied relief because of a delay in restoring or in tendering restoration of such benefits before judgment unless such delay has been substantially prejudicial to the other party; but the court may make a tender of restoration a condition of its judgment.

Repeal

SEC. 5. Article 5 (commencing with Section 3406) of Chapter 2 of Title III of Part 1 of Division Fourth of the Civil Code is repealed.

SEC. 6. Section 337 of the Code of Civil Procedure is amended to read:

Action founded on a writing

After exercise of power of sale

337. Within four years: 1. An action upon any contract, obligation or liability founded upon an instrument in writing, except as provided in Section 336a of this code; provided, that the time within which any action for a money judgment for the balance due upon an obligation for the payment of which a deed of trust or mortgage with power of sale upon real property or any interest therein was given as security, following the exercise of the power of sale in such deed of trust or mortgage, may be brought shall not extend beyond three months after the time of sale under such deed of trust or mortgage.

Book account

Account stated

Mutual, etc., account

2. An action to recover (1) upon a book account whether consisting of one or more entries; (2) upon an account stated based upon an account in writing, but the acknowledgment of the account stated need not be in writing; (3) a balance due upon a mutual, open and current account, the items of which are in writing; provided, however, that where an account stated is based upon an account of one item, the time shall begin to run from the date of said item, and where an account

stated is based upon an account of more than one item, the time shall begin to run from the date of the last item.

Action founded on a rescission of a writing

3. An action based upon the rescission of a contract in writing. The time begins to run from the date upon which the facts that entitle the aggrieved party to rescind occurred. Where the ground for rescission is fraud or mistake, the time does not begin to run until the discovery by the aggrieved party of the facts constituting the fraud or mistake. Where the ground for rescission is misrepresentation under Section 359 of the Insurance Code, the time does not begin to run until the representation becomes false.

SEC. 7 Section 339 of the Code of Civil Procedure is amended to read:

Action founded on nonwritten agreement

339. Within two years: 1 An action upon a contract, obligation or liability not founded upon an instrument of writing, other than that mentioned in subdivision 2 of Section 337 of this code; or an action founded upon a contract, obligation or liability, evidenced by a certificate, or abstract or guaranty of title of real property, or by a policy of title insurance; provided, that the cause of action upon a contract, obligation or liability evidenced by a certificate, or abstract or guaranty of title of real property or policy of title insurance shall not be deemed to have accrued until the discovery of the loss or damage suffered by the aggrieved party thereunder.

Action against officials

2 An action against a sheriff, coroner, or constable upon a liability incurred by the doing of an act in his official capacity and in virtue of his office, or by the omission of an official duty including the nonpayment of money collected upon an execution. But this subdivision does not apply to an action for an escape.

Action based on rescission of non-written agreement

3. An action based upon the rescission of a contract not in writing. The time begins to run from the date upon which the facts that entitle the aggrieved party to rescind occurred. Where the ground for rescission is fraud or mistake, the time does not begin to run until the discovery by the aggrieved party of the facts constituting the fraud or mistake.

SEC. 8. Section 427 of the Code of Civil Procedure is amended to read:

Joinder of causes of action

427. The plaintiff may unite several causes of action in the same complaint, where they all arise out of:

1. Contracts, express or implied. An action brought pursuant to Section 1692 of the Civil Code shall be deemed to be an action upon an implied contract within the meaning of that term as used in this section.

2. Claims to recover specific real property, with or without damages for the withholding thereof, or for waste committed thereon, and the rents and profits of the same.

3. Claims to recover specific personal property, with or without damages for the withholding thereof.

4. Claims against a trustee by virtue of a contract or by operation of law.

5. Injuries to character.

6. Injuries to person.

7. Injuries to property.

8. Claims arising out of the same transaction, or transactions connected with the same subject of action, and not included within one of the foregoing subdivisions of this section.

9. Any and all claims for injuries arising out of a conspiracy, whether of the same or of different character, or done at the same or different times.

Requirements

The causes of action so united must all belong to one only of these classes except as provided in cases of conspiracy, and must affect all the parties to the action, and not require different places of trial, and must be separately stated; but an action for malicious arrest and prosecution, or either of them, may be united with an action for either an injury to character or to the person; provided, however, that in any action brought by the husband and wife, to recover damages caused by any injury to the wife, all consequential damages suffered or sustained by the husband alone, including loss of the services of his said wife, moneys expended and indebtedness incurred by reason of such injury to his said wife, may be alleged and recovered without separately stating such cause of action arising out of such consequential damages suffered or sustained by the husband; provided, further, that causes of action for injuries to person and injuries to property, growing out of the same tort, may be joined in the same complaint, and it is not required that they be stated separately.

SEC. 9. Section 537 of the Code of Civil Procedure is amended to read:

Attachment as security for satisfaction of judgment

537. The plaintiff, at the time of issuing the summons, or at any time afterward, may have the property of the defendant attached, as security for the satisfaction of any judgment that may be recovered, unless the defendant gives security to pay such judgment, as in this chapter provided, in the following cases:

1. In an action upon a contract, express or implied, for the direct payment of money, where the contract is made or is payable in this State, and is not secured by any mortgage, deed of trust or lien upon real or personal property, or any pledge of personal property, or, if originally so secured, such security has, without any act of the plaintiff, or the person to whom the security was given, become valueless. An action upon any liability, existing under the laws of this State, of a spouse, relative or kindred, for the support, maintenance, care or necessaries furnished to the other spouse, or other relatives or kindred, shall be deemed to be an action upon an implied contract within the term as used throughout all subdivisions of this section. An action brought pursuant to Section 1692 of the Civil Code shall be deemed to be an action upon an implied contract within the meaning of that term as used in this section.

2. In an action upon a contract, express or implied, against a defendant not residing in this State, or who has departed

from the State, or who cannot after due diligence be found within the State, or who conceals himself to avoid service of summons.

3. In an action against a defendant, not residing in this State, or who has departed from the State, or who cannot after due diligence be found within the State, or who conceals himself to avoid service of summons, to recover a sum of money as damages, arising from an injury to person or property in this State, in consequence of negligence, fraud, or other wrongful act.

4. In an action in unlawful detainer where it appears from the verified complaint on file therein that rent is actually due and payable from the defendant to the plaintiff for the premises sought to be recovered in said action; provided, the payment of such rent is not secured by any mortgage or lien upon real or personal property, or pledge of personal property, or, if originally so secured, such security has, without any act of the plaintiff or the person to whom the security was given, become valueless.

5. In an action by the State of California or any political subdivision thereof, for the collection of taxes due said State or political subdivision, or for the collection of any moneys due upon any obligation or penalty imposed by law.

CHAPTER 590

An act to amend Sections 20805.5 and 21250.5 of the Government Code, relating to the State Employees' Retirement System.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

"Prior service"

SECTION 1. Section 20805.5 of the Government Code is amended to read:

20805.5. "Prior service" as defined in subsection (3) of subdivision (b) of Section 20805, for a local member, shall include, in addition to state service as provided in said section, and service rendered prior to the assumption by the district or districts of the function under which the service was rendered, as provided in subsection (5) of subdivision (b) of Section 14694 of the Education Code, service rendered under said function, but after its assumption by the district or districts and before the effective date of the contract under which he became a member, and regardless of whether the compensation for such service was paid from the employer's funds, provided such service the compensation for which was not so paid, was credited under a local system of which the member was a member at the date of its discontinuance wholly or in part, as provided in Section 20524.

This section shall not apply to miscellaneous employees of any contracting agency nor to any such agency unless and until the contracting agency elects to be subject to its provisions by amendment to its contract with the board, made as provided in Section 20461.5, or unless said agency's contract with the board includes at its effective date, a provision making said agency and its employees subject to the provisions of this section. Applicability to contracting agencies, etc.

SEC. 2. Section 21250.5 of said code is amended to read:

21250.5. In addition to any other benefits provided by this part, any local miscellaneous member who retires for service after attaining age 60 and before age 65 with credit for state service rendered as an employee of any contracting agency which is subject to the provisions of Section 21251.1 and which has modified its contract as provided in Section 20497, shall receive an additional annual pension based on his age at retirement and credited service which shall be computed according to the following formula: Temporary annuity

(a) 0.50 times the product of his age at retirement and his years of prior and current service, not in excess of 20 years, which have been credited toward the modified benefit formula provided in the agency's contract, plus

(b) 0.40 times the product of his age at retirement and his years of prior and current service in excess of 20 years which have been credited toward the modified benefit formula provided in the agency's contract.

This additional pension shall not be subject to the optional settlements under Article 4 of this part and shall be payable monthly as a temporary annuity until the retired member attains or would attain age 65. Should his death occur prior to age 65, the commuted value of any remaining installments shall be paid to his designated beneficiary in the manner provided in Section 21332.5 for payment of death benefits under optional settlement one.

The benefits payable under this section shall be derived from contributions of the contracting agency and shall be divided between the agency's prior and current service contributions in the same proportion as the credited years of prior and current service which are used in the computation of this additional pension.

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

CHAPTER 591

An act to amend Section 21252.5 of the Government Code, relating to the State Employees' Retirement System.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 21252.5 of the Government Code is amended to read:

Current and prior service pensions for local safety members

21252.5. The combined current and prior service pensions for a local safety member who is an employee of a contracting agency which is subject to the provisions of this section, is an annual pension which when added to the service retirement annuity that is derived from the accumulated normal contributions of the member shall equal the sum of the following:

(a) A temporary annuity based on age at retirement and length of service computed according to the following formula:

(1) 0.50 times the product of his age at retirement and his years of credited prior and current service not in excess of 20 years, plus

(2) 0.40 times the product of his age at retirement and his years of credited prior and current service in excess of 20 years.

(b) The percentage of final compensation set forth opposite his age at retirement in the following table multiplied by the number of years of credited current and prior service as a safety member in the employ of all contracting agencies subject to this section at the time of his retirement:

If retirement occurs at age:	The percent for each year of credited service is:
60	1.250
60¼	1.275
60½	1.300
60¾	1.325
61	1.350
61¼	1.375
61½	1.400
61¾	1.425
62	1.450
62¼	1.475
62½	1.500
62¾	1.525
63	1.550
63¼	1.575
63½	1.600
63¾	1.625
64	1.650

If retirement occurs at age:	The percent for each year of credited service is:
64¼	1.675
64½	1.700
64¾	1.725
65	1.750

If the member retires before attaining age 60, the prior and current service pension under this section shall be reduced to that amount which the value of the pensions, as deferred to age 60, will purchase at the actual age of retirement.

The temporary annuity under subdivision (a) of this section shall not be subject to the optional settlements under Article 4 of this chapter and shall be payable monthly until the retired member attains or would have attained age 65. Should his death occur prior to age 65, the commuted value of any remaining installments shall be paid to his designated beneficiary in the manner provided in Section 21332.5 for payment of death benefits under optional settlement one.

The agency's liability for prior service shall be in the same proportion to the total reserves required as the years of credited prior service bear to the total years of credited service. The agency's liability for current service shall consist of the remainder of the total reserves required after deducting the liability for prior service and the accumulated normal contributions of the member.

Applicability to contracting agencies

This section shall apply only to a contracting agency which elects to be subject hereto by an amendment to its contract or by express provision of a contract hereafter entered into; provided, the agreement executed by the board pursuant to Section 218, Social Security Act, is or has been modified to include therein the employees of the agency in positions covered or to be covered by this system as local safety members.

Operative date

SEC. 2. This act shall become operative on October 1, 1961

CHAPTER 592

An act to amend Section 21365.5 of, and to add Section 20041 to, the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 20041 is added to the Government Code, to read:

"Dependent"

20041. "Dependent," in reference to any benefit provided, upon the death of a member, for a surviving dependent husband or dependent parent, or parent dependent upon the

member for support, shall mean receipt of at least one-half of the husband's or parent's support from the member at the time of the member's death determined according to rules of the board.

SEC. 2. Section 21365.5 of said code is amended to read:

Benefit payment upon death before retirement

21365.5. Upon the death while in state service, other than state service as defined in Section 20801.1, and before the effective date of his retirement of a member who has attained the minimum age for voluntary service retirement applicable to him in his employment at the time of death, and who is credited with 20 or more years of state service, a monthly allowance equal to one-half of the unmodified retirement allowance which the member would have been entitled to receive if he had retired for service on the date of his death shall be payable:

(a) To the surviving wife of a male member as long as she lives or until her remarriage; or

(b) To a dependent surviving husband of a female member as long as he lives or until remarriage.

(c) To the children under age 18 collectively if there is no surviving spouse or if the surviving spouse dies or remarries before all children of the deceased member attain age 18, until every child dies or attains age 18; provided, that no child shall receive any allowance after marrying or attaining the age of 18.

Where a member does not have a surviving spouse nor any children under the age of 18 years at the time of death, no allowance shall be payable under this section.

No allowance shall be payable under this section if a special death benefit or a benefit under Section 21337 is payable.

Allowance in lieu of basic death benefit

The allowance provided by this section shall be paid in lieu of the basic death benefit but a person or, such person's guardian, qualifying for the allowance may elect before the first payment on account of it to receive such basic death benefit in lieu of the allowance.

Any person who is receiving the allowance under this section on October 1, 1959, shall have the right to elect, not later than ninety (90) days after the date upon which notice of such right is mailed to him by this system, to receive in lieu of further payments of the allowance, a sum equal to the excess of the basic death benefit which was otherwise payable on account of the member's death over the sum of the monthly payments made prior to such election.

If the total of the payments made hereunder is less than the basic death benefit which was otherwise payable on account of the member's death, the amount of the basic death benefit less any payments made pursuant to this section shall be paid in a lump sum as follows:

(a) If the person last entitled to the allowance is the remarried spouse of such member, to such spouse;

(b) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to the allowance.

The board shall compute the amount by which benefits paid pursuant to this section exceed the benefits which would otherwise be payable and shall charge any such excess against the contributions of the State so that there shall be no increase in contributions of members by reason of benefits paid pursuant to this section. As used in this section, "a surviving wife" means a wife that was married to the member for at least one year prior to his death, a "dependent surviving husband" means a dependent husband that was married to the member for at least one year prior to the member's death, and "child" includes a posthumously born child of the member.

Contracting agencies

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

Operative date

SEC. 3. This act shall become operative on October 1, 1961.

CHAPTER 593

An act to amend Section 1712 of the Welfare and Institutions Code, relating to appointments of members of the Youth Authority.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1712 of the Welfare and Institutions Code is amended to read:

1712. The six positions on the authority shall be filled by appointment of the Governor of persons meeting the requirements of this chapter subject to confirmation by the Senate.

CHAPTER 594

An act to repeal Section 4183 of the Business and Professions Code, relating to annual reports of Poison Act fines and forfeitures.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

Repeal

SECTION 1. Section 4183 of the Business and Professions Code is repealed.

CHAPTER 595

An act to amend Section 116 of the Insurance Code, relating to automobile insurance.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 116 of the Insurance Code is amended to read:

116. Automobile insurance includes insurance of automobile owners, users, dealers, or others having insurable interests therein, against hazards incident to ownership, maintenance, operation and use of automobiles, other than loss resulting from accident or physical injury, fatal or nonfatal, to, or death of, any natural person.

Automobile insurance also includes any contract of warranty, guaranty or suretyship which promises service, maintenance, parts replacement, repair, money or any other indemnity in event of loss of or damage to a motor vehicle or any part thereof from any cause, including loss of or damage to or loss of use of the motor vehicle by reason of depreciation, deterioration, wear and tear, use, obsolescence or breakage if made by a warrantor, surety or guarantor who or which as such is doing an insurance business. Such a person is deemed to be doing an insurance business if the making of or proposing to make such contracts or other insurance contracts is done as a vocation and not as merely incidental to any other legitimate business or activity. The doing or proposing to do any business in substance equivalent to the business described in this paragraph in a manner designed to evade the provisions of this paragraph is the doing of an insurance business.

SEC. 2. Enactment of this act shall not be construed as a legislative determination that any guaranty, warranty, contract or suretyship, policy, contract or arrangement not affected by Section 1 hereof is or is not an insurance contract.

CHAPTER 596

An act to add Section 7154.5 to the Financial Code, relating to savings and loan associations.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 7154.5 is added to the Financial Code, to read.

7154.5 An association may make amortized loans upon the security of real property upon which there is located a structure designed for residential use of one family and upon which there is not located any other structure designed or used in whole or in part for use as a dwelling or any structure designed or used in whole or in part for any business use or for any use not ancillary to the residential use aforesaid in an amount not in excess of (a) twenty-two thousand dollars ($22,000), (b) ninety percent (90%) of the value of the real property up to and including twenty thousand dollars ($20,000) plus eighty percent (80%) of so much of the value as exceeds twenty thousand dollars ($20,000) but does not exceed twenty-five thousand dollars ($25,000), or (c) ninety percent (90%) of so much of the purchase price as does not exceed twenty thousand dollars ($20,000) plus eighty percent (80%) of so much of the purchase price as exceeds twenty thousand dollars ($20,000) but does not exceed twenty-five thousand dollars ($25,000), whichever is lowest. The borrower shall make a certification in writing that he intends to occupy the property as his home and that no lien or charge upon the property other than the lien of the association has been given or executed by him. The loan shall provide for repayment in monthly payments which payments shall include the monthly proration of annual taxes and hazard insurance premiums in advance.

No association shall have such investments under this section aggregating at any one time more than 5 percent of its total assets. Whenever the unpaid balance of such loans made under this section shall have been reduced to 80 percent of the original appraised value of such property, such loan may be removed from the above imposed limitation of assets.

CHAPTER 597

An act to add Section 2019.1 to the Welfare and Institutions Code, relating to old age assistance.

In effect September 15, 1961

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961]

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

SECTION 1 Section 2019.1 is added to the Welfare and Institutions Code, to read:

2019 1. Notwithstanding any other provision of this chapter to the contrary, the State Social Welfare Board shall allow as a special need debts incurred for the medical care of any recipient of aid under this chapter and other essential members of the recipient's immediate family who reside in his household, if the recipient is legally liable for payment of the incurred debt.

The provisions of this section shall not apply to debts incurred for items of medical care which could have been obtained by a recipient, without cost, under the provisions of the Public Assistance Medical Care Program provided for in Chapter 1 (commencing with Section 4500) of Part 3 of Division 5 of this code.

CHAPTER 598

An act to amend Section 15802 of the Education Code, relating to school district property.

In effect September 15, 1961

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961]

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

SECTION 1. Section 15802 of the Education Code is amended to read:

15802. The governing board of any school district shall furnish, repair, insure, and in its discretion rent the school property of its districts. The insurance shall be written in any admitted insurer, or in any nonadmitted insurer to the extent and subject to the conditions prescribed in Section 1763 of the Insurance Code. In districts within or partly within cities of the first class or of the first and one-half class and in districts with an average daily attendance of fifty thousand (50,000) or more fire insurance on property of the districts may be, in the discretion of the governing board, of the deductible type of coverage. By deductible type of coverage is meant a form of insurance under which the insurance becomes operative when the loss and damage exceeds an amount stipulated in the policy or policies.

CHAPTER 599

An act to add Section 22017 to the Government Code, relating to coverage of public employees in the federal old age, survivors and disability insurance program, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961] In effect immediately

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

SECTION 1. Section 22017 is added to the Government Code, to read:

22017. The amendment to Section 218(d)(6)(C) of Title II of the Social Security Act, relating to transfer of positions as described therein, enacted September 13, 1960, shall also apply to such transfers occurring prior to such date of enactment to the extent permitted under Section 102(b)(2) of Public Law 86-778. The filing heretofore with the Secretary of Health, Education and Welfare by the executive officer of the system, as designated by the Governor, of the request that said amendment be so applied, is hereby ratified and confirmed.

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

In 1960 Congress amended the Social Security Act to correct an inequity resulting from the transfer of an employee of a political subdivision such as a school district to another political subdivision when such transfer is the result of employer action rather than a voluntary change by the employee These amendments permit the transferred employee to remain in the part of the retirement system not covered by the federal program, and are made retroactive to cover transfers prior to enactment of the amendments if so requested by the State This act would permit the State to take advantage of the 1960 federal amendments and would validate prior action by the State in that respect.

CHAPTER 600

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

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961] In effect September 15, 1961

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

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

11612. In the event an agreement for the improvement of the streets or easements is entered into, the governing body may require that the agreement shall be secured by a good and sufficient bond, or it may accept, in lieu thereof, a cash deposit or an instrument of credit, which bond, cash deposit, or instrument of credit shall be in an amount not in excess of the estimated cost of the improvement. However, the subdivider, in lieu of the agreement to construct improvements, and the bond, cash deposit, or instrument of credit to secure it, may enter into a contract with the governing body, secured by a faithful performance bond, cash deposit, or instrument of credit, if required by the governing body, in an amount not to exceed the estimated cost of the improvement, by which he agrees, within such time as may be provided in the contract, to initiate and to consummate proceedings under an appropriate special assessment act for the formation of a special assessment district covering the subdivision or part thereof, for the financing and construction of designated improvements upon the streets or easements dedicated by the map. Any such agreement or contract shall by its terms provide for the acceptance of the work as it progresses and for partial withdrawal of the deposit, in money or bonds, upon certificate of the county surveyor or the city engineer, or other public official or employee authorized to perform such function, in a manner similar to cash payments under cash contracts and under rules established by the governing body. If an instrument of credit is received by the governing body in lieu of a bond or cash deposit, the agreement or contract may provide for the partial release of the obligation of the instrument upon the acceptance of the work as it progresses, under rules established by the governing body. The governing body may require that a bond, cash deposit, or instrument of credit filed pursuant to this section or Section 11612.5 also secure payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvement, or may require that a separate bond, cash deposit, or instrument of credit be filed for such purpose.

"Instrument of credit," as used in this section, means an instrument of credit from a financial institution which is subject to regulation by the State or federal government pledging that the moneys necessary to meet the performance are on deposit and guaranteed for payment. If an instrument of credit is received by the governing body in lieu of a bond or cash deposit the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument.

CHAPTER 601

An act to add Section 13561.1 to the Education Code, relating to lunch periods for teachers.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 13561.1 is added to the Education Code, to read:

13561.1. Recognizing that an adequate lunch period free from duty is essential to the health, morale and efficiency of teachers employed full time in any regular day school, the Legislature declares that it is the policy of the State to encourage school districts to provide for an adequate duty-free lunch period for teachers.

In order to provide for such duty-free lunch periods, the governing board of any school district may utilize recreation personnel or other suitable persons to supervise the pupils of the district during the school lunch period.

The provisions of this section shall prevail over any provision of Section 13561 which conflicts herewith.

CHAPTER 602

An act to amend Section 16402 of the Education Code, relating to school district property.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 16402 of the Education Code is amended to read:

16402. If the board, by a unanimous vote of those members present, finds that the property does not exceed in value the sum of the two hundred dollars ($200) it may be sold at private sale without advertising, by any member or employee of the board empowered for that purpose by the majority vote of the board.

If the governing board of two or more districts which are governed by governing boards of identical personnel and which have a combined average daily attendance of 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding year, finds, by a unanimous vote of those members present, that the property does not exceed in value the sum of five hundred dollars ($500), it may be sold at private sale without advertising, by any member or employee of the board empowered for that purpose by the majority vote of the board.

CHAPTER 603

An act to amend Sections 3015, 4004, 6504 and 8925 of the Business and Professions Code, 27003 of the Education Code, 14006 of the Government Code, 110 of the Health and Safety Code, 57 of the Labor Code, 1506 of the Vehicle Code, 509 of the Public Resources Code, 52 of the Streets and Highways Code, and 107 of the Welfare and Institutions Code, and to repeal Sections 13007 and 14008 of the Government Code, 1703 of the Harbors and Navigation Code, 82 of the Military and Veterans Code, and 3321 of the Penal Code, relating to bonds of state officers.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 3015 of the Business and Professions Code is amended to read:

Duties of the secretary

3015. The secretary shall keep all the records of the board and discharge such other duties as the board shall from time to time prescribe.

SEC. 2. Section 4004 of said code is amended to read:

Officers

4004. The board shall elect a president, a vice president, an executive secretary and a treasurer. The executive secretary may or may not be a member of the board as the board may determine.

SEC. 3. Section 6504 of said code is amended to read:

Record of proceedings

6504. The secretary shall keep a record of all proceedings of the board.

SEC. 4. Section 8925 of said code is amended to read:

Registrar's oath

8925. Within 15 days from the time he is notified of his appointment, the registrar shall take his oath of office.

SEC. 5. Section 27003 of the Education Code is amended to read:

State Librarian

27003. The State Librarian shall be appointed by and hold office at the pleasure of the Governor. He shall receive an annual salary as provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

Repeal

SEC. 6. Section 13007 of the Government Code is repealed.

SEC. 7. Section 14006 of said code is amended to read:

State Architect

14006. The Chief of the Division of Architecture is designated as the State Architect.

Repeal

SEC. 8. Section 14008 of said code is repealed.

Repeal

SEC. 9. Section 1703 of the Harbors and Navigation Code is repealed.

SEC. 10. Section 110 of the Health and Safety Code is amended to read:

Appointment of employees

110. Subject to the State Civil Service Act the director shall appoint such assistants, deputies, agents, experts and other employees as are necessary for the administration of the affairs of the department and shall prescribe their duties, and

fix their salaries subject to the approval of the Department of Finance.

SEC. 11. Section 57 of the Labor Code is amended to read:

57. Except as otherwise expressly provided by law, each division shall be in charge of a chief who shall be appointed by and hold office at the pleasure of the Governor and shall receive a salary fixed in accordance with law. Division chief

The person holding permanent civil service status as principal labor statistician shall be the Chief of the Division of Labor Statistics and Research, continuing to be subject to all the provisions of the State Civil Service Act.

SEC. 12. Section 82 of the Military and Veterans Code is repealed. Repeal

SEC. 13. Section 3321 of the Penal Code is repealed. Repeal

SEC. 14. Section 1506 of the Vehicle Code is amended to read:

1506. The Division of Registration shall be under the control of a civil executive officer to be known as the Registrar of Vehicles. The Registrar of Vehicles shall be appointed by the director subject to the approval of the Governor, pursuant to the provisions of Article XXIV of the State Constitution. Registrar of Vehicles

SEC. 15. Section 509 of the Public Resources Code is amended to read:

509. The salaries of the Chiefs of the Divisions of Forestry and Parks shall be fixed by the director with the approval of the Governor. The director, before entering upon his duties, shall execute and deliver to the State an official bond in the sum of twenty-five thousand dollars ($25,000) conditioned upon the faithful performance of his duties. Salaries

SEC. 16. Section 52 of the Streets and Highways Code is amended to read:

52. Subject to the approval of the director, the State Highway Engineer may from time to time perform services as consulting engineer for any of the governmental units referred to in Section 131 of this code, and may receive compensation for such services as provided in such section. State Highway Engineer

SEC. 17. Section 107 of the Welfare and Institutions Code is amended to read:

107. Subject to the State Civil Service Act, the director shall appoint such assistants and other employees as are necessary for the administration of the affairs of the department and shall prescribe their duties and fix their salaries subject to the approval of the Department of Finance. Appointment of employees

CHAPTER 604

An act to amend Sections 629, 659, 664 and 681a of the Code of Civil Procedure, relating to motions for judgment notwithstanding verdict and for new trial.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 629 of the Code of Civil Procedure is amended to read:

Motion for directed verdict

629. When a motion for a directed verdict, which should have been granted, has been denied and a verdict rendered against the moving party, the court, either of its own motion or on motion of the aggrieved party, shall render judgment in favor of the aggrieved party notwithstanding the verdict.

Motion for judgment notwithstanding the verdict and new trial

A motion for judgment notwithstanding the verdict shall be made within the period specified by Section 659 of this code in respect of the filing and serving of notice of intention to move for a new trial. The making of a motion for judgment notwithstanding the verdict shall not extend the time within which a party may file and serve notice of intention to move for a new trial. The court shall not rule upon the motion for judgment notwithstanding the verdict until the expiration of the time within which a motion for a new trial must be served and filed, and if a motion for a new trial has been filed with the court by the aggrieved party, the court shall rule upon both motions at the same time. The power of the court to rule on a motion for judgment notwithstanding the verdict shall not extend beyond the last date upon which it has the power to rule on a motion for a new trial. If a motion for judgment notwithstanding the verdict is not determined before such date, the effect shall be a denial of such motion without further order of the court.

Appeal

If the motion for a directed verdict and the motion for judgment notwithstanding the verdict be denied and if a new trial be denied, the appellate court shall, when it appears from the whole of the evidence that a verdict should have been so directed at the trial, order judgment to be so entered on appeal from the judgment or from the order denying the motion for judgment notwithstanding the verdict.

Where a new trial is granted to the party moving for judgment notwithstanding the verdict and the motion for judgment notwithstanding the verdict is denied, the order denying the motion for judgment notwithstanding the verdict shall nevertheless be reviewable on appeal from said order by the aggrieved party. If the court grants the motion for judgment notwithstanding the verdict or of its own motion directs the entry of judgment notwithstanding the verdict and likewise grants the motion for a new trial, the order granting the new trial shall be effective only if, on appeal, the judgment not-

withstanding the verdict is reversed, and the order granting a new trial is not appealed from or, if appealed from, is affirmed.

SEC. 2. Section 659 of said code is amended to read:

Notice of motion for a new trial

659. The party intending to move for a new trial must file with the clerk and serve upon the adverse party a notice of his intention to move for a new trial, designating the grounds upon which the motion will be made and whether the same will be made upon affidavits or the minutes of the court or both, either

1. Before the entry of judgment; or

2. Within 30 days after the entry of the judgment or 10 days after service upon him by any party of written notice of the entry of judgment, whichever is earlier.

Said notice shall be deemed to be a motion for a new trial on all the grounds stated in the notice. The time above specified shall not be extended by order or stipulation.

SEC. 3. Section 664 of said code is amended to read:

Entry of judgment

664. When trial by jury has been had, judgment must be entered by the clerk, in conformity to the verdict within 24 hours after the rendition of the verdict (provided that in justice courts such judgment shall be entered in the docket at once), whether or not a motion for judgment notwithstanding the verdict be pending, unless the court order the case to be reserved for argument or further consideration, or grant a stay of proceedings. If the trial, in a superior or municipal court, has been had by the court, judgment must be entered by the clerk, in conformity to the decision of the court, immediately upon the filing of such decision; in justice courts, judgment must be entered within 30 days after the submission of the cause. In no case is a judgment effectual for any purpose until entered.

SEC 4. Section 681a of said code is amended to read:

Stay execution of judgment

681a The court, or the judge thereof, may stay the execution of any judgment or order; provided, that no court shall have power, without the consent of the adverse party, to stay the execution of any judgment or order, the execution whereof would be stayed on appeal only by the execution of a stay bond, for a longer period than 10 days in justice courts, nor for a longer period than 30 days in other courts. If a motion for a new trial or for judgment notwithstanding the verdict is pending, execution may be stayed until 10 days after the determination thereof.

CHAPTER 605

An act to amend Section 227 of the Civil Code, relating to examination of parties prior to adoption.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 227 of the Civil Code is amended to read:

227. The person or persons desiring to adopt a child, and the child proposed to be adopted, must appear before the court; provided, that if said adoptive parent is then commissioned or enlisted in the military service, or auxiliary thereof, of the United States, or of any of its allies, or in the American Red Cross, so that it is impossible or impracticable, because of such person's absence from the State of California, or otherwise, for said person to make such appearance in person, and said circumstances are established by satisfactory evidence, said appearance may be made for such person by his or her counsel, commissioned and empowered in writing so to do and which said power of attorney may be incorporated in the petition for adoption. The court must examine all persons appearing before it pursuant to this section. The examination of each such person shall be conducted separately but within the physical presence of each such other person or persons unless the court, in its discretion, shall order otherwise. If satisfied that the interest of the child will be promoted by the adoption, the party or parties adopting shall execute or acknowledge an agreement in writing that the child shall be treated in all respects as the lawful child of the party or parties, and the court shall thereupon make an order awarding the custody of the child to the adopting parent or parents. In a case where the adopting parent is permitted to appear by counsel, the agreement may be executed and acknowledged by such counsel for such absent party, or may be executed by such absent party before a notary public, or any other person authorized to take acknowledgments including the persons authorized by Sections 1183 and 1183.5 of this code; provided, that in any case where said adoptive parent is permitted to appear by counsel hereunder, or otherwise, the court may, in its discretion, cause such examination of said adoptive parent, other interested party, or witness to be made upon deposition, as it deems necessary, said deposition to be taken upon commission, as prescribed by the Code of Civil Procedure, and the expense thereof to be borne by the petitioner. The petition, relinquishment, agreement, order, and any power of attorney and deposition must be filed in the office of the county clerk and shall not be open to inspection by any other than the parties to the action and their attorneys and the State Department of Social Welfare except upon the written authority of the judge of the superior court.

CHAPTER 606

An act to add Chapter 4a (commencing with Section 1223) to Division 6 of the Agricultural Code, relating to co-operative bargaining associations.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Chapter 4a (commencing with Section 1223) is added to Division 6 of the Agricultural Code, to read:

CHAPTER 4a. CO-OPERATIVE BARGAINING ASSOCIATIONS

"Co-operative bargaining association"

1223. As used in this chapter a "co-operative bargaining association" is a farmer association organized and functioning under Chapter 4 (commencing with Section 1190) of Division 6 of this code, for the purpose of group bargaining between its producer members and the first handler or processor, with respect to the sale of any agricultural commodity except milk, cotton or cotton seed.

Right to join associations

1224. It is the public policy of the State of California to establish and support the right of any farmer to join voluntarily and belong to co-operative bargaining associations.

Unfair trade practices

1225. It is an unfair trade practice, and unlawful, for any processor, handler, distributor, or agent thereof, or for any other person to do any of the following:

(a) Interfere with, restrain, coerce or boycott producers in the exercise of the rights guaranteed pursuant to Section 1224.

(b) Discriminate against producers with respect to price or other terms of purchase of raw agricultural commodities, by reason of the producer's membership in or contract with co-operative bargaining associations

(c) Pay or loan money, or give any other thing of value to a producer as an inducement or reward for refusing to or ceasing to belong to a co-operative bargaining association.

(d) Maliciously or knowingly give false reports about the finances, management or activities of a co-operative bargaining association.

Penalty

1226. The willful violation of any provisions of this chapter is a misdemeanor punishable by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) for each and every such violation.

(b) In addition to the penalty provided for above, any person who violates any provision of this chapter shall be liable civilly for a penalty in an amount not to exceed a sum of five hundred dollars ($500) for each and every violation thereof.

Enforcement

1227. For the purpose of enforcing the provisions of this chapter the director is authorized to receive complaints from

producers against any processor, handler, distributor or any agent thereof, or any other person, with respect to violations of the unfair trade practices specified in Section 1225. Upon verification of the complaint the director shall, or upon his own motion may, make any and all necessary investigations, examinations or inspections of any transaction involving a suspected violation of any provision of this chapter.

Actions to enjoin violations

1228. The director may bring an action to enjoin the violation or threatened violation of any provision of this chapter in the superior court of the county in which such violation occurred or is about to occur. Actions against different defendants may be consolidated, in the discretion of the court, if the alleged violations are of the same provision, have occurred in the same or an adjoining county, relate to the same agricultural commodity, occurred in the same production season, and such consolidation can be done without prejudice to a substantial right of any defendant. Any proceedings brought pursuant to this section shall be governed in all other respects by the provisions of Chapter 3 (commencing with Section 525) Title 7 of Part 2 of the Code of Civil Procedure.

Power of director

1229. The director shall have and may exercise any or all of the powers conferred by Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code upon the head of a department of the State with respect to hearings and investigations under this chapter.

CHAPTER 607

An act to create the Study Commission on Senate Apportionment, and making an appropriation.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

Study Commission on Senate Apportionment

SECTION 1. The Study Commission on Senate Apportionment is hereby created. The commission shall consist of two Members of the Senate appointed by the Senate Committee on Rules, two Members of the Assembly appointed by the Speaker, and five nonlegislative members appointed by the Governor. Vacancies in the nonlegislative membership shall be filled by the appointing authority.

Powers and duties

SEC. 2. The Members of the Legislature appointed to the commission shall constitute a joint legislative investigating committee on the subject of this chapter and as such shall have all the powers and duties conferred and imposed upon such committees by the Joint Rules of the Senate and Assembly.

Expenses

SEC. 3. The members of the commission shall serve without compensation but each member shall be allowed actual

expenses incurred in the discharge of his duties, including necessary travel expense.

Exercise of power

SEC. 4. The commission may do any and all things necessary or convenient to enable it to exercise the powers and perform the duties conferred on it by this chapter. Each department, commission, board, agency, officer and employee of the state government and of every county, city or other political subdivision of the State shall provide the commission, upon request, with information, records and documents which the commission deems necessary to carry out the purposes of this chapter.

Proposals to modify present apportionment

SEC. 5. The commission shall ascertain, study and analyze all facts relating to representation in the State Senate, including but not limited to, proposals designed to modify the present federal plan of apportionment by increasing the representation of extremely heavily populated counties without destroying or rendering ineffective the tested principles of equitable representation for all geographic areas of the State.

Report

SEC. 6. The commission shall report its findings to the Governor and to the Legislature not later than February 10, 1962, including in its report its recommendations for appropriate legislation. The existence of the commission shall terminate on the 91st day after final adjournment of the 1962 Regular Session.

Appropriation

SEC. 7. The sum of twenty-five thousand dollars ($25,000) is hereby appropriated to the commission from the General Fund for carrying out the provisions of this chapter.

CHAPTER 608

An act to amend Sections 1433, 1500 and 1590 of the Probate Code, relating to guardians of minors.

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1433 of the Probate Code is amended to read:

Guardian for married persons

1433. No guardian shall be appointed of the person of a married minor solely by reason of such minority; and no guardian shall be appointed of the estate of a married person who has reached the age of 18 years solely by reason of age

SEC. 2. Section 1500 of said code is amended to read:

Care and custody of ward and estate

1500. Every guardian has the care and custody of the person of his ward and the management of his estate, or the care and custody of the person of his ward or the management of his estate, according to the order of appointment, until legally discharged, or until his ward is restored to capacity pursuant to Chapter 5 (commencing with Section 1470) of this division, whichever shall occur first, or, in case of the guardianship of

the person of a minor, until the minor reaches the age of majority or marries, or, as to the guardianship of his estate, until the ward attains his majority as provided in Section 25 of the Civil Code. The guardian of a minor also has charge of the education of the minor. The guardian of the person of a ward may fix the residence of the ward at any place in the State, but not elsewhere without the permission of the court.

SEC. 3. Section 1590 of said code is amended to read:

Termination. Marriage

1590. (1) Where the appointment of a guardian was made solely because of the ward's minority, the marriage of a minor ward terminates the guardianship of the person; and the guardianship of the estate of a minor ward is terminated upon attaining majority as provided in Section 25 of the Civil Code.

Same: Majority

(2) If the appointment of a guardian is made solely because of the ward's minority, the guardianship is terminated by his attaining majority.

Same: Court orders

(3) In all other cases the guardianship is terminated only by order of the court upon application of the guardian or the ward, after such notice to the other as the court or judge may require, or by restoration of the ward to capacity pursuant to Chapter 5 (commencing with Section 1470) of this division, whichever shall occur first.

CHAPTER 609

An act to amend Sections 267, 660, and 682 of, and to add Section 680.1 to, the Harbors and Navigation Code, relating to vessels.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 267 of the Harbors and Navigation Code is amended to read:

Speed limit

267. Every owner, operator, or person in command of any power boat, is guilty of a misdemeanor who operates it or permits it to be operated at a speed in excess of five nautical miles per hour in any portion of the following areas not otherwise regulated by local rules and regulations:

(a) Within 100 feet of any person who is engaged in the act of bathing. A person engaged in the sport of water skiing shall not be considered as engaged in the act of bathing for the purposes of this section.

(b) Within 200 feet of any:

(1) Beach frequented by bathers.

(2) Swimming float, diving platform, or life line.

(3) Way or landing float to which boats are made fast or which is used for the embarkation or discharge of passengers.

The provisions of this section shall apply to all waters which are in fact navigable regardless of whether they are declared navigable by this code.

SEC. 2. Section 660 of said code is amended to read:

660. (a) The provisions of this chapter, and of other applicable laws of this State shall govern the operation, equipment, and all other matters relating thereto whenever any undocumented vessel shall be operated on the waters of this State, or when any activity regulated by this chapter shall take place thereon. Nothing in this chapter shall be construed to prevent the adoption of any ordinance, law, regulation or rule relating to vessels by any entity, otherwise authorized by law to adopt such measures, including but not limited to any city, county, city and county, port authority, or district; provided, however, that such measures relating to undocumented vessels shall pertain only to time-of-day restrictions, speed zones, special use areas, and sanitation and pollution control, the provisions of which are not in conflict with the provisions of this chapter or the regulations adopted by the commission. Such measures shall be submitted to the division at least 30 days prior to the effective date thereof.

Application

Ordinances, etc.

(b) The commission is authorized to make special rules and regulations with reference to the operation of undocumented vessels on any body of water within the territorial limits of two or more cities, counties, cities and counties or other political subdivisions where no special rules or regulations exist or when required to establish uniformity in such special rules or regulations as the commission may determine (1) are not uniform under local laws and (2) as to which uniformity is practicable and necessary.

Special rules

SEC. 3. Section 680.1 is added to said code, to read:

680.1. The commission may promulgate rules and regulations for the registration of undocumented vessels belonging to the state or local public agencies without payment of any fee therefor.

Rules and regulations

SEC. 4. Section 682 of said code is amended to read:

682. An undocumented vessel shall not be required to be numbered under this article if it is:

Exemption of nondocumented vessels

(a) Already covered by a number in full force and effect which has been issued to it pursuant to federal law or a federally approved numbering system of another state; provided, that such undocumented vessel shall not have been within this State for a period in excess of 90 consecutive days.

(b) A vessel from a country other than the United States temporarily using the waters of this State.

(c) A public vessel of the United States, another state or subdivision thereof or municipality of such other state.

(d) A ship's lifeboat.

(e) Any vessel belonging to a class of boats which has been exempted from numbering by the commission after the commission has found that the numbering of vessels of such class will not materially aid in their identification; and, if any

agency of the federal government has a numbering system applicable to the class of vessels to which the vessel in question belongs, after the commission has further found that the vessel would also be exempt from numbering if it were subject to the federal law. Undocumented vessels propelled solely by oars, paddles, or electric motors of 10 horsepower or less and undocumented vessels eight feet or less propelled solely by sail are exempt from the provisions of this article.

CHAPTER 610

An act to amend Section 1241 of the Code of Civil Procedure, relating to sanitary and sanitation districts.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 1241 of the Code of Civil Procedure is amended to read:

1241. Before property can be taken, it must appear:

1. That the use to which it is to be applied is a use authorized by law;

2. That the taking is necessary to such use; provided, when the board of a sanitary district or the board of directors of an irrigation district, of a transit district, of a rapid transit district, of a public utility district, of a county sanitation district, or of a water district or the legislative body of a county, city and county, or an incorporated city or town, or the governing board of a school district, shall, by resolution or ordinance, adopted by vote of two-thirds of all its members, have found and determined that the public interest and necessity require the acquisition, construction or completion, by such county, city and county, or incorporated city or town, or school district, or sanitary, irrigation, transit, rapid transit, public utility, county sanitation, or water district, of any proposed public utility, or any public improvement, and that the property described in such resolution or ordinance is necessary therefor, such resolution or ordinance shall be conclusive evidence; (a) of the public necessity of such proposed public utility or public improvement; (b) that such property is necessary therefor, and (c) that such proposed public utility or public improvement is planned or located in the manner which will be most compatible with the greatest public good, and the least private injury; provided, that said resolution or ordinance shall not be such conclusive evidence in the case of the taking by any county, city and county, or incorporated city or town, or school district, or sanitary, irrigation, transit, rapid transit, public utility, county sanitation, or water district, of property located outside of the territorial limits thereof.

3. If already appropriated to some public use, that the public use of which it is to be applied is a more necessary public use; provided, that where such property has been so appropriated by any individual, firm or private corporation the use thereof for a public street or highway of the State, a county, city and county, or any incorporated city or town, or joint highway district, or the use thereof by the State, a county, city and county, or any incorporated city or town, or joint highway district, or a municipal water district or an irrigation district, a transit district, a rapid transit district, a public utility district, or a water district for the same purposes to which it has been appropriated or for any public purpose, shall be deemed a more necessary use than the public use to which such property has been already appropriated; and provided, further, that property of any character, whether already appropriated to public use or not, including all rights of any nature in water, owned by any person, firm or private corporation may be taken by a county, city and county, or any incorporated city or town or by a municipal water district, or an irrigation district, a transit district, a rapid transit district, a public utility district, or a water district, for the purpose of supplying water, or electricity for power, lighting or heating purposes to such county, city and county, or incorporated city or town, or municipal water district, or an irrigation district, a transit district, a rapid transit district, a public utility district, or a water district, or the inhabitants thereof, or for the purpose of supplying any other public utility, or for any other public use. And such taking may be made, either to furnish a separate and distinct supply of such water, and such electricity for power, lighting or heating purposes, or to provide for any such separate and distinct other public utility or other public use; to furnish such a supply or provide for any such other public utility or other public use in conjunction with any other supply or with any other public utility or other public use that may have been theretofore provided for or that may thereafter be provided for in so supplying or providing for such county, city and county, or incorporated city or town, or municipal water district or an irrigation district, a transit district, a rapid transit district, a public utility district, or a water district, or the inhabitants thereof; or in conjunction with any other supply or with any other public utility or other public use that may have been theretofore determined upon or that may thereafter be determined upon in accordance with law by the people of any such county, city and county, incorporated city or town or municipal water district or an irrigation district, a transit district, a rapid transit district, a public utility district, or a water district. Nothing herein contained shall be construed as in any way limiting such rights as may be given by any other law of this State to counties, cities and counties, incorporated cities or towns or municipal water districts or irrigation districts, transit districts, rapid transit districts, public utility districts, or water districts.

But private property appropriated to the use of any county, city and county, incorporated city or town, or municipal water district, or irrigation district, or transit district, or rapid transit district, or public utility district, or water district, may not be taken by any other county, city and county, incorporated city or town, or municipal district, or irrigation district, or transit district, or rapid transit district, or public utility district, or water district, while such property is so appropriated and used for the public purposes for which it has been so appropriated.

CHAPTER 611

An act to amend Section 5077 of the Welfare and Institutions Code, relating to commitment of the mentally ill.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 5077 of the Welfare and Institutions Code is amended to read.

5077. The reasonable cost of maintenance of a person committed under the provisions of Section 5076, in a sum to be fixed by the court at the time of the commitment, shall be defrayed out of the estate of the patient so committed or shall be a charge upon his relatives liable for his maintenance.

If, however, the patient is found to be an indigent resident of the county, in accordance with the definition of such residence prescribed in Article 2 of Chapter 2 of Division IV of the Welfare and Institutions Code as amended, and without funds or relatives responsible for his maintenance able to pay such charge, then the expense of his maintenance shall be a charge upon the county in which the court has jurisdiction and shall be paid out of the county treasury upon a written order of the judge of the superior court of the county, directing the county auditor to draw his warrant upon the county treasurer specifying the amount of such expense

All funds expended by the county for the maintenance of such patient, or such maintenance in a sum or rate per day or per month fixed by the board of supervisors where such patient is cared for in a county institution, shall be a charge against such patient or against his husband, wife, father, mother, or children, in the order named and the county shall be entitled to reimbursement therefor. If such patient has property or acquires any the county shall have a claim against him or his estate, if deceased, to the amount of expense incurred and said claim shall be enforced, if necessary, by action against him or his estate, if deceased, upon order of the board of supervisors of the county incurring such expense If the patient has such husband, wife, father, mother, or children liable to him for his

maintenance, the county shall have a claim against such relatives, or any of them, in the order named, to the amount of expense incurred, and said claim shall be enforced, if necessary, by action against such relatives, or any of them, upon order of the board of supervisors of the county incurring such expense.

If the indigent patient is a nonresident of the county or if a relative or a friend of the patient is found outside the county, of whose ability and willingness to assume the responsibility and the expense of the proper care of the patient the court is satisfied, the court may release the patient to the custody of such relative or friend and the cost and expense of transporting the patient to the home of the relative or friend or to the county or state where the patient has a legal residence shall be a charge upon the county in which the court has jurisdiction and shall be paid in the manner prescribed in this section for the payment of other expenses for the care of such patients.

If an indigent patient is confined in a medical institution as the result of a diagnosis of tuberculosis, and it is suspected that the patient is or has become mentally ill, he shall be returned for commitment proceedings to that county from which he entered the medical institution

Where the county has incurred expense upon order of court or is likely to incur such expense for the maintenance of such patient and he has estate for which no guardian has been appointed out of which the county is or may be entitled to reimbursement, the district attorney or county counsel, as the case may be, shall apply to the proper court for the appointment of a guardian of the estate of such patient. It shall be competent for a county employee to act as such guardian. Where such county employee is appointed and acts as such guardian he shall act without guardianship fees being charged or received from said estate, and the board of supervisors may order that expenses necessary in the conduct of the guardianship and the necessary premiums on the bonds of the guardian be advanced by the county, and if so ordered by said board of supervisors such expenses shall be a charge against the county, but the county shall be reimbursed therefor out of any funds or property of the estate of such patient by said guardian.

Any such guardian may sell or encumber the property of the estate of such patient under the provisions of Section 1530 of the Probate Code and from the proceeds of any such sale or encumbrance or from any other funds of the estate which may come into his possession, he shall pay to the county the expense incurred by it for the maintenance of such patient and shall pay, when available, the expense subsequently incurred by the county for any such maintenance.

No fee shall be charged or received by the county clerk for the filing of any such guardianship petition nor for any official service performed by him in the course of the guardianship proceedings.

CHAPTER 612

An act to amend Section 6731 of the Welfare and Institutions Code, relating to restoration to capacity of the mentally ill.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 6731 of the Welfare and Institutions Code is amended to read:

6731. The medical superintendent shall not refuse to discharge any patient as improved, on the ground that the guardian, friends, or relatives of the patient are not financially able and willing to care properly for the patient after his discharge. Any patient whose condition has improved so as to render him eligible for discharge under Section 6730, and whose guardian, friends, or relatives are not financially able and willing to care properly for him after his discharge shall be returned to the county from which he was committed, at the expense of the county, and shall be cared for by the county as are other indigent persons. Any such person who is committed to the state hospital from a medical institution in which he was confined as the result of a diagnosis of tuberculosis shall be returned to the county from which he entered that medical institution, at the expense of that county, and shall be cared for by that county as are other indigent persons.

CHAPTER 613

An act to amend Sections 1155 and 1156 of the Civil Code, relating to gifts to minors.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 1155 of the Civil Code is amended to read:

Definitions

1155. In this article, unless the context otherwise requires:

(a) An "adult" is a person who has attained the age of 21 years.

(b) A "bank" is any bank authorized to do business in this State.

(c) A "broker" is a person lawfully engaged in the business of effecting transactions in securities for the account of others. The term includes a bank which effects such transactions. The term also includes a person lawfully engaged in buying and selling securities for his own account, through a broker or otherwise, as a part of a regular business.

(d) "Court" means the superior court.

(e) "The custodial property" includes:

(1) All securities and money under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this article.

(2) The income from the custodial property; and

(3) The proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment or other disposition of such securities, money and income.

(f) A "custodian" is a person so designated in a manner prescribed in this article.

(g) A "guardian" of a minor includes the general guardian, guardian, tutor or curator of his property, estate or person.

(h) An "issuer" is a person who places or authorizes the placing of his name on a security (other than as a transfer agent) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty or undertaking to perform an obligation evidenced by the security, or who becomes responsible for or in place of any such person.

(i) A "legal representative" of a person is his executor or the administrator, general guardian, guardian, committee, conservator, tutor or curator of his property or estate.

(j) A "member" of a "minor's family" means any of the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption.

(k) A "minor" is a person who has not attained the age of 21 years.

(*l*) A "savings and loan association" includes a federal savings and loan association, or a state-chartered savings and loan association or building and loan association doing business in this State; an "insured savings and loan association" is a savings and loan association which is an "insured institution" as defined in Title IV of the National Housing Act; and an "account in an insured savings and loan association" has the meaning as in Section 1431 of the Probate Code.

(m) A "security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, account in an insured savings and loan association, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. A security is in "registered form" when it specifies a person entitled to it or to the rights it evidences and its transfer may be registered upon

books maintained for that purpose by or on behalf of the issuer.

(n) A "transfer agent" is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities.

(o) A "trust company" means a trust company as defined by Sections 107 and 109 of the Financial Code.

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

Gifts to minors by adult

1156. (a) An adult person may, during his lifetime, make a gift of a security or money to a person who is a minor on the date of the gift:

(1) If the subject of the gift is a security in registered form, by registering it in the name of the donor, another adult person, or a trust company, followed in substance, by the words: "as custodian for _____ under the
(Name of minor)
California Uniform Gifts to Minors Act.";

(2) If the subject of the gift is a security not in registered form, by delivering it to an adult person, other than the donor, or to a trust company, accompanied by a statement of gift in the following form, in substance, signed by the donor and the person designated as custodian:

"GIFT UNDER THE CALIFORNIA UNIFORM GIFTS TO MINORS ACT

I, _____, hereby deliver to _____
(Name of donor) (Name of custodian)
as custodian for _____ under the California
(Name of minor)
Uniform Gifts to Minors Act, the following security(ies): (insert an appropriate description of the security or securities delivered sufficient to identify it or them)

_____
(Signature of donor)

_____ hereby acknowledges receipt of the
(Name of custodian)
above-described security(ies) as custodian for the above minor under the California Uniform Gifts to Minors Act.

Dated: _____ _____
(Signature of custodian)

(3) If the subject of the gift is money, by paying or delivering it to a broker or a bank for credit to an account (or to a savings and loan association for investment in an account in an insured savings and loan association) in the name of the donor, another adult person or a bank with trust powers, followed, in substance, by the words: "as custodian for _____
(Name
_____ under the California Uniform Gifts to Minors
of minor)
Act."

(b) Any gift made in a manner prescribed in subdivision (a) may be made to only one minor and only one person may be the custodian.

(c) A donor who makes a gift to a minor in a manner prescribed in subdivision (a) shall promptly do all things within his power to put the subject of the gift in the possession and control of the custodian, but neither the donor's failure to comply with this subdivision, nor his designation of an ineligible person as custodian, nor renunciation by the person designated as custodian affects the consummation of the gift.

SEC 3 The amendments to these sections enacted at the 1961 Regular Session of the Legislature do not constitute changes in, but are declaratory of, the pre-existing law. Declaratory of pre-existing law

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CHAPTER 614

An act to authorize the board of supervisors to appoint a registered civil engineer, or the county surveyor, as engineer for a district formed under the Storm Drain Maintenance District Act of 1939 (Chapter 1100, Statutes of 1939) and continued in existence by Chapter 1001 of the Statutes of 1953.

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961] In effect September 15, 1961

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

SECTION 1. The board of supervisors may appoint a civil engineer registered pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, or the county surveyor, as engineer for any district formed under the Storm Drain Maintenance District Act of 1939 (Chapter 1100, Statutes of 1939) and continued in existence by Chapter 1001 of the Statutes of 1953.

CHAPTER 615

An act to amend Section 670 of the Streets and Highways Code, relating to encroachment permits for state highways

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961] In effect September 15, 1961

The people of the State of California do enact as follows

SECTION 1. Section 670 of the Streets and Highways Code is amended to read:

670. The department may issue written permits, as provided in this chapter, authorizing the permittee to do any of the following acts:

(a) Making an opening or excavation for any purpose in any state highway.

(b) Place, change or renew an encroachment.

(c) Place or display in, under or over any state highway any kind of advertising sign or device. Any such sign or device placed or displayed contrary to the provisions of this section is a public nuisance and the department may immediately remove it. The provisions of this section shall not prohibit the posting of any notice in the manner required by law or by the order of any court of this State.

(d) Plant, remove, cut, cut down, injure or destroy any tree, shrub, plant or flower growing within any state highway.

(e) Install or remove tire chains upon motor vehicles for compensation on any state highway at locations designated in the permit, upon such terms and conditions relating to the safe and orderly movement of traffic as the department finds necessary. The department may issue permits to such persons as it finds necessary or desirable to accommodate the demand for such services consistent with the maximum convenience and safety to traffic. The department, in issuing such permits, shall assume no responsibility as to the competence or reliability of the permittee in performing such services.

Any person who does any of the acts specified in this section, without the authority of such a permit, is guilty of a misdemeanor.

CHAPTER 616

An act to amend Section 1435.16 of the Probate Code, relating to disposition of homestead of incompetent spouse and investment of proceeds.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 1435.16 of the Probate Code is amended to read:

1435.16. (a) Where the homestead property is community property or the separate property of the husband of whose estate the guardian has been appointed and the wife, being competent, consents thereto in writing, such homestead property may be included in and dealt with and disposed of as a part of the guardianship estate, but the wife must join in any such dealing therewith or disposition thereof. Where there is a guardian of the estate of the wife, the husband, being competent, may deal with or dispose of such homestead property, but the guardian of her estate must join therein, being first thereunto duly authorized by an order of court under Section 1516 of this code.

(b) Where homestead property is the separate property of the wife and there is a guardian of the estate of the husband, the wife, being competent, may deal with or dispose of the homestead property as fully as though no homestead existed thereon provided the guardian of the estate of the husband join therein, being first thereunto duly authorized by order of court under Section 1516 of this code. Where there is a guardian of the estate of the wife, such homestead property may be included in and dealt with and disposed of as a part of the guardianship estate, but the husband, being competent, must join in any such dealing therewith or disposition thereof.

(c) Where there are guardians of the respective estates of both husband and wife, the homestead property, if community property or the separate property of the husband, may be included in and dealt with and disposed of as a part of his guardianship estate or, if the separate property of the wife, then as a part of her guardianship estate; but the guardian of the estate of the other spouse must join in any such dealing therewith or disposition thereof, being first thereunto duly authorized by an order of court under Section 1516 of this code. If the homestead property is the separate property of both spouses as joint tenants, tenants in common, or otherwise, the respective interests of each may be included in and dealt with or disposed of as a part of their respective guardianship estates but both guardians must concur therein under appropriate orders of court.

The court, on petition of the guardian of either estate or of the competent spouse, with such notice to the other as the court shall prescribe, may authorize the investment of the proceeds in another home for the spouses, to be held by the same tenure as the homestead property so sold or exchanged. The proceeds of the sale of homestead property and any property taken in exchange therefor or acquired with such proceeds shall enjoy the exemptions prescribed in Sections 1265 and 1265a of the Civil Code; provided, in the case of property so taken or acquired the declaration required by Section 1265a is made by the petitioner with leave of court.

CHAPTER 617

An act to amend the heading of Chapter 2 (commencing with Section 2116) of Division 3 of, to amend Sections 2116, 2118, 2119, 2120, 2150, 2151, 2153, and 2185, of, to amend and renumber Sections 2121, 2122, 2186, 2188, 2189, and 2190 of, to repeal Section 2187 of, and to add Sections 2121, 2186, and 2188 to, the Fish and Game Code, relating to the importation and transportation of live wild animals.

In effect September 15, 1961

[Approved by Governor May 27, 1961. Filed with Secretary of State May 30, 1961.]

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

Heading

SECTION 1. The heading of Chapter 2 (commencing with Section 2116) of Division 3 of the Fish and Game Code is amended to read:

CHAPTER 2. IMPORTATION AND TRANSPORTATION OF RESTRICTED LIVE WILD ANIMALS

SEC. 2. Section 2116 of said code is amended to read:

"wild animal"

2116. As used in this chapter, "wild animal" means any animal of the class Aves (birds), class Mammalia (mammals), class Amphibia (frogs, toads, salamanders), class Osteichtyes (bony fishes), class Monorhina (lampreys), class Reptilia (reptiles), class Crustacea (crayfish), or class Gastropoda (slugs, snails) which either is not normally domesticated in this State or not normally native to this State.

SEC. 3. Section 2118 of said code is amended to read:

Unlawful importation, etc.

2118. It is unlawful to import, transport, or release alive into this State, except under a permit as provided in this chapter and the regulations pertaining thereto, any wild animal of the following species:

(a) Class Aves: (birds)

Family Cuculidae (cuckoos)
All species
Family Alaudidae (larks)
Skylark, Alauda arvensis
Family Corvidae (crows, jays, magpies)
All species
Family Turdidae (thrushes)
European blackbird, Turdus merula
Missel (or mistle), thrush, Turdus viscivorus
Family Sturnidae (starlings and mynas or mynahs)
All species of the family, except hill myna (or hill mynah), Gracula religiosa (sometimes referred to as Eulabes religiosa)
Family Ploceidae (weavers)
The following species:
Spanish sparrow, Passer hispaniolensis
Italian sparrow, Passer italiae

European tree sparrow, Passer montanus
Cape sparrow, Passer capensis
Madagascar weaver, Foudia madagascariensis
Baya weaver, Ploceus baya
Hawaiian rice bird, Munia nisoria
Red-billed quelea, Quelea quelea
Red-headed quelea, Quelea erythrops
Family Fringillidae (sparrows, finches, buntings)
Yellowhammer, Emberiza citrinella

(b) Class Mammalia (mammals)
Family Didelphidae (opossums)
All species
Family Leporidae (rabbits, hares)
All species, except domesticated races of rabbits.
Family Cricetidae (hamsters, field mice, voles)
All species, except laboratory-reared golden hamsters, also known as Syrian hamster, Mesocricetus auratus.
Family Muridae (mice, rats)
All species, except domesticated races (white or albino) of rats and mice.
Family Geomyidae (pocket gophers)
All species
Family Sciuridae (squirrels, woodchucks)
All species
Family Dasyproctidae (agoutis)
All species
Family Procyonidae (raccoons, coatis)
All species
Family Mustelidae (weasels, ferrets)
All species
Family Viverridae (civets, mongooses)
All species
Family Talpidae (moles)
All species
Family Pteropodidae (flying foxes or fruit bats)
All species
Family Desmodontidae (true vampire bats)
All species
Family Cervidae (deer, elk, moose)
All species
Family Bovidae (cattle, buffaloes, bison, sheep, goats, gazelles, Old World and African antelopes)
All species, except domesticated cattle, sheep, goats, and the races of big-horned sheep (Ovis canadensis) now or formerly indigenous to this State
Family Tayassuidae (peccaries)
All species
Family Suidae (swine)
All species, except domesticated swine

(c) Class Amphibia (frogs, toads, salamanders)
Family Bufonidae (toads)
Giant toad or marine toad, Bufo marinus
(d) Class Monorhina (lampreys)
All species
(e) Class Osteichthyes (bony fishes)
Family Serranidae (bass)
White perch, Morone or Roccus americana
Family Clupeidae (herring)
Gizzard shad, Dorosoma cepedianum
Family Sciaenidae (croakers)
Freshwater sheepshead, Aplodinotus grunniens
Family Characidae (characins)
Banded tetra, Astyanax fasciatus
All species of piranhas
Family Lepisosteidae (gars)
All species
Family Amiidae (bowfins)
All species
(f) Class Reptilia (snakes, lizards, turtles, alligators)
Family Crocodilidae
All species
(g) Class Crustacea (crustaceans)
Genus Cambarus (crayfishes)
All species
Genus Astacus (crayfishes)
All species
Genus Astacopsis (crayfishes)
All species
(h) Class Gastropoda (slugs, snails, clams)
All species of slugs
All species of land snails

(i) Such other classes, orders, families, genera, and species of wild animals which may be designated by the commission in co-operation with the State Department of Agriculture, when such class, order, family, genus or species is proved undesirable and a menace to native wildlife or the agricultural interests of the State.

(j) Classes, families, genera, and species in addition to those listed above may be added to or deleted from the above lists from time to time by commission regulations in co-operation with the Department of Agriculture.

SEC. 4. Section 2119 of said code is amended to read:

Publication of lists

2119. The Department of Fish and Game shall publish from time to time as changes arise, a list of animals which may not be imported or transported into this State.

SEC. 5. Section 2120 of said code is amended to read:

Regulations re confinement etc., of wild animals

2120. The commission in co-operation with the State Department of Agriculture may promulgate regulations governing the entry, transportation, keeping, confinement, or release of any and all wild animals which are being or which have been imported into this State pursuant to the provisions of

this chapter. The regulations shall be designed to prevent damage to the native wildlife or agricultural interests of this State resulting from the existence at large of any such wild animal.

SEC. 6. Section 2121 is added to said code, to read:

Freeing wild animals

2121. No person having possession or control over any wild animal legally imported under the provisions of this chapter shall intentionally free, or knowingly permit the escape, or release of such animals, except in accordance with the regulations of the commission.

SEC. 7. Section 2121 of said code is amended and renumbered to read:

Regulations for guidance of officers

2122. The commission shall promulgate regulations in co-operation with the State Department of Agriculture for the guidance of enforcing officers. Such regulations shall include a list of the wild animals for which permits that may be issued under this chapter will be refused, and the disposition of such wild animals illegally imported into this State.

SEC. 8. Section 2122 of said code is amended and renumbered to read:

Descriptions, etc

2123. The department in co-operation with the State Department of Agriculture shall furnish descriptive and illustrative material concerning the wild animals enumerated in or designated pursuant to Section 2118, as well as explanatory material setting forth the reasons for designating such animals as undesirable and a menace to native wildlife or to the agricultural interests of this State for the information and guidance of the enforcing officers.

SEC. 9. Section 2150 of said code is amended to read:

Permits to import, etc.

2150. The department in co-operation with the State Department of Agriculture may issue a written permit to import into or transport within this State any wild animal enumerated in or designated pursuant to Section 2118, upon determination that the animal is not detrimental or that no damage or detriment can be caused to agriculture, to native wildlife, or to the public health or safety, as a result of such importation or transportation.

SEC. 10. Section 2151 of said code is amended to read:

Application for permit

2151. A permit shall be issued only upon written application from the person desiring to import or transport the species, enumerating all of the following:

(a) The approximate number and true scientific name of each species of wild animal for which a permit is requested.

(b) The carrier and probable point of first arrival in this State of each shipment of such species.

(c) The purpose for which they are to be imported or transported.

(d) The name and address of the consignee.

(e) The name and address of the consignor.

SEC. 11. Section 2153 of said code is amended to read:

Copies

2153. Whenever any permit is issued under the provisions of this article, one copy shall be sent by the department to

the State Department of Agriculture, one copy to the county agricultural commissioner or to the state plant quarantine officer having jurisdiction at the place designated in the application as the probable point of first arrival in the State of such species, and one copy shall accompany each shipment of wild animals involved.

SEC. 12. Section 2185 of said code is amended to read:

Inspection of animals

2185. Any person who transports, receives, or imports into the State, or transports within the State, any live wild animal enumerated in or designated pursuant to Section 2118, shall hold said animal in confinement for inspection and immediately notify the nearest enforcing officer of the arrival thereof. If there is found in any shipment any species not specified in the permit issued under this chapter, or more than the number of any species specified, said animals shall be refused admittance as provided in Section 2188 of this chapter.

SEC. 13 Section 2186 is added to said code, to read:

Destruction of diseased animals

2186. If during inspection upon arrival any wild animal is found to be diseased, or there is reason to suspect the presence of disease which is or may be detrimental to agriculture, to native wildlife, or to the public health or safety, the diseased animal, and if necessary, the entire shipment shall be destroyed by, or under the supervision of the enforcing officer, unless no detriment can be caused by its detention in quarantine for a time and under conditions satisfactory to the enforcing officer for disinfection, treatment, or diagnosis, or no detriment can be caused by its return to point of origin at the option and expense of the owner or bailee.

SEC. 14. Section 2186 of said code is amended and renumbered to read:

Periodic examinations

2187. Whenever any wild animal is brought into this State under permit, as provided in this chapter, the enforcing officers shall, from time to time, examine the conditions under which such species is kept, and report to the department any suspicion or knowledge of any disease or violations of the conditions of the permit or of the regulations promulgated under the provisions of this chapter. The enforcing officer may order the destruction of such species or the correction of the conditions under which the species is being kept if not in conformance with the terms of the permit, at the expense of the owner or bailee

Repeal

SEC. 15. Section 2187 of said code is repealed.

SEC. 16. Section 2188 is added to said code, to read:

Unlawful importation, etc

2188. Any live wild animals brought into this State or transported within this State in violation of the provisions of this chapter or any regulations thereunder may, upon notice from the enforcing officer inspecting them or discovering the violation, be shipped out of the State, returned to point of origin or destroyed, within the time specified in said notice, at the option of the owner or bailee.

The exercise of any such option shall be under the direction and control of the enforcing officer and at the expense of

the owner or bailee. If the owner or bailee fails to exercise such option within the time specified in the notice, the enforcing officer shall immediately thereafter seize and destroy the animals at the expense of the owner or bailee.

SEC. 17. Section 2188 of said code is amended and renumbered to read:

2189 Any wild animal prohibited entry into this State under the provisions of this chapter or any regulations thereunder, or for which permits are refused, shall be subject to destruction by any enforcing officer when found in the possession of any person, unless such person has a permit from the department permitting the keeping of such wild animal in confinement in accordance with such regulations. Same

SEC. 18. Section 2189 of said code is amended and renumbered to read:

2190. It is unlawful for any person who keeps in confinement, with or without a permit, any wild animal of a species enumerated in or designated pursuant to Section 2118, to liberate, ship, or transport the animal except in accordance with the conditions of a permit first obtained from the department. Unlawful liberation, etc.

SEC. 19. Section 2190 of said code is amended and renumbered to read:

2191. Whenever any wild animal, the name of which has been published or designated in accordance with Section 2119 or 2122, is found at large or not kept in confinement in accordance with the regulations of the commission, it shall be summarily destroyed by an enforcing officer Destruction

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CHAPTER 618

An act to add Section 605 to, and to amend Section 615 of, the Code of Civil Procedure, relating to alternate jurors in civil cases.

[Approved by Governor May 27, 1961 Filed with Secretary of State May 30, 1961]

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

SECTION 1. Section 605 is added to the Code of Civil Procedure, to read:

605. Whenever, in the opinion of a judge of a superior court about to try a civil action or proceeding, the trial is likely to be a protracted one, or upon stipulation of the parties, the court may cause an entry to that effect to be made in the minutes of the court, and thereupon, immediately after the jury is impaneled and sworn, the court may direct the calling of one or more additional jurors, in its discretion, to be known as "alternate jurors." "Alternate jurors"

Such alternate jurors must be drawn from the same source, and in the same manner, and have the same qualifications as

the jurors already sworn, and be subject to the same examination and challenges; provided, that each side, as provided in Section 601 in this code, shall be entitled to as many peremptory challenges to such alternate jurors as there are alternate jurors called.

Such alternate jurors shall be seated so as to have equal power and facilities for seeing and hearing the proceedings in the case, and shall take the same oath as the jurors already selected, and must attend at all times upon the trial of the cause in company with the other jurors; and for a failure so to do are liable to be punished for contempt.

They shall obey the orders of and be bound by the admonition of the court, upon each adjournment of the court; but if the regular jurors are ordered to be kept in the custody of the sheriff during the trial of the cause, such alternate jurors shall also be kept in confinement with the other jurors; and upon final submission of the case to the jury such alternate jurors shall be kept in the custody of the sheriff, who shall not suffer any communication to be made to them except by order of the court, and shall not be discharged until the original jurors are discharged, except as hereinafter provided.

If at any time, whether before or after the final submission of the case to the jury, a juror dies or becomes ill, or upon other good cause shown to the court is found to be unable to perform his duty, or if a juror requests a discharge and good cause appears therefor, the court may order him to be discharged and draw the name of an alternate, who shall then take his place in the jury box, and be subject to the same rules and regulations as though he has been selected as one of the original jurors.

All laws relative to fees, expenses, and mileage or transportation of jurors shall be applicable to alternate jurors, except that the sums for fees and mileage or transportation need not be deposited until the judge directs alternate jurors to be impaneled.

SEC. 2. Section 615 of said code is amended to read:

Discharge for illness

615. If, after the impaneling of the jury, and before verdict, a juror becomes sick, so as to be unable to perform his duty, the court may order him to be discharged. If no alternate juror can take his place the trial may proceed with the other jurors with the consent of the parties, or another juror may be sworn and the trial begin anew; or the jury may be discharged and a new jury then or afterwards impaneled

CHAPTER 619

An act to add Section 3212.7 to the Labor Code, relating to workmen's compensation.

[Approved by Governor May 30, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 3212.7 is added to the Labor Code, to read:

3212.7 In the case of an employee having peace officer status, as defined by Section 817 of the Penal Code, in either the Bureau of Narcotic Enforcement or in the Bureau of Criminal Identification and Investigation, when any such individual is employed under civil service upon a regular, full-time salary, the term "injury," as used in this division, includes heart trouble or hernia or pneumonia or tuberculosis which develops or manifests itself during the period while such individual is in the service of the Bureau of Narcotic Enforcement or the Bureau of Criminal Identification and Investigation. The compensation which is awarded for any such injury shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

Such heart trouble, hernia, pneumonia, or tuberculosis so developing or manifesting itself shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence but unless so controverted, the commission is bound to find in accordance with it.

Such heart trouble, hernia, pneumonia, or tuberculosis developing or manifesting itself in such cases shall in no case be attributed to any disease existing prior to such development or manifestation.

CHAPTER 620

An act to amend Sections 1223, 1262, 1287, 1292, and 1300 of, and to add Section 1293 to, the Business and Professions Code, relating to clinical laboratory technology.

[Approved by Governor May 30, 1961. Filed with Secretary of State May 30, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1223 of the Business and Professions Code is amended to read:

1223 The department may approve clinical laboratories desiring to employ clinical laboratory technologist trainees for training purposes upon presentation of satisfactory evidence

Employment for training purposes

that said laboratories are staffed by qualified personnel and properly equipped to provide training in clinical laboratory technic adequate to prepare individuals to meet the requirements for licensure under this chapter. The Board shall establish by regulation the *minimum* requirements to be fulfilled by applicants seeking approval.

SEC. 2. Section 1262 of said code is amended to read:

Licenses issued on examination, etc

1262. No license as a clinical laboratory technologist shall be issued by the board except after examination; provided, that, when delay in meeting these requirements would work a hardship, a temporary clinical laboratory technologist's license may be issued to an individual who fulfills the requirements for admission to the examination; provided, however, that no person shall be issued such temporary license if he has failed a previous examination for said license.

SEC 3. Section 1287 of said code is amended to read:

Licensees on active duty

1287. It is unlawful for one or two registered clinical laboratory technologist trainees to work or to be employed in a clinical laboratory unless there are on active duty in the laboratory an equal number of duly licensed clinical laboratory technologists, clinical laboratory bioanalysts, or physicians and surgeons.

SEC 4. Section 1292 of said code is amended to read:

Tests and reports

1292. Any person conducting or operating a clinical laboratory may accept assignments for tests only from and make reports only to persons licensed under the provisions of law relating to the healing arts. This section does not prohibit the referral of specimens or such assignment from one clinical laboratory to another clinical laboratory providing the report indicates clearly the laboratory performing the test.

SEC. 5 Section 1293 is added to said code, to read:

Registration

1293. It is unlawful for any person to act as a clinical laboratory technologist trainee unless he is registered as such under this chapter.

SEC 6. Section 1300 of said code is amended to read:

Fee schedule

1300. The amount of application and license fee under this chapter shall be as follows:

(a) The application fee for a clinical laboratory bioanalyst's license is twenty-five dollars ($25).

(b) The annual renewal fee for a clinical laboratory bioanalyst's license shall be fixed by the board at not more than fifteen dollars ($15) nor less than five dollars ($5).

(c) The application fee for a clinical laboratory technologist's license is five dollars ($5).

(d) The annual renewal fee for a clinical laboratory technologist's license shall be fixed by the board at not more than three dollars ($3) nor less than one dollar ($1).

(e) The application fee for a clinical laboratory permit is ten dollars ($10); provided, however, that when the applicant is a district, city, county, or city and county, or an official thereof, no fee shall be required.

(f) The annual renewal fee for a clinical laboratory permit shall be fixed by the board at not more than fifteen dollars ($15) nor less than five dollars ($5); provided, however, that when the applicant is a district, city, county, or city and county, or official thereof, no fee shall be required.

(g) The application fee for a clinical laboratory technologist trainee's registration certificate is one dollar ($1).

(h) The annual renewal fee for a clinical laboratory technologist trainee's registration certificate is one dollar ($1).

(i) The application fee for a duplicate certificate is one dollar ($1).

CHAPTER 621

An act to amend Section 870.6 of the Agricultural Code, relating to olives.

[Approved by Governor May 30, 1961 Filed with Secretary of State May 30, 1961]

In effect September 15, 1961

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

SECTION 1. Section 870.6 of the Agricultural Code is amended to read:

870.6. The following varieties of ripe olives below the specified sizes shall not be packed, shipped, delivered for shipment, or sold within the State of California, as whole or pitted or broken pitted canned ripe olives:

(a) Mission and Manzanillo varieties under standard size.

(b) Obliza variety under medium size.

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

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

(e) All other varieties under mammoth size.

CHAPTER 622

An act to amend Section 15718 of the Education Code, relating to the powers and duties of school districts.

In effect September 15, 1961

[Approved by Governor May 30, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 15718 of the Education Code is amended to read:

15718. The provisions of this article shall terminate on the 91st day after final adjournment of the 1965 Regular Session of the Legislature.

CHAPTER 623

An act to add Section 43.7 to the Civil Code, relating to personal rights.

In effect September 15, 1961

[Approved by Governor May 30, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 43.7 is added to the Civil Code, to read:

43.7. There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any member of a duly appointed committee of a state or local professional society, or duly appointed member of a committee of a medical staff of a licensed hospital (provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital), for any act or proceeding undertaken or performed within the scope of the functions of any such committee which is formed to maintain the professional standards of the society established by its bylaws, if such committee member acts without malice, has made a reasonable effort to obtain the facts of the matter as to which he acts, and acts in reasonable belief that the action taken by him is warranted by the facts known to him after such reasonable effort to obtain facts. "Professional society" includes legal, medical, psychological, dental, accounting, and engineering organizations having as members at least a majority of the eligible licentiates in the area served by the particular society. The provisions of this section do not affect the official immunity of an officer or employee of a public corporation.

This section shall not be construed to confer immunity from liability on any professional society or hospital. In any case in which, but for the enactment of the preceding provisions of this section, a cause of action would arise against a hospital or professional society, such cause of action shall exist as if the preceding provisions of this section had not been enacted.

CHAPTER 624

An act to amend Sections 20013, 20018, and 20583 of, to add Sections 20019.1, 20567.3, 20580.3, and 20586 to, and to repeal Sections 20493, 20494, 20499, and 20567.3 of, the Government Code, relating to the State Employees' Retirement System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 30, 1961. Filed with Secretary of State May 30, 1961.] In effect immediately

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

SECTION 1. Section 20013 of the Government Code is amended to read:

20013. (a) "Member" means any person included in the membership of this system, and includes state members and local members. "Member"

(b) "State member" includes: "State member"

(1) State miscellaneous members.
(2) University members.
(3) Prison members.
(4) Patrol members.
(5) Warden members.
(6) Narcotic enforcement members.
(7) Law enforcement members.

(c) "Local member" includes: "Local member"

(1) Local miscellaneous members.
(2) Local safety members.
(3) School members.

SEC. 2. Section 20018 of said code is amended to read:

20018. "Local miscellaneous member" includes all employees of a contracting agency who have by contract been included within this system, except local safety members and school members where inconsistent provisions relating to school members appear. "Local miscellaneous member"

SEC. 3. Section 20019.1 is added to said code, to read:

20019.1. "School member" includes all employees of school districts and employees of the county superintendent of schools who are or become members pursuant to Chapter 4.5 (commencing with Section 20580) of this part. "School member"

All provisions of this part (commencing with Section 20000) which are applicable to members under Chapter 4.5 shall apply to school members, except that any inconsistent provisions relating to school members shall control.

SEC. 4. Section 20493 of said code is repealed. Repeal

SEC. 5. Section 20494 of said code is repealed. Repeal

SEC. 6. Section 20499 of said code is repealed. Repeal

SEC. 7. Section 20567.3 of said code is repealed. Repeal

SEC. 7.5. Section 20567.3 is added to said code, to read:

20567.3. When a school district ceases to exist and is succeeded by, or the territory thereof is attached to, another school Termination of school districts

district which is a contracting agency, the contract under which the contracting agency participates in the system shall be considered, with respect to the former district and employees, a continuation of the contract under which the former district participated, with such changes as the succeeding contract contains, as compared with the former contract. The board shall determine the amount of accumulated contributions held under the contract of the county superintendent of schools as having been made by the former district, and such contributions shall be transferred to the credit of the contract under which the succeeding district participates

Nothing in this section or Sections 20567.1 and 20567.2 shall authorize a school district, the formation of which becomes effective for all purposes after October 1, 1961, to participate in the system except as provided in Chapter 4 5 of this part.

SEC. 8. Section 20583 of said code is amended to read:

Contracting agencies

20583. Whenever by any provision of this part an election is given to contracting agencies to subject themselves and their employees to provisions of this part otherwise not applicable to contracting agencies and their employees, and special provision is not made therein with respect to school members, contracts made pursuant to this chapter shall subject the contracting agency and its employees to the provisions applicable to the State and state employees of the same or similar classes, and all of the provisions of this part applicable to state miscellaneous employees, as such provisions have been or may be amended from time to time, shall apply to the employees of contracting agencies under this chapter and to such contracting agencies, notwithstanding anything in said provisions giving an election to be subject thereto to contracting agencies other than contracting agencies under this chapter. The percentage of compensation allowed as credit to local miscellaneous members under this chapter for each year of prior service established pursuant to Section 20835 shall be 100 percent of the percentage applicable to the same or similar classes of state employees.

SEC. 9. Section 20580.3 is added to said code, to read:

School districts

20580.3. Every school district, except school districts in which the average daily attendance of all districts combined is in excess of 400,000 and which are governed by the same governing board, which is a contracting agency, shall take all necessary action to accomplish an amendment to the contract of the county superintendent of schools pursuant to Sections 20580.1 and 20580.2. Such amendment shall be effective July 1, 1961. Any such amendment which results in exclusion of any group from membership or in the modification of benefits of members because of coverage under the federal system shall be effective only as to persons entering or re-entering employment after the effective date of this section.

SEC. 10. Section 20586 is added to said code, to read:

Contributions may be paid to board

20586. The county superintendent of schools, with approval of the board, may authorize a school district or withdraw such

authorization, as an alternative to the procedure in Section 20585, to submit reports and pay directly to the board the contributions deducted from the compensation of employees paid from district funds and the costs of employer contributions allocated to the district. The county superintendent of schools may require school districts to supply to him such information and to maintain such records as may be necessary for administration of his contract with the board.

SEC. 11. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

Recent enactment of amendments to the Social Security Act would provide the maximum protection to school district employees with respect to their elections of noncoverage under social security if the county superintendent of schools' contract grouping is maintained and applied to all school districts.

CHAPTER 625

An act to amend Section 19630 of the Government Code, relating to appeal time limitation in the state civil service.

[Approved by Governor May 30, 1961. Filed with Secretary of State May 30, 1961.] In effect September 15, 1961

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

SECTION 1. Section 19630 of the Government Code is amended to read:

19630. No action or proceeding shall be brought by any person having or claiming to have a cause of action or complaint or ground for issuance of any complaint or legal remedy for wrongs or grievances based on or related to any civil service law in this State or the administration thereof unless such action or proceeding is commenced and served within one year after such cause of action or complaint or ground for issuance of any writ or legal remedy first arose. Such a person shall not be compensated for the time subsequent to the date when such cause or ground arose unless such action or proceeding is filed and served within 90 days after such cause or ground arose. Where an appeal is taken from a decision of the board the cause of action does not arise until the final decision of the board.

CHAPTER 626

An act to amend Sections 23056 and 23157 of, to repeal Article 3 (commencing with Section 23101), Chapter 1 of Division 17 of, and to repeal Article 1 (commencing with Section

23401), Chapter 3, Division 17 of, to repeal Sections 23052 and 23053 of, and to add Section 23204 to, the Education Code, relating to the University of California.

In effect September 15, 1961

[Approved by Governor May 30, 1961. Filed with Secretary of State May 30, 1961.]

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

Repeal

SECTION 1. Section 23052 of the Education Code is repealed.

Repeal

SEC. 2. Section 23053 of said code is repealed.

SEC. 3. Section 23056 of said code is amended to read:

Administration of oaths

23056. The general counsel for the Regents of the University of California and any person appointed by him for the purpose of ascertaining the residence status of students and prospective students of the university may administer oaths or affirmations in connection with the taking of testimony relative to any residence status.

Repeal

SEC. 4. Article 3 (commencing with Section 23101) of Chapter 1, Division 17 of said code is repealed.

SEC. 5. Section 23204 is added to said code, to read:

Submission of reports

23204. The Regents of the University of California shall submit reports to the State Public Works Board of any allocations made by the Regents of the University of California pursuant to the provisions of this article.

Repeal

SEC. 6. Article 1 (commencing with Section 23401) of Chapter 3, Division 17 of said code is repealed

SEC. 7. Section 23457 of said code is amended to read:

Vacancies in board of directors

23457. Vacancies in the board of directors shall be filled by the board.

CHAPTER 627

An act to amend Section 9108 of the Government Code, relating to space in the State Capitol and Annex, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 30, 1961. Filed with Secretary of State May 30, 1961.]

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

SECTION 1. Section 9108 of the Government Code is amended to read:

9108. The first floor of the annex of the State Capitol is excepted from the provisions of this article. Such excepted space shall continue under the control of the Department of Finance. All other space in the State Capitol Building and all annexes and additions thereto shall be allocated from time to time by the Joint Committee on Legislative Organization in accordance with its determination of the needs of the Legis-

lature and the two houses thereof. Said committee shall allocate such space as it determines to be necessary for facilities and agencies dealing with the Legislature as a whole, including but not limited to press quarters, billrooms, telephone rooms, and offices for the Legislative Counsel and for committees created by the two houses jointly. Said committee shall allocate to the Senate and Assembly, respectively, the space it determines to be needed by such houses and their committees and the officers, employees, and attachés thereof. The space thus allocated to the Senate and to the Assembly shall be allotted from time to time by the Senate Rules Committee and the Assembly Rules Committee, respectively.

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

The additional space in the State Capitol Annex made available to the Legislature by this act is urgently needed for use by the Legislature by the commencement of the 1962 Regular Session. Preparations and work must start as soon as possible so that such additional space can be made ready and available for legislative use in the short time available.

CHAPTER 628

An act to amend Sections 6859, 6860, 6867, 6867.5, 6875, 6880, 6885, 6886, 6888, 6891, 6894.2, 6894.8, 6894.10, 6894.12, 6895, 6896, 6897, 6904, 6904.4, 6906, 6912, 6913, 6915, 6916, 6920, 6922, 6930, 6947, 6955, and 6956 of, to add Section 6893 to, and to repeal Section 6907.5 of, the Business and Professions Code, relating to collection agencies, making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 1, 1961. Filed with Secretary of State June 1, 1961.] In effect immediately

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

SECTION 1. Section 6859 of the Business and Professions Code is amended to read:

6859. As used in this chapter, "qualified person" means a person who has met the requirements prescribed by this chapter for qualification, who meets the requirements prescribed by Section 6893 for continuation of a qualification certificate, and whose qualification certificate has not been suspended or revoked. "Qualified person"

SEC. 2. Section 6860 of said code is amended to read:

6860. There is in the Department of Professional and Vocational Standards a Collection Agency Licensing Bureau under Collection Agency Licensing Bureau

the supervision and control of the director. The director shall administer and enforce the provisions of this chapter.

The Governor shall appoint, subject to confirmation by the Senate, a chief of the bureau at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director

Before a chief is appointed the Governor shall give due consideration to any person or persons recommended by the board.

Every power and duty granted to or imposed upon the director under this chapter may be exercised or performed in the name of the director by a deputy or assistant director and by the chief, subject to such conditions and limitations as the director may by rule or otherwise prescribe.

SEC. 3. Section 6867 of said code is amended to read:

Meetings

6867. The board shall meet at least four times each year. All meetings of the board shall be open and public.

Quorum

Three members shall constitute a quorum for the transaction of business.

Election of of chairmen, etc.

The board shall elect from its members, each for a term of one year, a chairman, a vice chairman, and a secretary and may appoint such committees as it deems necessary to carry out its duties.

SEC. 4. Section 6867.5 of said code is amended to read:

Personnel

6867.5. The bureau shall furnish to the board such secretarial, clerical, and other personnel as may be necessary to assist the board in carrying out its duties under this chapter. The chief shall attend all board meetings.

SEC. 5. Section 6875 of said code is amended to read:

Applications for licenses

6875. Application for a license shall be made in writing to, and filed with, the director in such form as may be required by the director. In addition to the information or documents required by this chapter, the director may require the submission of any other information, evidence, statements, or documents.

Every application for a license shall state, among other things that may be required, the name of the applicant with the name under which the applicant will do business, and the location by street and number, city and state of the office of the business for which the license is sought.

Restrictions re fictitious names

No license shall be issued in any fictitious name which may be confused with or which is similar to any federal, state, county, or municipal governmental function or agency, or in any name which may tend to describe any business function or enterprise not actually engaged in by the applicant, or in any name which is the same as or so similar to that of any existing licensee as would tend to deceive the public, or in any name which would otherwise tend to be deceptive or misleading. The foregoing shall not necessarily preclude the use of a name which may be followed by a geographically descriptive

title which would distinguish it from a similar name licensed but operating in a different geographical area.

SEC. 6. Section 6880 of said code is amended to read:

Accompanying financial statements

6880. The application shall include a financial statement of the applicant, showing the assets and liabilities of the applicant and truly reflecting that the applicant's net worth is not less than the sum of seven thousand five hundred dollars ($7,500), in cash or its equivalent, of which, however, not less than five thousand dollars ($5,000) shall be deposited in a bank, available for the use of licensee's business. The financial statement shall be sworn to by the applicant, if the applicant is an individual, or by a partner, officer, or manager in its behalf, if the applicant is a partnership, corporation or unincorporated association. The information contained in the financial statement shall be confidential and not a public record, but is admissible in evidence at any hearing held, or in any action instituted in a court of competent jurisdiction, pursuant to the provisions of this chapter.

SEC. 7. Section 6885 of said code is amended to read:

Examination, etc. for qualification certificate

6885. No application for a qualification certificate shall be approved by the director unless the applicant has met the requirements of this article and any rules and regulations relating thereto established under this chapter, except that as to any application filed before July 1, 1962, the examination, education, citizenship, and residence requirements shall be waived if the applicant has been actively and continuously engaged in the general collection agency business in this State as an individual licensee, as an active member of a licensed copartnership, or as the active manager of a licensed collection agency from May 1, 1941, to the date of application.

Exception

Active military service not absence from business

Active service in the United States military or armed forces shall not be deemed to constitute absence from business within the meaning of this section if the business be actually and actively resumed within six months after discharge from such service.

Absence less than 60 days

Absence from business for a continuous period of not more than 60 days shall not be deemed to constitute absence from business within the meaning of this section.

A person to whom a certificate is issued without examination under this section shall not be required to pay the examination fee or the initial certification fee.

SEC. 8. Section 6886 of said code is amended to read:

Requirements for qualification certificate

6886. Except as in this chapter otherwise provided, an applicant for a qualification certificate shall:

(a) Be a citizen of the United States.

(b) Be at least 21 years of age.

(c) Be of good moral character.

(d) Establish to the satisfaction of the director that no fact, circumstance, or condition exists which would justify refusal of registration under Section 6894.7.

(e) Have been a bona fide resident of this State continuously for at least two years next preceding the date of the filing of the application.

(f) Pass the examination required.

(g) Pay the examination fee to the director.

(h) Within one year after notice to him that he has passed the examination, and as a condition precedent to issuance of the certificate, pay the initial certification fee prescribed by Section 6956.

SEC. 9. Section 6888 of said code is amended to read:

Examinations

6888 Examinations shall be held at least twice each year, at such times and places as the director directs and according to the rules and regulations established by him.

Notice of examination

Notice of the examination shall be published at least one month prior to the date of each examination in two or more newspapers of general circulation and in one publication circulated among collection agencies. The newspapers and publication shall be selected by the director from newspapers or publications published within this State.

SEC. 10. Section 6891 of said code is amended to read:

Retention of examination papers

6891. The examination papers of any person shall be kept for the period of one year and may then be destroyed.

Inspection of examination papers

The examination papers shall be open to inspection during the one-year period only by the director, the chief, their clerical assistants, the applicant or his attorney, and by a court of competent jurisdiction in a proceeding where the contents of the papers are properly involved.

SEC. 11. Section 6893 is added to said code, to read:

Continuation of qualification certificate

6893. On or before September 30, 1961, and on or before June 30 of each year thereafter, a qualified person desiring continuation of his qualification certificate shall apply for continuation of the certificate on a form prescribed by the director, and pay the continuation fee prescribed by this chapter. If the holder of the certificate fails to request continuation and pay the fee within the time fixed, the certificate shall be automatically revoked, but may be reinstated if within one year after its revocation, the holder of the revoked certificate applies for reinstatement and pays the reinstatement fee prescribed by this chapter.

A qualification certificate may not be continued or reinstated if the holder thereof ceases to engage or be employed in the collection agency business for a continuous period of one year or more exclusive of time spent in active service in the United States military service or armed forces.

Reinstatement

Reinstatement of a revoked certificate shall not prohibit the bringing of disciplinary proceedings against the holder of the certificate.

SEC. 12 Section 6894.2 of said code is amended to read:

Previously unregistered persons

6894.2. Every person who has not previously registered under this article and who enters the employ of a licensee after the effective date of this article shall file with the director an

application for registration within 14 days after the commencement of such employment.

SEC. 13. Section 6894.8 of said code is amended to read:

Notice of change of residence

6894.8. Each registered employee shall notify the director in writing within 30 days of any change in his residence address. Registration under this article may be suspended or revoked for a violation of the provisions of this section.

SEC. 14. Section 6894.10 of said code is amended to read:

Notice of termination of employment

6894.10. Each person licensed under this chapter shall notify the director in writing within 30 days after the commencement and within 30 days after the termination of employment by him of any person required to be registered under this article. Such notice shall be on a form prescribed by the director. A violation of the provisions of this section by a licensee constitutes grounds for suspension or revocation of his license.

SEC. 15. Section 6894.12 of said code is amended to read:

Registration fee

6894.12. The registration fee required by this article shall be fixed by the director at not more than ten dollars ($10) nor less than three dollars ($3).

SEC. 16. Section 6895 of said code is amended to read:

Bond

6895. The applicant for a license shall file with the director concurrently with the application for license a bond in the penal sum of five thousand dollars ($5,000).

The bond shall run to the people of the State of California and shall be executed and acknowledged by the applicant or licensee as principal and by an admitted surety insurer as surety.

SEC. 17. Section 6896 of said code is amended to read:

Bond conditions

6896. The bond shall be conditioned that the principal shall and will, upon demand in writing, pay and turn over to or for the use of any customer from whom any claim is taken or received for collection the proceeds of the collection, in accordance with the terms of the agreement made between the principal and the customer, and conditioned that the principal will comply with all requirements of this or any other statute now in force or hereafter enacted and any rules and regulations established under this chapter with respect to the duties, conduct, obligations and liabilities of licensees, and conditioned that, in the event that a conservator is appointed pursuant to a determination made under Section 6904, and such determination becomes final, the principal shall and will pay the fee and expenses of the conservator as determined pursuant to the provisions of Section 6904.4, and subject to the limitation as to amount contained therein.

SEC 18. Section 6897 of said code is amended to read:

Bond coverage

6897. The bond shall cover the fee and expenses payable to a conservator as provided in Section 6894.4, and shall cover all claims collected and property converted by the licensee during the term of the license covered by the bond.

The aggregate liability of the surety for any and all claims which arise under the bond shall in no event exceed the amount of the penalty of the bond.

SEC. 19. Section 6904 of said code is amended to read:

Insolvency: conservator

6904. If the director determines that a licensee is insolvent, he may appoint a conservator to take possession of the licensee's books, accounts, records, papers, files, safes, vaults, property used in connection with the business, and the trust bank account in which customer funds are deposited.

SEC. 20. Section 6904.4 of said code is amended to read:

Conservator: Reimbursement

6904.4. The conservator shall be entitled to reimbursement for his traveling expenses in accordance with State Board of Control Rules, and to reimbursement in an amount equal to the reasonable value, as determined by the director, of all other expenses, including but not limited to expenses for legal or secretarial services, reasonably and necessarily incurred by him in carrying out his duties under this article, and shall be entitled to a reasonable fee for his services in an amount fixed by the director.

If the determination of the director made pursuant to Section 6904 is reversed, the fee and expenses of the conservator shall be paid by the State out of the General Fund. If the determination is not reversed and becomes final, the fee and expenses of the conservator shall be paid by the licensee and shall be a first claim, as against customers of the licensee, against the assets of the licensee.

If the fee and expenses or any part thereof are not paid by the licensee within 10 days after the amount of such fee and expenses is fixed and determined by the director, the fee and expenses, or the unpaid amount thereof shall be paid out of the bond of the licensee, except that no more than two thousand five hundred dollars ($2,500) shall be paid out of the bond for such fee and expenses. The conservator's claim against the bond for his fee and expenses shall have priority over any other claim against the bond, regardless of when such other claim may have been made, except to the extent that such other claim may have been paid and satisfied before notice to the bonding company of the appointment of the conservator.

Maximum fee out of bond

If the total amount of the conservator's fee and expenses exceeds the amount realized by him from the licensee and from the bond, the balance thereof shall be paid by the State out of the General Fund.

SEC. 21. Section 6906 of said code is amended to read:

Grounds for denial of license

6906. The director may refuse to issue a license if the applicant, or any partner, director, shareholder, officer, or trustee thereof, or the qualified person who is to be in charge of the business of the applicant or in charge of any office thereof:

(a) Is not of good moral character,

(b) Has been convicted of a crime involving moral turpitude or of illegally using, carrying, or possessing a dangerous weapon,

(c) Has committed any act which would justify the refusal of registration under Section 6894.7,

(d) Has had a license revoked for cause, or has been a partner, director, shareholder, officer, trustee, or manager of a partnership, corporation, or unincorporated association, the license of which has been revoked for cause,

(e) Has been disqualified from further employment in the collection agency business pursuant to the provisions of Article 10 (commencing with Section 6925).

Full-time charge of business

The director shall not issue a license unless it appears from the application that the business of the applicant is to be placed under the full-time active charge of a qualified person.

Repeal

SEC. 22. Section 6907.5 of said code is repealed.

SEC. 23. Section 6912 of said code is amended to read:

Application for change of address or business name

6912. A licensee desiring to remove his place of business from the address stated in the license to another address or to make any change of the business name shown in the license shall file a written application therefor with the director.

If the director approves the application, the license shall be forwarded to the director, together with the duplicate license fee. The director shall then enter the change in his records, retain and file the surrendered license, and issue to the licensee a duplicate license setting forth the new name or address, or both, but bearing the same date and number as the surrendered license, and bearing in conspicuous type the word "duplicate."

SEC. 24. Section 6913 of said code is amended to read:

Termination of license on change of 50 percent of membership

6913. Any change or series of changes resulting in an aggregate change of more than 50 percent of the membership of a membership corporation or of an unincorporated association shall terminate and void all licenses issued to it, except the license of any office or agency which is and continues under the active charge of a qualified person or a person who has been continuously in active charge of a licensed collection agency for at least five years immediately preceding any such change of membership, or which, within 30 days after any such change of membership, is placed and thereafter maintained under the active charge of a qualified person.

Any transfer, cancellation, redemption or issuance of stock, or series of such transactions which result in the aggregate of a change in the ownership of more than 50 percent of the outstanding voting stock of any licensed corporation, or the dissolution of any licensed corporation, shall terminate and void all licenses issued to it, except that no change in ownership of stock shall affect the license of any office or agency of the corporation which is and continues under the active charge of a qualified person or a person who has been continuously in the active charge of a licensed collection agency for at least five years immediately preceding the transaction resulting in such change of ownership, or which, within 30 days after any such change of ownership, is placed and thereafter maintained under the active charge of a qualified person; provided,

however, that the acquisition of any voting stock or memberships in any licensed corporation or unincorporated association by a person who has had a collection agency license revoked for cause, or has been found disqualified from further employment in the collection agency business pursuant to Article 10, or by a partner, officer, director or trustee of any partnership, corporation or unincorporated association which has had its license revoked for cause, shall be grounds for immediate revocation or suspension, in the discretion of the director, of any and all licenses of such corporation or unincorporated association.

Revocation, etc., of license on acquisition of 10 percent of shares by any person Grounds

The acquisition of more than 10 percent of the voting stock or shares in any corporation or unincorporated association by any person shall be grounds for revocation or suspension of any and all licenses of such corporation or unincorporated association if the director, after proceedings had in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code finds that such person:

(a) Is not of good moral character,

(b) Has been convicted of a crime involving moral turpitude, or

(c) Has committed any act which would justify suspension or revocation of registration under Section 6894.7.

Every licensed corporation and unincorporated association shall promptly file with the director a written report of any transfer, issuance, cancellation or redemption of stock or memberships amounting to 10 percent or more of the total voting stock or memberships then outstanding.

SEC. 25. Section 6915 of said code is amended to read:

Filing financial statement

6915. On or before the 31st day of January and on or before the 31st day of July of each year every licensee shall file with the director a financial statement showing:

(a) The total amount of money owing and unremitted to customers as of the close of business on the last day of business of the preceding month,

(b) The total amount on deposit in the licensee's trust account and available for immediate distribution to customers as of the close of business on the last day of business of the preceding month, together with the title of the trust account and the name of the bank where the funds are deposited.

(c) The total amount of the customers' share of all money collected more than 60 days before the last day of business of the preceding month and not remitted on or before the last day of business of the preceding month, and

(d) Where a customer's share of any money collected more than 60 days before the last day of business of the preceding month and not remitted on or before the last day of business of the preceding month exceeds ten dollars ($10), the name of the customer, and the amount of the customer's share of the money collected.

Each statement shall be verified by the qualified person in active charge of the agency. Verified

Any false statement shall constitute prima facie evidence of willful violation of this chapter and be grounds for institution of disciplinary proceedings against the licensee and the person executing the false statement on behalf of the licensee. False statements

The director may destroy all financial statements which have been on file for a period of at least four years.

The information contained in the financial statement shall be confidential and not a public record, but, where relevant, shall be admissible in evidence in any administrative hearing or judicial action or proceeding. Not a public record

SEC. 26. Section 6916 of said code is amended to read:

6916. If the financial statement is not filed within the time required, the director shall make written demand therefor by registered mail, with return receipt requested, addressed to the licensee's place of business of record, and if the statement is not filed within thirty (30) days after the date of such demand the license of such licensee shall be forthwith revoked. Failure to file statement

A financial statement filed subsequent to its due date and prior to expiration of the 30-day period following written demand therefor shall be accompanied by the delinquency fee provided by Article 12. If the delinquency fee is not paid before the expiration of the 30-day period, the license shall be forthwith revoked. Delinquency fee

SEC. 27. Section 6920 of said code is amended to read:

6920. A licensee desiring to operate a collection agency business within this State at a location other than the address shown on his license shall apply and qualify for a license for each additional location; and a licensee desiring to operate a collection agency within this State under one or more fictitious trade styles shall apply and qualify for a license for each fictitious trade style. No licensee shall indicate, or cause to be indicated, in any printed matter, or in any directory or listing, that he conducts a collection agency within this State under any name, or at any address, other than the name and address for which he is licensed. Operation at additional addresses

Application for a license for an additional location or an additional trade style shall be in the same form and the applicant shall meet the same requirements as for an original license.

SEC. 28. Section 6922 of said code is amended to read:

6922. Whenever a person actively in charge of an office to which Section 6921 applies ceases to be in charge, the licensee shall notify the director in writing within 10 days from such cessation. Change in active charge of office

If the notice is given the license shall remain in force for a reasonable period to be determined by the rules and regulations. If the licensee fails to give the notice as required, at the end of the 10-day period the license shall be ipso facto suspended, but the license may be reinstated upon the filing of

proof satisfactory to the director that the person formerly in charge of the office has been replaced by a qualified person.

SEC. 29. Section 6930 of said code is amended to read:

Penalties for willful violations

6930. If it be found upon the hearing, or from the evidence in uncontested cases, that the licensee or employee has willfully violated any of the provisions of this chapter, or the rules and regulations established under it, or that he has been guilty of fraud or misrepresentation, or any act or omission inconsistent with the faithful discharge of his duties or obligations, or that a final conviction of felony or a crime involving moral turpitude has been entered against him, or that he has violated or failed to comply with any conditions imposed upon him by a decision of the director, the director shall, within thirty (30) days after final submission of the case, render the decision which may:

(a) Order the revocation of the license or licenses of the licensee or licensees accused, or order any accused employee disqualified from further employment in the collection agency business.

(b) Order the license or licenses suspended for such period of time as may be specified.

(c) Impose upon the licensee, licensees or employee compliance with such just and reasonable conditions as may be specified.

(d) Order the revocation or suspension of the qualification certificate of a qualified person.

(e) Dismiss the accusation as to any one or more of the licensees or employees accused

SEC. 30 Section 6947 of said code is amended to read:

No practice of law

6947 Nothing in this chapter shall be deemed to authorize a collection agency licensee to perform any act or acts, either directly or indirectly, constituting the practice of law

No suit may be instituted on behalf of a collection agency licensee in any court on any claim assigned to it in its own name as the real party in interest unless it appears by a duly authorized and licensed attorney at law.

Appearance in a suit

A collection agency may not appear as an assignee party in any proceeding involving claim and delivery, replevin, or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien, or any other lien Nothing herein contained shall prohibit a licensee from making an oral or written demand for the return or surrender of personal property or from having property attached in an action at law pursuant to the provisions of Chapter 4 (commencing at Section 537) of Title 7 of Part 2 of the Code of Civil Procedure or from enforcing a judgment carrying it into execution

Prohibited acts of licensees

No licensee or employee shall:

(a) Directly or indirectly aid or abet any unlicensed person to engage in business as a collection agency or to receive compensation therefrom.

(b) Publish or post, or cause to be published or posted, any list of debtors, commonly known as "deadbeat" lists.

(c) Collect or attempt to collect by the use of any methods contrary to the postal laws and regulations of the United States.

(d) Use any unfair methods of competition as defined by the "Unfair Practices Act."

(e) Commingle the money of his customers with his own, except insofar as may be authorized by rules and regulations established hereunder.

(f) Have in his possession or make use of any badge, use a uniform of any law enforcement agency or any simulation thereof, or make any statements which might be construed as indicating an official connection with any federal, state, county, or city law enforcement agency, or any other governmental agency, while engaged in collection agency business.

(g) Print, publish or otherwise prepare for distribution for the use of, or sell or offer to sell or furnish or offer to furnish to, any person any system of collection letters, demand forms or other printed matter upon his stationery, or upon stationery upon which the licensee's name appears in such manner as to indicate that a demand is being made by the licensee for the payment of any sum or sums due or asserted to be due, where such forms containing such message are to be sold or furnished to any person to be used by such person at any address different from the address of the licensee as shown on the face of the license.

(h) Distribute collection letters, demand forms, or other printed matter which are made to be similar to or resemble governmental forms or documents, or legal forms used in civil or criminal proceedings.

(i) Advertise for sale or threaten to advertise for sale any claim as a means of endeavoring to enforce payment thereof, nor agree to do so for the purpose of solicitation of claims, except where the licensee has acquired claims as an assignee for the benefit of creditors or where the licensee is acting under the order of a court of competent jurisdiction.

(j) Use any name while engaged in the collection of claims, other than his true name, except under conditions prescribed by rules and regulations adopted by the director.

(k) Engage in any unfair or misleading practices or resort to any illegal means or methods of collection.

(*l*) Use profanity, obscenity, or vulgarity, while engaged in the collection of claims.

SEC. 31. Section 6955 of said code is amended to read:

Collection Agency Fund

6955. All money received under this chapter by the director shall be deposited in the State Treasury to the credit of the Collection Agency Fund, which fund is hereby continued in existence and from which fund all expenses of carrying out the provisions of this chapter shall be defrayed, except as provided in Section 6904.4.

SEC. 32. Section 6956 of said code is amended to read:

Fees

6956. (a) The director shall charge and collect the following fees:

(1) An original license fee of three hundred dollars ($300).

(2) A continuation fee which shall be set by the director annually at not more than two hundred dollars ($200) and not less than one hundred fifty dollars ($150).

(3) A duplicate license fee of twenty dollars ($20).

(4) A temporary license fee of fifty dollars ($50).

(5) A delinquency fee of twenty dollars ($20).

(6) An examination fee of seventy-five dollars ($75).

(7) A copy fee of twenty-five cents ($0.25) per 100 words copied.

(8) A reinstatement fee equal to the amount of the annual continuation fee plus a penalty of 50 percent thereof.

(9) A fee of ten dollars ($10) for each addressograph list of licensees in good standing.

(10) For issuance of a qualification certificate, twenty dollars ($20), except that the fee for issuance of the qualification certificate shall be waived if the certificate is issued less than 45 days before the date on which the continuation fee is due and payable.

(11) For continuation of a qualification certificate, twenty dollars ($20).

(12) For reinstatement of a qualification certificate under Section 6893, forty dollars ($40).

Copies of law, rules, etc., furnished

(b) The director shall furnish one copy of any issue or edition of the licensing law and rules and regulations to any applicant or licensee without charge; and shall charge and collect a fee of one dollar ($1) plus sales tax for each additional copy which may be furnished on request to any applicant or licensee, and for each copy furnished on request to any other person.

Eligibility for examination

SEC. 33. To be eligible to take an examination given after Section 32 of this act takes effect, and irrespective of the date when application to take the examination was filed, the applicant shall be required to pay the examination fee prescribed by Section 6956 of the Business and Professions Code as amended by Section 32 of this act.

Urgency

SEC. 34. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is imperative for the protection of the public and for the efficient operation of the Collection Agency Licensing Bureau that the changes made by this act in the Collection Agency Act (Ch. 8, commencing with Sec. 6850, Div. 3, B. & P.C.) go into immediate effect.

CHAPTER 629

An act to amend Section 1881 of the Code of Civil Procedure, relating to privileged communications.

[Approved by Governor June 1, 1961. Filed with Secretary of State June 1, 1961]

In effect September 15, 1961

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

SECTION 1. Section 1881 of the Code of Civil Procedure is amended to read:

1881. There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person cannot be examined as a witness in the following cases:

1. A husband cannot be examined for or against his wife without her consent; nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterward, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, or for a crime committed against another person by a husband or wife while engaged in committing and connected with the commission of a crime by one against the other; or in an action for damages against another person for adultery committed by either husband or wife; or in a hearing held to determine the mental competency or condition of either husband or wife.

2. An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment; nor can an attorney's secretary, stenographer, or clerk be examined, without the consent of his employer, concerning any fact the knowledge of which has been acquired in such capacity.

3. A clergyman, priest or religious practitioner of an established church cannot, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

4. A licensed physician or surgeon cannot, without the consent of his patient, be examined in a civil action, as to any information acquired in attending the patient, which was necessary to enable him to prescribe or act for the patient; provided, however, that either before or after probate, upon the contest of any will executed, or claimed to have been executed, by such patient, or after the death of such patient, in any action involving the validity of any instrument executed, or claimed to have been executed, by him, conveying or transferring any real or personal property, such physician or surgeon may testify to the mental condition of said patient and

in so testifying may disclose information acquired by him concerning said deceased which was necessary to enable him to prescribe or act for such deceased; provided further, that after the death of the patient, the executor of his will, or the administrator of his estate, or the surviving spouse of the deceased, or if there be no surviving spouse, the children of the deceased personally, or, if minors, by their guardian, may give such consent, in any action or proceeding brought to recover damages on account of the death of the patient; provided further, that where any person brings an action to recover damages for personal injuries, such action shall be deemed to constitute a consent by the person bringing such action that any physician who has prescribed for or treated said person and whose testimony is material in said action shall testify; and provided further, that the bringing of an action, to recover for the death of a patient, by the executor of his will, or by the administrator of his estate, or by the surviving spouse of the deceased, or if there be no surviving spouse, by the children personally, or, if minors, by their guardian, shall constitute a consent by such executor, administrator, surviving spouse, or children or guardian, to the testimony of any physician who attended said deceased.

5. A public officer cannot be examined as to communications made to him in official confidence, when the public interest would suffer by the disclosure.

6. A publisher, editor, reporter, or other person connected with or employed upon a newspaper, or by a press association or wire service, cannot be adjudged in contempt by a court, the Legislature, or any administrative body, for refusing to disclose the source of any information procured for publication and published in a newspaper.

Nor can a radio or television news reporter or other person connected with or employed by a radio or television station be so adjudged in contempt for refusing to disclose the source of any information procured for and used for news or news commentary purposes on radio or television.

CHAPTER 630

An act to amend Sections 2110 and 2152 of the Streets and Highways Code, relating to the Highway Users Tax Fund.

In effect September 15, 1961

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.]

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

SECTION 1. Section 2110 of the Streets and Highways Code is amended to read:

Apportionments:

2110. The moneys payable to the counties under Section 2104 shall be apportioned among the several counties as follows:

(a) The first seven hundred thousand dollars ($700,000) shall be apportioned for snow removal on county roads as follows: Snow removal

(1) During the 1961-1962 fiscal year, such amount shall be apportioned to the following counties in the named percentages: Percentages

Alpine	1.157
Amador	.151
Butte	1.218
Calaveras	1.156
Del Norte	.276
El Dorado	5 062
Fresno	1.128
Glenn	.894
Humboldt	1.546
Inyo	1 720
Kern	1.353
Lake	.299
Lassen	5.324
Los Angeles	5.189
Madera	.733
Mariposa	.397
Mendocino	.246
Merced	
Modoc	2.383
Mono	7.129
Nevada	5.826
Placer	8.862
Plumas	12.921
Riverside	.875
San Bernardino	7.824
San Diego	1 957
Shasta	4 385
Sierra	3.993
Siskiyou	7.885
Tehama	.075
Trinity	4.330
Tulare	148
Tuolumne	2 513
Ventura	.015
Yuba	1 030

(2) For the 1962-1963 fiscal year, the Controller shall compute percentages for the apportionment of such amount to the several counties in the State for snow removal on county roads and shall apportion such amount to the counties in the computed percentages. The percentage each county is to be apportioned during such fiscal year shall be derived by giving one-third weight to the percentage, if any, shown for the county in paragraph (1) above, and two-thirds weight to a percentage derived for the county by adding its snow removal 1962-1963 fiscal year

expenditures for the two preceding fiscal years as to which the Controller has received snow removal expenditure reports pursuant to Section 2152, and dividing the sum by the total amount of snow removal expenditures by all counties in the State during said fiscal years.

1963-1964 fiscal year

(3) For the 1963-64 fiscal year, and for each fiscal year thereafter, the Controller shall compute percentages for the apportionment of such amount to the several counties in the State for snow removal on county roads and shall apportion such amount to the counties in the computed percentages The percentage each county is to be apportioned during such fiscal year shall be derived by adding its snow removal expenditures for the three preceding fiscal years as to which the Controller has received snow removal expenditure reports pursuant to Section 2152, and dividing the sum by the total amount of snow removal expenditures by all counties in the State during said fiscal years.

Annual notification of counties

(4) On or before the first day of March of each year, commencing with 1962, the Controller shall notify each county of the amount apportioned to it pursuant to this subdivision for expenditure for snow removal on county roads during the following fiscal year.

Rainfall and storm damage

(b) The second five hundred thousand dollars ($500,000) shall be apportioned for heavy rainfall and storm damage on county roads to the following counties in the named percentages:

Percentages

Alameda	2.629
Amador	.135
Butte	.161
Colusa	339
Contra Costa	10.575
Del Norte	.251
Fresno	.639
Humboldt	4 935
Los Angeles	9.913
Marin	3.781
Mendocino	2.084
Monterey	3.701
Napa	1.950
Nevada	718
Orange	.051
Placer	.085
Plumas	.897
Riverside	1.185
San Benito	1.070
San Bernardino	2.609
San Francisco	1.016
San Diego	2.760
San Luis Obispo	5.782
Santa Barbara	7.661
Santa Cruz	12.162

Sierra	.333
Siskiyou	.814
Sonoma	10.238
Trinity	2.137
Ventura	8.543
Yuba	.846

(c) The remainder shall be apportioned among the several counties in the proportion that the number of fee-paid vehicles registered in each of such counties as of the last day of the second calendar quarter preceding the month in which the apportionment is required to be made bears to the total number of fee-paid vehicles registered in the State as of such date, as determined by the places of residence of the registered owners thereof, as shown on the registration cards issued Apportionment of remainder

The Department of Motor Vehicles shall, when requested by the Controller, furnish to him a verified statement showing the number of such fee-paid vehicles registered in each county and in the State according to the records of the department, for the use of the Controller in making the apportionments provided for herein.

SEC. 2. Section 2152 of said code is amended to read:

2152 The report shall contain the following:

(a) A detailed statement of all money available from all sources during the fiscal year covered by the report, including money made available by the United States, the State, the county or city, any other governmental agency, and money available from bond issues, special assessments, or from any other source whatever for expenditure for street or road purposes. Contents of report

(b) A detailed statement of all expenditures during the fiscal year covered by the report for street or road purposes, including obligations incurred but not yet paid. The statement shall be broken down into expenditure categories, such as expenditures for rights-of-way or other property, new construction, reconstruction, widening, resurfacing, maintenance, repair, and acquisition and maintenance of equipment. Construction expenditures on the county primary road system shall be separately reported.

The State Controller, with the advice of the department, may prescribe such other expenditure categories and may require such detail as may be deemed necessary by him fully to disclose the nature and extent of all financial transactions by the county or city relating to streets or roads.

(c) A detailed statement of all expenditures during the fiscal year covered by the report for snow removal, including expenditures of money apportioned to the county pursuant to subdivision (a) of Section 2110. The statement shall include equipment costs in connection with snow removal on an hourly rental basis or on such other annual basis as the State Controller may require.

CHAPTER 631

An act to amend Sections 3, 4, 6, 17, 31 and 32 of, and to add Sections 4.1 and 6.1 to, the Tehama County Flood Control and Water Conservation District Act (Chapter 1280, Statutes of 1957), relating to the Tehama County Flood Control and Water Conservation District.

In effect September 15, 1961

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.]

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

SECTION 1. Section 3 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280, Statutes of 1957) is amended to read:

Objects and purposes

Sec. 3. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical, for the control and disposition of the storm and flood waters of said district and to that end the district is hereby created to be a body corporate and politic and as such shall have power:

Succession

(a) To have perpetual succession.

Suits

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

Seal

(c) To adopt a seal and alter it at pleasure.

Grant, etc., property

(d) To take by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and contract to sell, lease, or dispose of real, personal and mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes.

Acquisition of property

(e) To acquire and contract to acquire by purchase, donation or other lawful means in the name of the district from private persons, public and private corporations, associations, agencies or districts, lands, rights-of-way, easements, privileges, material, and property of every kind within or without the district, to do all work and to acquire, construct, maintain and operate any and all works and improvements within or without the district, and to make, execute, carry out and enforce all contracts of every character, necessary, convenient, incidental, useful or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

Eminent domain

(f) To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use by the State, any political subdivision or district thereof, except that such right shall be exercised only as against property located within the county.

Condemnation proceedings

In condemnation proceedings, the district shall proceed under the provisions of Title 7 (commencing at Section 1237) of Part 3 of the Code of Civil Procedure, which said provisions

are hereby made applicable for that purpose; and it is hereby declared that the use of the property, lands, rights-of-way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use, and the board is granted the same powers and rights with respect to the taking of property for public uses of said district as are now or may hereafter be conferred by general law on the legislative body of a county, city and county, incorporated city or town, municipal water district or irrigation or reclamation district, provided, however, that no property shall be taken unless it is taken upon a finding of a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

Injunctions, etc

(g) To compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed, or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes. All costs of relocating or altering or otherwise changing existing works or structures shall be paid by the district; provided, however, that all costs of relocating or otherwise changing any portion of a state highway shall be paid for from funds available for rights-of-way for flood control purposes and not from funds appropriated for state highway purposes.

Construction, etc

(h) To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, drains, tunnels, poles, posts, wires, lamps, powerplants, railroads, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and complete the same.

Incur indebtedness, issue bonds, etc

(i) To incur indebtedness, and to issue bonds in the manner herein provided and to provide for the issuance of warrants of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrants shall bear after registration and until such payment.

Levy assessments

(j) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided

Employees

(k) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including, if it deem advisable, a clerk, superintendent of work, assessor, treasurer and tax collector, and define their powers and duties, and fix and determine the amount of bond required of each employee and pay the premium on

each such bond; which said officers and employees and each of them shall serve at the pleasure of the board.

Combining offices

The board shall have the power to combine any two or more offices in its discretion.

Fix boundaries

(*l*) To establish and fix the boundaries of zones, or abolish the same, in the district as provided in this act; to make transfers of money from the general fund of the district to any special fund and to create and administer such special funds as in their discretion may seem advisable, and to abolish the same; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works, and improvements provided for herein, and to abolish same; and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

Contracts with U. S., etc

(m) To make and enter into contracts with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States, or any person, firm, association or corporation, jointly or severally, for the acquisition of property rights or the construction, maintenance and operation in whole or in part of any or all works and improvements provided in this act.

Lease property

(n) To lease or rent to or from any of the parties named in subdivision (m) of this section any property or rights necessary, in the opinion of the board, to accomplish or carry out any of the work or improvement or the maintenance thereof and under such terms and conditions as may be agreed upon between the parties.

Acceptance of contributions

(o) To receive and accept any and all contributions in labor, material or money from any of the parties named in subdivision (m) of this section, to be applied to the work or improvement herein provided for.

Acquisition of water rights, etc.

(p) To construct, purchase, lease or otherwise acquire works, and to purchase, lease, appropriate, or otherwise acquire surface water and water rights, useful or necessary to make use of water for any of the purposes authorized by this act.

Other lawful acts

(q) To do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of lands or inhabitants within the district, including but not limited to, the acquisition, storage, and distribution for irrigation, domestic, fire protection, municipal, commercial, industrial, recreational and all other beneficial uses.

Flood control

(r) To control flood and storm waters within the district and the flood and storm waters or streams outside the district, which flow into the district; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to release such waters from surface reservoirs to replenish and augment the supply of

water in natural underground reservoirs and otherwise to reduce the waste of water and to protect life and property from floods within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, on behalf of the landowners therein, or otherwise to assume the cost and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of the common benefit of any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions or proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare the rights in natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use, the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

Co-operation with U. S., etc.

(s) To co-operate and act in conjunction with the United States or with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Tehama, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

Make surveys, etc

(t) To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights,

canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Tehama County Flood Control and Water Conservation District; to acquire by negotiation only the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water owned or controlled by the district or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit owned and controlled by the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual or any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Tehama County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement

Contracts with U S under Federal Reclamation Act of June 17, 1902

(u) To co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made; and for said purposes the district shall have in addition to the powers specifically set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing at Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

(v) Nothing herein contained shall be deemed to permit the district or its board of directors to acquire or interfere in existing water rights and water uses and facilities for distribution of the same on an involuntary basis, but nothing herein shall be deemed to prohibit negotiating and acquisition of existing rights, uses, and privileges in water by negotiation.

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

Establishment of zones

Sec. 4. The board of directors of the district created by this act, by resolutions thereof adopted from time to time, may establish zones within the district without reference to the boundaries of other zones, setting forth in such resolutions, descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from the zones or may divide existing zones into two or more zones or may superimpose a new or amended zone on zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitling each of such zones by a zone number. The board may not form a zone covering areas of land situated both inside and outside the corporate limits of a municipality.

Notice of intention to create a zone

The board, at any regular or special meeting, may adopt a notice of intention to create a zone (or zones). Said notice shall state the reason for the formation of said zone (or zones), the area to be included in each proposed zone, the date, place and time of the meeting of the board at which it is proposed to pass the resolution to form a zone (or zones). The notices of intention to form a zone (or zones) must be posted in at least five public places in each proposed zone, at least 15 days prior to the proposed formation date. Proof of the posting of said notices shall be filed with the clerk, showing the locations in the proposed zone where said notices were posted, together with the date of posting, and signed by the person who did the posting. The clerk shall mail a copy of said notices of intention to form a zone (or zones) to the county assessor and such other parties as ordered by the board. The notice must also state that any interested person may appear before the board at the time when it is proposed to pass the resolution forming the zone (or zones), and urge the formation or protest the formation thereof. At the time set by the board in its notice of intention to form a zone (or zones), or at any time at which the hearing may be continued, the board shall consider all proposals for or against the formation of the zone (or zones). If it appears to the majority of the board that the formation of a zone (or zones) would be beneficial to the area, they may adopt a resolution forming said zone (or zones), and assign each zone a zone number. The clerk shall file a certified copy of the resolution with the county recorder, and one copy each with the county assessor, the Secretary of State, and the State Board of Equalization.

Proceedings

Proceedings for the establishment of such zones may be conducted concurrently with and a part of the proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in Section 5 of this act.

SEC. 3. Section 4.1 is added to said code, to read:

Abolishing a zone

Sec. 4.1. When the board finds that a zone within the district no longer serves a useful purpose and is not required for the proper functioning of the district, the board may by resolution abolish the zone, if there is no bonded or contractual indebtedness representing a lien on land in the zone. The board shall give the same notice and hearing in the same manner as was given when the zone was formed.

Recordation

The resolution abolishing the zone shall contain a metes and bounds description of the zone and a map or plat showing the boundaries of the zone. The resolution abolishing the zone shall be recorded in the office of the recorder of the county. A certified copy of the resolution abolishing the zone shall be filed with the assessor of the county and the State Board of Equalization.

SEC. 4. Section 6 of said act is amended to read:

Advisory committee for zone

Sec 6. Within 90 days after a zone has been established the board shall appoint for each zone, an advisory committee of three persons who own real property within the zone for which they are appointed and whose names appear on the last Great Register of Tehama County, to represent before the

Meetings

board the residents and property owners of that zone. Each person so appointed shall be entitled to participate and be heard at every meeting of the board in which any matter affecting his zone is discussed or considered. The board shall not discuss or consider any matter which affects any zone unless each member of the advisory committee for that zone has been notified in writing as to the time and place of meeting at least five days before the meeting. The board shall take no affirmative action on any matter pertaining to a zone, unless and until said action is approved by a two-thirds majority of the advisory committee in writing and such written

Term

consent is filed with the board. The members of the first advisory committee appointed for a zone shall be appointed by the board for the following terms: one member for one year, one member for two years and one member for three years. Thereafter each member shall be appointed for a term of three years, and shall hold office until their successors are appointed and qualified. Vacancies on the advisory committee shall be filled by the board for the unexpired term.

SEC. 5. Section 6.1 is added to said act, to read:

Reappointment of members

Sec 6.1. On the effective date of this section, or as soon thereafter as practicable, the board shall reappoint the members of any advisory committee, existing prior to the effective date of this section, for the terms specified in Section 6 of this act for the first advisory committee. Thereafter, the ap-

pointment of members of all advisory committees shall be governed by Section 6 of this act.

Any operating advisory committees existing on the effective date of this section are continued in existence, with the existing committee members, as advisory committees under Section 6 of this act.

SEC. 6. Section 17 of said act is amended to read:

Taxation

Sec. 17. The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, or any other indebtedness to the United States, upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with county taxes and not to exceed, however, the sum of three cents ($0.03) on each one hundred dollars ($100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay the costs and expenses of surveys, of zoning, compensation for clerical, engineering, legal, printing and advertising of all resolutions, notices, and other matter required to be printed, posted or published, all costs and expenses of legal actions or proceedings, and also the rental or purchase of real or personal property used in connection with such work and surveys, or any other of its purposes and to repay the county any and all moneys loaned to the district for the purposes herein stated and prior to the receipt of taxes.

Increase of tax rate

The board may increase the tax levied pursuant to this section to an amount not to exceed the total sum of five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of all property within the district, upon first obtaining the approval for such a levy from the Board of Supervisors of Tehama County.

The tax levied pursuant to this section shall be known as the general tax levy for the district.

SEC. 7. Section 31 of said act is amended to read:

Payment of bonds and interest

Sec. 31. The board shall at the time for fixing the general tax levy for district purposes pursuant to Section 17 and in the manner of such general tax levy provided, levy and collect annually each year until the bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy. There may be included in such tax a sum sufficient, in the judgment of the board to take care of anticipated delinquencies, except that if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of the issuance thereof, tax shall be levied and collected annually at the time and in the aforesaid manner, in an amount sufficient to pay the interest on said indebtedness as it falls due and also to constitute a sinking fund for the re-

Sinking fund

demption thereof on or before maturity. The tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Such tax shall be levied upon all taxable property within the benefiting zones excluding any property belonging to any county, municipality, or political subdivision within the district, or property belonging to the State of California or the United States.

Division of tax levied

If the district has been divided into zones and the amount to be raised for the redemption of principal and interest of the bonds from each such zone has been determined as provided in this act, the amount of the tax levied shall be divided according to the amount, and the amount to be raised from the taxable property within each zone shall be levied upon and against the property in such zone as hereinbefore provided.

The provisions of law of this State prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes including the sale of property for delinquency, and for redemption from such sale, and the duties of the several county officers with respect thereto, so far as they are applicable, and not in conflict with the specific provisions of this act, are hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

Tehama County Assessment roll

The board shall take the assessment on the equalized roll of the County of Tehama as the basis for district taxes and for its taxes collected by the county officials of said county. On or before the first of August the board shall file with the auditor a certified copy of the map or plat showing the zones and the amount to be raised from each zone. The auditor of such county must, on or before the second Monday of August of each year, transmit to the board a statement in writing showing the total value of all property within the district, which value shall be ascertained from the equalized roll of such county for that year Said statement shall also show the total value of all property in each of said zones respectively.

The board shall, on or before the first weekday in September, or if such weekday falls upon a holiday, then upon the first business day thereafter, fix the rate of tax for each zone, and designate the number of cents upon each one hundred dollars ($100) on the equalized roll, which rate of taxation shall be sufficient to raise the amount previously fixed by the board as hereinabove prescribed. Such acts by the board shall constitute a valid assessment of the property and a valid levy of the tax so fixed The board must immediately thereafter transmit to the county auditor a statement of the rate of taxes so fixed by said board for each zone into which the district may be divided and the county auditor shall enter such rate upon the county tax roll. Such taxes so levied shall be collected

at the same time and in the same manner as county taxes and when collected the net amount ascertained as hereinafter provided shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

Taxes levied to be lien

All taxes levied under the provisions of this act shall be a lien upon the property on which they are levied and unless the board has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same manner and by the same means as provided by law for the enforcement of the liens for state and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

Compensation

The amount of compensation to be charged by and paid to the county for the performance of service, as in this section provided, for and on behalf of such district, shall be fixed by agreement between the Board of Supervisors of the County of Tehama and the board, except that such compensation shall not exceed one-half percent of all moneys collected for such district as in this act provided. The amount so collected by such county shall be placed to the credit of the county salary fund.

SEC. 8. Section 32 of said act is amended to read:

Taxation

Sec. 32. After the formation of a zone in the district, the board shall have power, in any year, to levy a tax upon the taxable property in the benefiting zones as provided in Section 31 at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or improvement of such zones for the ensuing fiscal year. The board shall have power to control and order the expenditures for said purposes of all revenue so derived, except that taxes levied under this section for any one year shall not exceed the rates specified in this section on each one hundred dollars ($100) of the assessed valuation of the property in such zones as said assessed valuation is shown on the last preceding assessment records for state and county purposes.

Same: Rate

The board on its own motion may set a tax rate not exceeding five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of such property. Upon the filing with the board of the unanimous written consent of the advisory committee, the board may by majority vote set a tax rate not exceeding fifteen cents ($0.15) on each one hundred dollars ($100) of the assessed valuation of such property. The board may call a special election for the purpose of submitting to the voters of the district a resolution to authorize the board to set a tax rate not exceeding fifty cents ($0.50) on each one hundred dollars ($100) of the assessed valuation of such property during the years specified in the resolution If a majority of the votes cast at the special election approve the resolution, the board is authorized to set the tax rate in accordance with the resolution.

Such tax shall be in addition to any tax levied to meet the bonded indebtedness of said district and all interest thereon. If the district has been divided into zones, the taxes to be levied as provided in this section shall be apportioned in accordance with the zones established for the levying and collection of taxes to pay the principal and interest of the bonds of the district

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CHAPTER 632

An act to amend Section 27491 of and add Article 4 (commencing at 27540) to Chapter 10 of Part 3 of Division 2 of Title 3 of the Government Code, relating to coroners and coroners' inquests.

In effect September 15, 1961

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.]

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

SECTION 1. Article 4 (commencing at Section 27540) is added to Chapter 10 of Part 3 of Division 2 of Title 3 of the Government Code, to read:

Article 4. Coroners' Inquest in Counties Containing a Population of 4,000,000 or More

Application to counties

27540. This article applies only to counties with a population of 4,000,000 or more. In such a county, the coroner shall hold inquests pursuant to the provisions of this article.

Inquest

27541. The coroner may in his discretion, and shall when requested by the district attorney, sheriff, city prosecutor or a chief of police of a city in the county in which the coroner has jurisdiction, hold an inquest. Such inquest may be held by the coroner sitting without a jury, or by a coroner's jury in the discretion of the coroner, except that such inquest must be by coroner's jury when such jury is requested by the district attorney, sheriff, city prosecutor or a chief of police of a city in the county in which the coroner has jurisdiction.

27542. Where an inquest is held by a coroner's jury, the provisions of Sections 27492 through 27497 shall be applicable. Where an inquest is held by a coroner sitting without a jury or by a coroner's jury, the provisions of Section 27498 through 27502, 27511 and 27513 shall be applicable.

Error in identity

27543. If it appears that an error in the identity of the body has been made, the coroner may call another inquest without reference to the court, and a memorandum of the error shall be entered upon the erroneous inquisition.

Testimony filed with county clerk

27544. The testimony of the witnesses examined before the coroner shall be filed in the office of the county clerk, without any verdict.

27545. The testimony of the witnesses examined before the coroner's jury shall be filed by the coroner, with the inquisition, in the office of the county clerk. Same

27546. After hearing the testimony, the jury shall render an advisory verdict and certify it by an inquisition in writing signed by the members of the jury, setting forth: (a) the name of the person killed, and when, where, and by what means he came to his death, and (b) if his death was occasioned by the act of another, whether it was occasioned by criminal means, without naming any person as being responsible therefor. Advisory verdict

SEC. 2. Section 27491 of said code is amended to read:

27491. It shall be the duty of the coroner to determine the cause of death of any person reported to the coroner as having been killed by violence, or who has suddenly died under such circumstances as to afford a reasonable ground to suspect that his death has been occasioned by the act of another by criminal means, or who has committed suicide, and of all deaths of which the provisions of the Health and Safety Code make it the duty of the coroner to sign certificates of death. In order to make such determination he may in his discretion take possession of and inspect the body of the decedent, which shall include the power to exhume such body, make or cause to be made a post mortem examination or autopsy thereon, and make or cause to be made an analysis of the stomach, blood, or contents, or organs, or tissues of the body, and secure professional opinions as to the result of such post mortem examination. He shall cause the information secured either to be reduced to writing or permanently preserved on recording discs or other similar recording media and forthwith filed by him in his records of the death of the individual. He may also in his discretion, if the circumstances warrant it, hold an inquest. He shall have the right to retain only such tissues of the body removed at the time of autopsy as may, in his opinion, be necessary or advisable to the investigation of the case, or for the verification of his findings. Determination of cause of death

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CHAPTER 633

An act to repeal Chapter 11 (commencing at Section 28600) of Division 21 of, and to add Chapter 11 (commencing at Section 28520) to Division 21 of, the Health and Safety Code, relating to sanitation and health requirements for restaurants, itinerant restaurants, vehicles, and vending machines.

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.]

In effect September 15, 1961

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

SECTION 1. Chapter 11 (commencing at Section 28600) of Division 21 of the Health and Safety Code is repealed. Repeal

SEC. 2. Chapter 11 (commencing at Section 28520) is added to Division 21 of said code, to read:

CHAPTER 11. SANITATION OF RESTAURANTS, ITINERANT RESTAURANTS, VEHICLES AND VENDING MACHINES

Article 1. Definitions and General Provisions

Short title

28520. This chapter is known as the "California Restaurant Act."

Construction

28521. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter.

"Restaurant"

28522. "Restaurant" means any coffee shop, cafeteria, short-order cafe, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, private and public school cafeteria or eating establishment, in-plant or employee eating establishment, and any other eating establishment, organization, club including veterans' club, boardinghouse, guesthouse, or political subdivision, which gives, sells, or offers for sale, food to the public, guests, patrons, or employees as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering functions. The term "restaurant" shall not include itinerant restaurants, vending machines, vehicles, cooperative arrangements by employees who purchase food or beverages for their own consumption and where no employee is assigned full time to care for or operate equipment used in such arrangement, or private homes; nor shall the term "restaurant" include private clubs or other nonprofit organizations which purchase food or beverages for the consumption of their members and where no employee or member is assigned full time to care for or operate equipment used in such arrangement.

"Itinerant restaurant"

28523. "Itinerant restaurant" means any restaurant, operating from temporary facilities, serving, offering for sale, selling, or giving away food or beverage, and includes, but is not limited to, a restaurant where only wrapped sandwiches or other wrapped and packaged, ready-to-eat foods are served, and any mobile unit on which food is prepared and served.

"Vehicle"

28524. "Vehicle" means any vehicle upon which food or beverage is displayed, sold, or offered for sale at retail, or given away to the public, but not including bakery delivery vehicles which are used exclusively to carry bakery products in sealed packages which are subject to the provisions of Section 28235.

"Vending machine"

28525. "Vending machine" means any self-service device offered for public use, which, upon insertion of a coin, coins, or token, or by other means, dispenses unit servings of food or beverage, either in bulk or in package, without the necessity of replenishing the device between each vending operation, but not including devices dispensing peanuts, wrapped candy, gum, or ice exclusively.

28526. "Machine location" means the room, enclosure, space, or area where one or more vending machines are installed and operated "Machine location"

28527. "Food or beverage" includes all articles used for food, drink, confectionery or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof for human consumption. "Food and beverage"

28528. "Employee" means any person working in an operation covered by this chapter "Employee"

28529 "Utensils" includes any kitchenware, tableware, glasses, cutlery, containers, implements, or other equipment with which food or beverage comes in contact during storage, display, preparation, serving, or through use by an employee or consumer. "Utensils"

28530. "Single service," as used with reference to any utensil, container, implement, wrapper, or other article, means a utensil, container, implement, wrapper or other article intended for use only once in the preparation, storage, display, service, or consumption of food or beverage. "Single service"

28531 "Product contact surface" means any surface of the vending machine, appurtenances, or containers which comes into direct contact with any food, beverage, or ingredient. "Product contact surface"

28532. "Multiuse," as used with reference to any utensil, container, implement, wrapper, or other article, means a utensil, container, implement, wrapper, or other article, intended for use for more than one time in the preparation, storage, display, service, or consumption of food or beverage. "Multiuse"

28533. "New," as used in reference to new restaurants or new equipment, applies to restaurants constructed or machines or equipment installed after the effective date of the act enacted at the 1961 Regular Session of the Legislature adding this chapter. "New"

28534. "Person" means natural person, club, including veterans' club, firm, corporation, partnership, organization, association, or political subdivision. "Person"

28535. "Local health officer" means the city, county, or district health officer having jurisdiction over an operation covered by this chapter. "Local health officer"

Article 2. Sanitation Requirements for Restaurants

28540. The floor surfaces in all rooms in which food or beverage is stored or prepared, utensils are washed, or refuse or garbage is stored, and the floor surfaces of toilet, dressing, or locker rooms and of walk-in refrigerators, shall be of such construction and material as to be easily cleaned. They shall be smooth, in good repair, and kept clean. Floors

The floors of rooms in which food or beverage is served shall be clean and kept in good repair. The use of sawdust on floors of food preparation rooms is prohibited.

Walls and ceilings: Construction

28541. The walls and ceilings of all kitchens shall be of light-colored, smooth, washable material and kept clean and in good repair. The walls and ceilings of food storage rooms and toilet rooms shall be of such construction as to be easily cleaned and shall be kept clean and in good repair.

This section shall not be applicable to storage rooms where foods or beverages in unopened bottles, cans, cartons, sacks, or other original shipping containers, are stored, but such storage rooms shall be kept free from vermin and in a sanitary condition.

Same: Cleaning

28542. Walls and ceilings of all rooms shall be cleaned as often as is necessary to maintain them in a clean condition. In rooms or areas where food is prepared, or where utensils are washed, acoustical tile may be used, if it is not installed less than six feet above the floor and where used it complies with all applicable requirements of this section and Section 28541

Control of vermin, etc.

28543. All restaurants shall be so equipped, maintained, and operated as to control the entrance, harborage and breeding of vermin, including flies. When flies or other vermin are present, effective control measures shall be instituted for their control or elimination.

Light

28544. Light shall be provided in all areas and rooms of a restaurant. The working surfaces in rooms or areas in which food or beverages, other than alcoholic beverages, are prepared or in which utensils are washed shall be provided with at least 10 foot-candles of light. Food and utensil storage rooms, and toilet and dressing rooms shall be provided with at least four foot-candles of light, as measured 30 inches above the floor.

During general cleanup activities, adequate light for efficient conduct of such activities shall be provided in the area being cleaned.

Ventilation

28545. Ventilation shall be provided for dissipation of disagreeable odors and condensation in all rooms of a restaurant where food or beverages are prepared, stored, or served, where utensils are washed, in garbage storage rooms, and in all toilet rooms and dressing rooms.

At or above all cooking equipment, such as ranges, griddles, ovens, deep-fat fryers, barbecues, and rotisseries, there shall be provided mechanical exhaust ventilation equipment, as required to effectively remove cooking odors, smoke, steam, grease, and vapors.

All food preparation and dishwashing areas shall have sufficient ventilation to provide a reasonable condition of comfort for the employees working there, consistent with the job performed by the employee.

Hot and cold running water

28546. Hot and cold running water under pressure shall be provided in all areas in which food is prepared or utensils are washed. The water supply shall be of a safe, sanitary quality.

Toilet facilities

28547. Toilet facilities shall be provided convenient to the employees on the premises Where there are five or more em-

ployees of different sex, separate toilets shall be provided for each sex. Toilet rooms shall be separated from other portions of the restaurant by tight-fitting, self-closing doors.

Handwashing facilities

28548. Handwashing facilities, in good repair, shall be provided for employees within or adjacent to toilet rooms and shall be equipped with hot and cold running water. Handwashing detergent or soap and single-service sanitary towels or hot-air blowers shall be provided at handwashing facilities in permanently installed dispensing devices.

No person shall begin or resume work in a restaurant after visiting the toilet without first washing his hands. Legible signs shall be posted in each toilet room directing attention to this requirement.

Dressing room

28549. A room or enclosure, separated from toilets or any food storage or food preparation area, shall be provided where employees may change and store their outer garments. No employee shall dress or undress or store his clothing in any other area on the premises.

Cleanliness

28550. All toilets, lavatory facilities, and change rooms shall be maintained in a clean and sanitary condition.

Soaps, towels, etc

28551. Toilet paper, handwashing detergent or soap, and single-service sanitary towels or hot-air blowers shall be provided at all times when the restaurant is in operation.

Plumbing

28552. All plumbing shall be installed and maintained so as to prevent contamination of the water supply and minimize the possibility of contamination of foods and specialized equipment used in the washing of utensils.

Utensils

28553. All multiuse utensils and all show and display cases or windows, counters, shelves, tables, refrigeration equipment, sinks, dishwashing machines and other equipment or utensils used in connection with the preparation, service, and display of food, in the operation of a restaurant, shall be made of nontoxic materials and so constructed, installed, and maintained as to be readily cleaned, and shall be kept clean and in good repair.

Adequate cleaning facilities

28554. All restaurants shall have adequate facilities for the cleaning and sanitizing of all multiuse utensils.

Dishwashing facilities

28555. Where single-service eating and drinking utensils are used exclusively, no facilities for dishwashing are required, except that if multiuse kitchen utensils are used, then at least a two-compartment metal sink, equipped with hot and cold running water, and metal drainboards shall be required.

Bactericidal process

28556. All multiuse eating and drinking utensils shall be thoroughly cleaned and subjected to an effective bactericidal process after each usage.

Washing by hand

28557. Where multiuse eating and drinking utensils are washed by hand, one of the following facilities shall be provided for washing and sanitization:

(a) A three-compartment metal sink with metal drainboards, where chemicals are used for sanitization.

(b) A two-compartment metal sink with metal drainboards, where hot water is used for sanitization. The rinse compart-

ment shall be equipped with heating facilities, so insulated or separated from the wash sink as to maintain the rinse water at not less than 180 degrees Fahrenheit.

Continued use of two-compartment metal sinks

28558. A two-compartment metal sink, having metal drainboards, with a chemical sanitizer, which is in use in a restaurant on the effective date of the act enacted at the 1961 Regular Session of the Legislature adding this chapter, may be continued in use until replaced because of deterioration thereof or modernization of the premises.

In all new restaurants, or where replacement of existing equipment takes place, if the use of a chemical sanitizer is proposed, there shall be provided a three-compartment metal sink, with metal drainboards.

Three-compartment sink methods

28559. (a) All multiuse eating and drinking utensils, when washed by hand in a three-compartment sink, shall be washed in hot water with an effective detergent until thoroughly clean. They shall then be rinsed in clear water before being immersed in a solution containing a bactericidal chemical for such time and in such concentration as shall be first approved and prescribed by the state department; provided, that such process produces results equivalent to those produced by contact with a hypochlorite solution containing 100 parts per million of available chlorine for 30 seconds.

Two-compartment sink methods

(b) All multiuse eating and drinking utensils, when washed by hand in a two-compartment sink, shall be washed in hot water with an effective detergent until thoroughly clean and then immersed for at least one-half minute (30 seconds) in clean hot water, at a temperature of at least 180 degrees Fahrenheit, as measured by a thermometer, or immersed in a solution containing a bactericidal chemical as prescribed in subdivision (a).

Other methods

(c) Other methods may be used if approved by the state department.

Machine washers

28560. Where multiuse eating and drinking utensils are washed by machine, the machine shall be so designed, installed, and operated as to thoroughly clean and to provide an effective bactericidal rinse for all such utensils.

Standard spray-type machines

All new spray-type machines which are designed for a hot-water bactericidal rinse shall conform to the Standard No. 3 of the National Sanitation Foundation, as amended in September, 1956, and shall be installed and operated in accordance with such standard; or such machines shall be of a type, and shall be installed and operated, as approved by the state department. The velocity, quantity, and distribution of the washwater, type and concentration of detergent used therein, and the time the utensils are exposed to the water, shall be such as to thoroughly clean the utensils. The machine shall be connected to a hot water system so installed and maintained as to continuously provide water of at least 180 degrees Fahrenheit at the connection to the machine during the required bactericidal rinse. The quantity of rinse water and the time of exposure shall be such as to provide bactericidal

effectiveness equivalent to that provided by compliance with Standard No. 3 of the National Sanitation Foundation, as amended in September, 1956, or that approved by the state department.

Multiuse kitchen utensils: Cleaning

28561. All multiuse kitchen utensils used in the preparation or serving of food or beverage shall be thoroughly cleaned after each usage or following each day's operations or as circumstances require.

Same Washed by hand

28562. Where multiuse kitchen utensils are washed by hand, there shall be provided at least a two-compartment metal sink, with metal drainboards There shall be provided hot and cold running water.

Methods of dishwashing

28563. In all dishwashing operations, dishes shall be scraped or rinsed prior to dishwashing.

Different methods or materials for washing or bactericidal rinsing of utensils may be used if approved by the state department as providing results equivalent to those produced by the methods required by this article.

The local health officer may test the adequacy of the bactericidal process by performing rim counts in accordance with methods approved by the state department, and the average of such counts on eating and drinking utensils at all times after washing and before serving shall not exceed 100 colonies per utensil.

Storage facilities Utensils

28564. Adequate and suitable space shall be provided for the storage of utensils and equipment. The storage rooms, shelves, and racks shall be constructed and installed so as to be easily cleaned. Utensils and equipment shall be so handled and stored as to be protected from contamination. Single-service utensils shall be obtained only in sanitary containers, shall be stored in a clean, dry place until used, handled in a sanitary manner, and used once only.

Same Waste

28565. Every restaurant shall be provided with such facilities and equipment as are necessary to properly store or dispose of all waste material.

Food waste disposals

28566. Food waste disposals, when provided, shall be connected to a public sewerage system or a private sewerage disposal system which is designed to properly collect and dispose of such waste.

Inside waste storage

28567. All food waste and rubbish containing food waste which is kept inside the restaurant prior to disposal shall be kept in tight, nonabsorbent containers covered with close-fitting lids

Outside waste storage

All food waste and rubbish containing food waste which is stored outside of the restaurant prior to collection or disposal shall be kept in rodentproof containers covered with close-fitting lids.

All food waste and rubbish containing food waste shall be removed and disposed of in a sanitary manner as frequently as may be necessary to prevent the creation of a nuisance.

Waste containers

28568. Waste containers used for storing garbage shall be maintained in a clean and sanitary condition.

Liquid wastes

28569. All liquid wastes disposed of through the plumbing system of a restaurant shall discharge into the public sewerage system or into a private sewerage disposal system which satisfactorily disposes of such materials beneath the surface of the ground. Other types of private sewerage disposal systems shall be used only with the written approval of the local health officer.

Storage facilities Food and beverages

28570 *Adequate and suitable space* shall be provided for the storage of food and beverage.

Pure ingredients for food

28571. Ingredients used in the preparation of foods or beverages, and all foods or beverages offered for sale, sold or served, shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale and served so as to be pure, free from adulteration and spoilage; shall have been obtained from approved sources, when such approval is required by law; shall otherwise be fully fit for human consumption; and shall conform to the applicable provisions of Chapter 3 (commencing at Section 26450) of this division.

No food or beverage prepared in a private home shall be used in the preparation of foods or beverages, offered for sale, sold, or given away in a restaurant.

This section shall not be construed to require temperature controls.

Protection of food

28572. All food or beverage shall be prepared, stored, displayed, dispensed, placed, and served so as to be protected from dust, flies, vermin, pollution by rodents, unnecessary handling, droplet infection, overhead leakage, or other contamination.

Storage of food on floors

28573. No food, or food in a container, shall be stored directly on the floor. They shall be stored at least six inches above the floor, or under such other conditions as are approved by the state department.

Unpackaged foods

28574. Displays of unpackaged foods, arranged for self-service to the public, shall be effectively shielded so as to intercept a direct line between the customer's mouth and the food being displayed.

Perishable food

28575 Except as provided in Section 28578, all readily perishable food or beverage, capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications, and which are intended to be held prior to processing, or are to be reused on the premises, shall be maintained at or below a temperature of 50 degrees Fahrenheit. No such readily perishable food or beverage which is to be served to the consumer on the premises where prepared shall be held above such temperature for such periods of time and under such conditions which can cause food intoxication.

Refrigerators

28576. All refrigerators shall be kept in good repair and clean. All food stored in refrigerators shall be protected from contamination. Foods that require no further preparation before service, when stored in refrigerators, shall either be covered or so placed that they are not subject to contamina-

tion from containers, unwashed fruits and vegetables, raw meats, or other contamination from above. An accurate thermometer shall be installed in all refrigerators so as to be readily visible.

Frozen foods

28577. All frozen foods shall be kept at a temperature which will keep such food in a frozen state until ready for processing or preparation. No food which has been completely thawed shall be refrozen.

Warmed foods

28578. All readily perishable food or beverages, capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications, when being maintained hot for serving, or while being served hot, shall be kept in devices which maintain the temperature of all portions of the food or beverage above 140 degrees Fahrenheit. An accurate thermometer, suitable for measuring temperature of food, shall be kept readily available.

Previously served food

28579 No article of food or any beverage which has been previously served to any person or returned from any table shall be used in the preparation of other foods or beverages for human consumption.

Insecticides

28580. No insecticide or other poisonous substance shall be stored in any food preparation room or in any room where food products are kept, stored, or served except in a separate cabinet provided for that purpose. All poisonous substances shall be specifically and plainly labeled as to contents and hazardous use. No insecticide or rodenticide shall be used in a manner which would cause contamination of food or utensils.

Live animals, etc

28581. No live animal, bird, or fowl shall be kept or allowed in any room where food or beverage is prepared, stored, kept, or served. This section shall not apply to dogs being used by the blind.

Litter and rubbish

28582. The premises of all restaurants shall be kept clean and free, by all reasonable means, of litter and rubbish.

Separation of sleeping quarters

28583. Living and sleeping quarters shall be separated entirely, with a solid partition, from the restaurant. No couch, cot, bed, or other sleeping accommodation shall be maintained or kept in any room where food is prepared, stored, or served.

Soiled linens, etc.

28584. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose. No tablecloths, napkins, or other linen that has been used for any other purpose since laundering shall be used for wiping utensils, counters, tables, food preparation or dispensing equipment, or in connection therewith.

Article 3. Sanitation Requirements for Itinerant Restaurants

Itinerant restaurants Floors

28590. The floors of all rooms or areas of an itinerant restaurant shall be of such construction as to be smooth, in good repair, and kept clean. Dust control measures shall be effected in the surrounding area to reduce the hazard of dust.

Same: Walls

28591. The walls and ceilings of all food preparation and utensil washing areas shall be of light-colored, smooth, washable material and shall be kept clean and in good repair. If operating at public gatherings, walls and ceilings of a temporary stand may be of clean, light-colored canvas.

Same: Vermin

28592. All itinerant restaurants shall be so equipped, maintained, and operated as to effectively control the entrance, harborage, and breeding of vermin, including flies. When flies or other vermin are present, effective control measures shall be instituted for their control or elimination.

Same. Light

28593. Light shall be provided in all areas and rooms of an itinerant restaurant. The working surfaces in rooms or areas in which food or beverages, other than alcoholic beverages, are prepared or in which utensils are washed shall be provided with at least 10 foot-candles of light. Food and utensil storage areas, if provided, shall be lighted to an intensity of four foot-candles of light, as measured 30 inches above the floor.

During general cleanup activities, adequate light for efficient conduct of such activities shall be provided in the area being cleaned.

Same: Ventilation

28594. Ventilation shall be provided for dissipation of disagreeable odors and condensation in all rooms or areas of an itinerant restaurant where food or beverages are prepared, stored, or served, where utensils are washed, and in garbage storage rooms or areas.

At or above all cooking equipment, such as ranges, griddles, ovens, deep-fat fryers, barbecues, and rotisseries, there shall be provided mechanical exhaust ventilation equipment, as required to effectively remove cooking odors, smoke, steam, grease, and vapors.

Same Hot and cold running water

28595. Hot and cold running water under pressure shall be provided in all areas in which food is prepared or utensils washed. The water supply shall be of a safe, sanitary quality.

Same Toilet facilities

28596. Toilet facilities shall be provided convenient to the employees. Where there are five or more employees of different sex, separate toilets shall be provided for each sex. At public gatherings, including, but not limited to, fairs, carnivals and circuses, where a number of itinerant restaurants are operating, toilets shall be provided in the ratio of at least one water closet, chemical toilet, or privy for each 15 employees.

Same Handwashing facilities

28597. Handwashing facilities, in good repair, shall be provided for employees within or adjacent to the food preparation area and shall be equipped with hot and cold running water. Handwashing detergent or soap and single-service sanitary towels shall be provided at handwashing facilities, in permanently installed dispensing devices.

Same Washing hands

No person shall begin or resume work in an itinerant restaurant after visiting the toilet without first washing his hands. Legible signs shall be posted in each toilet room directing attention to this requirement.

28598. All toilet and lavatory facilities shall be maintained in a clean and sanitary condition.

28599. Toilet paper, handwashing detergent or soap, and towels shall be provided at all times when the itinerant restaurant is in operation.

Same: Plumbing

28600. All plumbing shall be installed and maintained so as to prevent contamination of the water supply and minimize the possibility of contamination of foods and specialized equipment used in the washing of utensils.

Construction with nontoxic materials

28601. All multiuse utensils and all show and display cases or windows, counters, shelves, tables, refrigeration equipment, sinks, dishwashing machines and other equipment or utensils used in connection with the preparation, service and display of food, in the operation of an itinerant restaurant, shall be made of nontoxic materials and so constructed, installed and maintained as to be readily cleaned, and shall be kept clean and in good repair.

Dishwashing facilities

28602. Where single-service eating and drinking utensils are used exclusively, no facilities for dishwashing shall be required, except that if multiuse kitchen utensils are used, then at least a two-compartment metal sink, equipped with hot and cold running water, and metal drainboards shall be required.

28603. If multiuse eating and drinking utensils are used, the itinerant restaurant shall have adequate facilities for their cleaning and sanitizing. These utensils shall be thoroughly cleaned and subjected to an effective bactericidal process after each usage.

Dishwashing by hand: Methods

28604. Where multiuse eating and drinking utensils are washed by hand, one of the following facilities shall be provided for washing and sanitization:

(a) A three-compartment metal sink with metal drainboards, where chemicals are used for sanitization.

(b) A two-compartment metal sink with metal drainboards, where hot water is used for sanitization. The rinse compartment shall be equipped with heating facilities, so insulated or separated from the wash sink as to maintain the rinse water at not less than 180 degrees Fahrenheit.

Same

28605. (a) All multiuse eating and drinking utensils, when washed by hand in a three-compartment sink, shall be washed in hot water with an effective detergent until thoroughly clean. They shall then be rinsed in clear water before being immersed in a solution containing a bactericidal chemical for such time and in such concentration as shall be first approved and prescribed by the state department, provided that such process produces results equivalent to those produced by contact with a hypochlorite solution containing 100 parts per million of available chlorine for 30 seconds.

(b) All multiuse eating and drinking utensils, when washed by hand in a two-compartment sink, shall be washed in hot water with an effective detergent until thoroughly clean, and then immersed for at least 30 seconds in clean hot water, at a

temperature of at least 180 degrees Fahrenheit, as measured by a thermometer.

(c) Other methods may be used if approved by the state department.

Dishwashing by machine Methods

28606. Where multiuse eating and drinking utensils are washed by machine, the machine shall be so designed, installed and operated as to thoroughly clean and to provide an effective bactericidal rinse for all such utensils.

All new spray-type machines which are designed for a hot-water bactericidal rinse shall conform to the Standard No. 3 of the National Sanitation Foundation, as amended in September, 1956, and shall be installed and operated in accordance with such standard; or such machines shall be of a type, and shall be installed and operated, as approved by the state department. The velocity, quantity, and distribution of the wash-water, and type and concentration of detergent used therein, and the time the utensils are exposed to the water, shall be such as to thoroughly clean the utensils. The machine shall be connected to a hot water system so installed and maintained as to continuously provide water of at least 180 degrees Fahrenheit, at the connection to the machine during the required bactericidal rinse. The quantity of rinse water and the time of exposure shall be such as to provide bactericidal effectiveness equivalent to that provided by compliance with Standard No. 3 of the National Sanitation Foundation, as amended in September, 1956, or that approved by the state department.

Kitchen utensils

28607. All multiuse kitchen utensils used in the preparation or serving of food and drink shall be thoroughly cleaned after each usage or following each day's operations, or as circumstances require.

Dishwashing methods

28608. In all dishwashing operations, dishes shall be scraped or rinsed prior to dishwashing.

Different methods or materials for washing or bactericidal rinsing of utensils may be used if approved by the state department as providing results equivalent to those produced by the methods required by this article. The local health officer may test the adequacy of the bactericidal process by performing rim counts in accordance with methods approved by the state department, and the average of such counts on eating and drinking utensils at all times after washing and before serving shall not exceed 100 colonies per utensil.

Storage facilities: Utensils

28609. Adequate and suitable space shall be provided for the storage of utensils and equipment. The storage rooms, shelves, and racks shall be constructed and installed so as to be easily cleaned. Utensils and equipment shall be so handled and stored as to be protected from contamination. Single-service utensils shall be obtained only in sanitary containers, shall be stored in a clean, dry place until used, handled in a sanitary manner, and used once only.

28610. Every itinerant restaurant shall be provided with such facilities and equipment as are necessary to properly store or dispose of all waste material. Waste: Storage, disposal

28611. Food waste disposals, when provided, shall be connected to a public sewerage system or a private sewerage disposal system which is designed to properly collect and dispose of such waste.

28612. All food waste and rubbish containing food waste which is kept inside the restaurant prior to disposal shall be kept in tight, nonabsorbent containers covered with close-fitting lids.

All food waste and rubbish containing food waste which is stored outside of the itinerant restaurant prior to collection or disposal shall be kept in rodentproof containers covered with close-fitting lids.

All food waste and rubbish containing food waste shall be removed and disposed of in a sanitary manner as frequently as may be necessary to prevent the creation of a nuisance.

28613. Waste containers used for storing garbage shall be maintained in a clean and sanitary condition.

28614. All liquid wastes disposed of through the plumbing system of an itinerant restaurant shall discharge into the public sewerage system or into a private sewerage disposal system which satisfactorily disposes of such materials beneath the surface of the ground. Other types of private sewerage disposal systems shall be used only with the written approval of the local health officer.

28615. Adequate and suitable space shall be provided for the storage of food or beverage. Storage Food and beverages

28616. Ingredients used in the preparation of foods or beverages, and all foods or beverages offered for sale, sold or served, shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale and served so as to be pure, free from adulteration and spoilage; shall have been obtained from approved sources, when such approval is required by law; shall otherwise be fully fit for human consumption; and shall conform to the applicable provisions of Chapter 3 (commencing at Section 26450) of this division. Unadulterated ingredients

No food or beverage prepared in a private home shall be used in the preparation of foods or beverages, offered for sale, sold or given away in an itinerant restaurant.

This section shall not be construed to require temperature controls.

28617. All food or beverage shall be prepared, stored, displayed, dispensed, placed, and served so as to be protected from dust, flies, vermin, pollution by rodents, unnecessary handling, droplet infection, overhead leakage, or other contamination. Storage, etc. Food and beverages

28618. No food, or food in a container, shall be stored directly on the floor. They shall be stored at least six inches Storage On floor

above the floor, or under such other conditions as are approved by the state department.

Displays

28619. Displays of unpackaged foods, arranged for self-service to the public, shall be effectively shielded so as to intercept a direct line between the customer's mouth and the food being displayed.

Refrigeration

28620. Except as provided in Section 28623 all readily perishable food or beverage, capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications, and which are intended to be held prior to processing, or are to be reused on the premises shall be maintained at or below a temperature of 50 degrees Fahrenheit. No such readily perishable food or beverage which is to be served to the consumer on the premises where prepared shall be held above such temperature for such periods of time and under such conditions which can cause food intoxication.

Same

28621. All refrigerators shall be kept in good repair and clean. All food stored in refrigerators shall be protected from contamination. Foods that require no further preparation before service, when stored in refrigerators, shall either be covered or so placed that they are not subject to contamination from containers, unwashed fruits and vegetables, raw meats, or other contamination from above An accurate thermometer shall be installed in all refrigerators so as to be readily visible.

Frozen foods

28622. All frozen foods shall be kept at a temperature which will keep such food in a frozen state until ready for processing or preparation. No food which has been completely thawed shall be refrozen.

Warmed foods

28623. All readily perishable food or beverages, capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications, when being maintained hot for serving, or while being served hot shall be kept in devices which maintain the temperature of all portions of the food or beverage above 140 degrees Fahrenheit. An accurate thermometer, suitable for measuring temperature of food, shall be kept readily available.

Previously served food

28624. No article of food or any beverage which has been previously served to any person or returned from any table shall be used in the preparation of other foods or beverages for human consumption.

Insecticides, etc

28625. No insecticide or other poisonous substance shall be stored in any food preparation room or in any room where food products are kept, stored, or served except in a separate cabinet provided for that purpose. All poisonous substances shall be specifically and plainly labeled as to contents and hazardous use. No insecticide or rodenticide shall be used in a manner which would cause contamination of food or utensils.

Live animals, etc.

28626. No live animal, bird, or fowl shall be kept or allowed in any room where food or beverage is prepared,

stored, or served. This section shall not apply to dogs being used by the blind.

Litter and rubbish

28627. The itinerant restaurant and the adjacent areas of influence thereto, shall be kept clean and free, by all reasonable means, of litter and rubbish.

Separation of sleeping quarters

28628. Living and sleeping quarters shall be separated entirely, with a solid partition, from the itinerant restaurant. No couch, cot, bed, or other sleeping accommodation shall be maintained or kept in any room where food is prepared, stored, or served.

Soiled linens, etc

28629. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose. No tablecloths, napkins, or other linen that has been used for any other purpose since laundering shall be used for wiping utensils, counters, tables, food preparation or dispensing equipment, or in connection therewith.

Article 4. Sanitation Requirements for Vehicles

Owner identified

28640. The name and address of the owner or operator of the vehicle shall be plainly indicated on each side of the exterior of the vehicle, in letters at least three inches high.

Exterior doors

28641. The compartments on all vehicles in which food or beverage is displayed, sold, offered for sale, or given away shall have tightly fitted exterior doors, which when closed, enclose the compartment.

Storage surfaces

28642. The surfaces in all compartments in which food or beverage is stored, displayed, sold, offered for sale, or given away shall be of such construction and material as to be easily cleaned and to prevent vermin harborage, and shall be washable, in good repair, and kept clean. Effective control measures shall be instituted for vermin control when necessary.

Vermin control

Lighting

28643. During cleanup activities, adequate light for efficient conduct of such activities shall be provided in the area of the vehicle being cleaned.

Insecticides

28644. No insecticide, rodenticide, or other poisonous material shall be stored in any food compartment, nor used in such a manner as to cause contamination of food or utensils.

Utensils

28645. All utensils used for dispensing, service, and display of food or beverage and with which food or beverage comes in contact shall be so constructed, installed, and maintained as to be readily cleaned, and shall be kept clean and in good repair. Cleaning shall be done at an establishment with proper facilities, approved by the local health officer.

Storage Single service utensils

28646. Single-service utensils shall be obtained only in sanitary containers, shall be stored in a clean, dry place until used or placed in a closed dispenser which protects them from contamination, handled in a sanitary manner, and used once only.

Refuse containers

28647. The vehicle operator shall maintain a suitable container for refuse. He shall be responsible for sanitation of the environs of the place of operation unless operating on private

property where adequate sanitary maintenance is provided by the property owner or manager.

Ingredients

28648. Ingredients used in the preparation of foods or beverages, and all foods or beverages offered for sale, sold, or served, shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale, and served so as to be pure, free from adulteration and spoilage; shall have been obtained from approved sources, when such approval is required by law; shall otherwise be fully fit for human consumption; and conform to the applicable provisions of Chapter 3 (commencing at Section 26450) of this division.

No food or beverage prepared in a private home shall be used in the preparation of foods or beverages offered for sale, sold, or given away in a vehicle.

This section shall not be construed to require temperature controls

Refrigeration

28648.5. Except as provided in Section 28650, all readily perishable food or beverages, capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications, and which are intended to be stored or held, shall be maintained at or below a temperature of 60 degrees Fahrenheit. No such readily perishable food or beverage which is to be served to the consumer shall be held above such temperature for such periods of time and under such conditions which can cause food intoxication.

Vermin

28649. All food or beverages shall be wrapped, packaged, enclosed, dispensed, or handled so as to be protected from dust, flies, vermin, droplet infection, or other contamination.

Warmed foods

28650. All readily perishable food or beverages, capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications when being maintained hot for serving, or being served hot, shall be kept in devices which maintain the temperature of all portions of the food or drink above 140 degrees Fahrenheit. The devices shall be equipped with a thermometer showing their internal temperature.

Article 5. Sanitation Requirements for Vending Machines

Sources of foods, etc

28660. Foods, beverages, and ingredients intended for sale through vending machines shall be obtained from sources complying with Section 28571.

Contact surfaces

28661. All product contact surfaces of containers and equipment shall be protected from contamination.

Storage containers

28662. All foods, beverages, and ingredients shall be stored and packaged in clean, protected containers and handled, transported, and vended in a sanitary manner. Wet storage of packaged products is prohibited.

Perishable foods

28663. Readily perishable foods offered for sale through vending machines shall be dispensed to the consumer in the individual, original container or wrapper into which it was placed at the commissary or at the manufacturer's or proces-

sor's plant; or such products shall be dispensed into single-service containers.

Same

28664. In vending machines dispensing readily perishable foods, beverages, or ingredients in bulk, the bulk supplies of such foods, beverages, or ingredients shall be transferred only to a bulk vending machine container and appurtenances which are clean and have been subjected to an approved bactericidal process in accordance with Sections 28554 to 28563, inclusive.

Same

28665. Readily perishable foods or beverages or ingredients within the vending machine shall be maintained at a temperature not higher than 50 degrees Fahrenheit or a temperature not lower than 140 degrees Fahrenheit. Vending machines dispensing readily perishable foods or beverages shall be provided with controls which insure the maintenance of these temperatures at all times. An exception may be made for the actual time required to fill or otherwise service the machine and for a maximum recovery period of 30 minutes following completion of filling or servicing operations. Such controls shall also place the machine in an inoperative condition until serviced by the operator, in the event of power failure or other condition which permits the food storage compartment to attain a temperature above 50 degrees Fahrenheit, or below 140 degrees Fahrenheit, whichever is applicable. Vending machines dispensing readily perishable foods or beverages shall be provided with a thermometer which, to an accuracy of plus or minus two degrees Fahrenheit, indicates the air temperature of the food storage compartment.

Milk

28666. In the case of vending machines that use fluid milk products as an ingredient in hot liquid foods or beverages, such milk product may be transferred at the machine location from the individual, original container of not more than one-half-gallon capacity to a vending machine bulk container which is clean and has been subjected to an approved bactericidal process in accordance with Sections 28554 to 28563, inclusive. In any such transfer, the entire contents of the individual, original container shall be used.

Multiuse containers. Cleaned daily

28667. All multiuse containers or parts of vending machines which come in direct contact with readily perishable foods, beverages, or ingredients shall be removed from the machine daily and thoroughly cleaned and effectively subjected to an approved bactericidal process at the commissary or other approved facility. The requirements for daily cleaning and bactericidal treatment may be waived by the local health officer for those contact surfaces which are maintained at all times at a temperature of not higher than 50 degrees Fahrenheit or at a temperature of not lower than 140 degrees Fahrenheit, whichever is applicable. Such parts shall, after cleaning and bactericidal treatment, be protected from contamination.

Cleaning

28668. All parts of vending machines which come into direct contact with other than readily perishable foods, shall be thoroughly cleaned and subjected to bactericidal treatment as specified in Sections 28554 to 28563, inclusive. The fre-

quency of the cleaning and bactericidal treatment shall be established by the local health officer, based upon the type of product being dispensed. A record of the cleaning and bactericidal treatment operations shall be maintained by the operator in each machine and shall be current for at least the past 30 days.

Single-service containers used with vending machine

28669. All single-service containers which receive food or beverage from machines dispensing such products in bulk, shall be purchased in sanitary cartons or packages which protect the containers from contamination, shall be stored in a clean, dry place until used, and shall be handled in a sanitary manner. The containers shall be stored in the original carton or package in which they are placed at the point of manufacture until introduced into the container magazine or dispenser of the vending machine. The containers stored within the vending machine shall be protected from manual contact, dust, insects, rodents, and other contamination.

Location of vending machine

28670. The machine location shall be such as to minimize the potential for contamination of the product, shall be easily cleanable, and shall be kept clean.

Each vending machine shall be located in a room, area, or space which can be maintained in a clean condition and which is protected from overhead leakage from drains and piping. Each vending machine shall be so located that the space around and under the machine can be readily cleaned and so that insect and rodent harborage is not created.

The floor area upon which vending machines are located shall be reasonably smooth, of cleanable construction, and capable of withstanding repeated washing and scrubbing. This space, and the immediate surroundings of each vending machine, shall be maintained in a clean condition.

Vending machine construction

28671. The vending machines shall be of sturdy construction and the exterior construction shall be so designed, fabricated, and finished as to facilitate its being kept clean and to minimize the entrance of insects and rodents.

The exterior construction of the vending machines shall be such as to facilitate cleaning and to minimize the entrance of insects and rodents, and the exterior of the machine shall be kept clean. Service connections shall be such as to protect against unintentional or accidental interruption of service to the machine.

Door and panel access openings to the product and container storage spaces of the machine shall be tight fitting, and, if necessary, gasketed so as to preclude the entrance of dust, moisture, insects, and rodents.

Ventilation

28672. All ventilation louvers or openings into vending machines shall be effectively screened against insects and rodents by screening materials of not less than 16 mesh to the inch or equivalent. An exception to this provision may be made for vending machines currently in use until such time as the machines are relocated or removed from present machine location for any other purposes.

Seal condenser unit

28673. In all new machines in which a condenser unit is an integral part of the machine, such unit shall be sealed from the product and container storage spaces.

Floor clearance

28674. Unless the vending machine is sealed to the floor so as to prevent seepage underneath or can be manually moved with ease, one or more of the following provisions shall be utilized to facilitate cleaning operation:

(a) The machine shall be mounted on legs at least six inches in height.

(b) The machine shall be mounted on casters or rollers.

(c) The machine shall be mounted on gliders which permit it to be easily moved.

Service connections

28675. All service connections through an exterior wall of the machine, including water, gas, electrical, and refrigeration connections, shall be grommeted or sealed to prevent the entrance of insects or rodents. All connections to such utilities shall be such as to discourage their unauthorized or unintentional disconnection.

Interior surface

28676. All interior surfaces and component parts of the vending machines shall be so designed and constructed as to permit easy cleaning and shall be kept clean. All product contact surfaces of the machine shall be of smooth, nontoxic, corrosion resistant, and nonabsorbent material, shall be capable of withstanding repeated cleaning and bactericidal treatment by normal procedures, and shall be protected against contamination.

Water

28677. Water used in vending machines shall be from a source approved by the local health officer and shall be of a safe sanitary quality.

Carborated beverages: Check valves

28678. All vending machines which dispense carbonated beverages and which are connected to a water supply system shall be equipped with two check valves or a double check valve, an air gap, a device to vent carbon dioxide to the atmosphere, or any other device approved by the local health officer, which will provide positive protection against the entrance of carbon dioxide or carbonated water into the water supply system.

Where check valves are used for the protection of a water supply system, a screen of not less than 100 mesh to the inch shall be installed in the water supply line immediately upstream from the check valves.

Same: Water supply

28679. In all vending machines which dispense carbonated beverages and which are connected to a water supply system, the ingredient water contact surfaces from the check valves or other protective device downstream, including the device itself, shall be of such material as to preclude the production of toxic substances which might result from interaction of carbon dioxide or carbonated water.

Refuse containers

28680. The vending machine operator shall maintain a suitable container for refuse He shall be responsible for sanitation of the environs of the place of operation unless operat-

ing on private property where adequate sanitary maintenance is provided by the property owner or manager.

Collection of drip, etc

28681. Containers shall be provided within all machines dispensing liquid products in bulk for the collection of drip, spillage, overflow, or other liquid wastes.

Shutoff devices

An automatic shutoff device shall be provided which will place the vending machine out of operation before such containers overflow. Containers or surfaces on which such wastes may accumulate shall be readily removable for cleaning, shall be easily cleanable, and shall be kept clean. They shall be corrosive resistant. If liquid wastes from drip, spillage, or overflow, which originate within the machine, are discharged into a sewage system, the connection to the sewer shall be through an air gap.

Food in transit

28682. Foods, beverages, or ingredients while in transit to vending machine locations shall be protected from the elements, dirt, dust, insects, rodents, and other contamination Similar protection shall be provided for single-service containers, and for the product contact surfaces of equipment, containers, and devices in transit to machine locations.

Article 6. Health Requisites for Restaurants, Itinerant Restaurants, Vehicles, and Vending Machines

Employees' garments

28686. All employees preparing, serving, or handling food shall wear clean, washable outer garments or other clean uniforms and shall keep their hands clean at all times while engaged in handling food, beverage, or utensils. All such food handlers shall wash their hands and arms with soap or detergent and warm water before commencing work after using toilet facilities, and before returning to work, and at such other times as are necessary to prevent contamination of food.

Hairnets

Female employees shall wear hairnets, caps, headbands, or other suitable coverings which confine the hair. Wherever practical, employees serving food shall use tongs or other implements rather than their hands.

Use of tobacco

The use of tobacco in any form by any employee while handling or serving food, beverage, or utensils is prohibited. No employee or other person shall use tobacco in any form in any room or space used primarily for the preparation of food, and the employer shall post and maintain "No Smoking" signs in such rooms or places.

Communicable diseases

28687. No person shall be employed in a restaurant, itinerant restaurant, vehicle, or in connection with a vending machine, who, in the opinion of the local health officer, is affected with, or a carrier of, any disease in a stage which is likely to be communicable to persons exposed as a result of the affected employee's normal duties as a food handler.

Health investigations

28688. When information as to the possibility of disease transmission is presented to the local health officer, he shall investigate conditions and take appropriate action. The health

officer may, after investigation and for reasonable cause, require any or all of the following measures:

(a) The immediate exclusion of such employee or owner from the restaurant, itinerant restaurant, vehicle, or affected vending machine operation, by the health officer.

(b) The immediate closing of the restaurant, itinerant restaurant, vehicle, or affected vending machine operation, until no further danger of disease outbreak exists in the opinion of the health officer.

(c) Adequate medical examination of the owner, employee, and his coemployees, with such laboratory examination as may be indicated; or should such examination or examinations be refused, then the immediate exclusion of the refusing owner, employee, or coemployee from that or any other restaurant, itinerant restaurant, vehicle, or affected vending machine operation, until an adequate medical or laboratory examination shows that he is not affected with or a carrier of any disease in a communicable form. Medical examinations

Article 7. Enforcement and Inspection

28690. The director, agents, or sanitarians appointed by the director, and all local health officers, sanitarians, and duly authorized agents thereof, are charged with the enforcement of the provisions of this chapter. Enforcement

28691. The director, sanitarians and agents appointed by the director, and local health officers, sanitarians, and duly authorized agents thereof, may at all reasonable times enter or inspect any restaurant, itinerant restaurant, vehicle, or vending machine, or any operation suspected of being such, for the purpose of carrying out the provisions of this chapter. Inspection

If a written report of the inspection is made, a copy shall be supplied or mailed to the operator, manager, or owner of the establishment, vehicle, or vending machine

28692. Any person who violates any provision of this chapter is guilty of a misdemeanor. Each offense shall be punished by a fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Penalties

The owner, manager, or operator of any restaurant, itinerant restaurant, vehicle, or vending machine is responsible for any violation of any provision of this chapter.

28693. The provisions of this chapter shall not prevent any city, county, or city and county from adopting standards of sanitation, health, and hygiene for restaurants, itinerant restaurants, vehicles, or vending machines more strict than those contained in this chapter, and requiring a local health permit to maintain and conduct any restaurant, itinerant restaurant, vehicle, or vending machine within such city, county, or city and county. Local regulation

Minimum requirements

Whenever the enforcement of the minimum requirements of this chapter by any organized local health service is satisfactory to the state department, the enforcement of the provisions of this chapter shall not be duplicated by the state department. The state department may investigate to determine satisfactory enforcement of this chapter by the local authorities.

Rules and regulations

28694. The state department may adopt and enforce rules and regulations for the execution of its duties under this chapter.

Exemptions

28695. Dining cars and other railroad rolling equipment, and commissaries serving only airlines, which are subject to the United States Public Health Service inspection, are not subject to the provisions of this chapter.

28696. The provisions of this chapter shall be printed and made available to restaurant, itinerant restaurant, vehicle, and vending machine owners by the state department.

Operative date

SEC. 2. Section 28648.5, which is added to the Health and Safety Code by Section 1 of this act, shall become operative 18 months after this act takes effect.

CHAPTER 634

An act to amend Section 5185.1 of the Welfare and Institutions Code, relating to assets of a ward of the public guardian.

In effect September 15, 1961

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.]

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

SECTION 1. Section 5185.1 of the Welfare and Institutions Code is amended to read:

5185.1. The public guardian upon the death of his ward shall pay the unpaid expenses of his ward's burial and the expenses of his ward's last illness. After the payment of such expenses, the public guardian may transfer any remaining assets of such ward which are under his control in accordance with and subject to the provisions of Section 630 Probate Code. Before making any such transfer the public guardian shall pay the unpaid expenses of his ward's burial and last illness, the value of the deceased ward's property for the purpose of ascertaining the right to transfer under said section being the net value of the remaining estate after deduction of the burial and last illness expenses paid.

CHAPTER 635

An act to repeal Section 24755 of, and to add Sections 24749, 24750.5 and 24755 to, and to amend Sections 24752 and 24757 of, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 24749 is added to the Business and Professions Code, immediately following the title of Chapter 10 (commencing with Section 24750) of Division 9 of said code, to read:

Temperance

24749. It is the declared policy of the State that it is necessary to regulate and control the manufacture, sale, and distribution of alcoholic beverages within this State for the purpose of fostering and promoting temperance in their consumption and respect for and obedience to the law. In order to eliminate price wars which unduly stimulate the sale and consumption of alcoholic beverages and disrupt the orderly sale and distribution thereof, it is hereby declared as the policy of this State that the sale of alcoholic beverages should be subjected to certain restrictions and regulations. The necessity for the enactment of provisions of this chapter is, therefore, declared as a matter of legislative determination.

SEC. 2. Section 24750.5 is added to said code, to read:

Fair trade contracts Wine

24750.5. Fair trade contracts for wine have been and shall continue to be authorized by this chapter. Such contracts shall be governed by the applicable provisions of this chapter and Chapter 11 (commencing with Section 24850).

SEC. 2.5. Section 24752 of said code is amended to read:

Violations

24752. Willfully and knowingly advertising, offering for sale, or selling any alcoholic beverage at less than the price stipulated in any contract entered into pursuant to this chapter, or in any effective minimum retail price schedule filed with the department pursuant to Section 24755, whether the person so advertising, offering for sale, or selling is or is not a party to the contract, is unfair competition and is actionable at the suit of any person damaged thereby.

Repeal

SEC. 3. Section 24755 of said code is hereby repealed.

SEC. 4. Section 24755 is added to said code, to read:

Branded packages

24755. (a) No package of distilled spirits which bears the brand, trademark or name of the owner or person in control shall be sold at retail in this State for consumption off the licensed premises unless a minimum retail price for such package first shall have been filed with the department in accordance with the provisions of this section.

Minimum retail price schedules

(b) A price for each of such packages shall be in a minimum retail price schedule setting forth with respect to each package the exact brand, trademark or name, capacity, and

type of package, type of distilled spirits, age and proof, where stated on the label, and the minimum selling price at retail. The price for any such package may be filed separately and differently for the trading area of Southern California and the trading area of Northern California. The trading area of Southern California shall consist of the Counties of Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Bernardino, Imperial and San Diego. The Northern California trading area shall consist of the other counties of the State. No more than one person shall file a schedule for the same package for the same trading area. Any person filing such schedule shall cause such schedule to be published in a manner which will result in each retailer affected by such schedule being advised of the contents of such schedule prior to the effective date thereof,

Same: Filing

(c) Such schedule shall be filed by (1) the owner of the brand, if licensed in the State; (2) any licensee, other than a retailer, selling the brand and who is authorized in writing by the brand owner to file such schedule if the brand owner is not licensed in this State; (3) a manufacturer or rectifier licensed in this State and who bottles under the brand owned by a retailer; or (4) any licensee with the approval of the department, if the owner of the brand does not file or is unable to file a schedule or authorize a licensee other than a retailer to file such schedule.

Same Amendments

(d) Schedules filed pursuant to this section may be amended, changed, or modified by filing such amendments, change, or modification with the department on or before the 15th day of any month to take effect on the first day of the second succeeding calendar month; except that prices filed for a brand, size, or type not included in a schedule in effect at the time such brand, size, or type is filed, and prices filed to meet the price of a competitive brand, may be filed on or before the 15th day of any month to take effect on the first day of the following month. For the purpose of this section, a competitive brand shall mean any brand of the same type of distilled spirits having a filed selling price at retail within one dollar ($1) per gallon of the brand for which a competitive price is filed.

"Loss leader"

No retailer shall sell any package of distilled spirits as a loss leader. "Loss leader," as used in this section, means a sale below cost as such cost is defined in Sections 17026 to 17029, inclusive, of this code, except that a sale below cost made under the provisions of Section 17050 of this code shall not be deemed a loss leader sale.

The department shall reject any price schedule which does not comply with this subdivision.

Permission to sell at lower price

(e) No offsale licensee shall sell any package of distilled spirits at any price less than the effective filed price of such package unless written permission is granted by the department, for good cause shown and for reasons not inconsistent with this division.

(f) The provisions of this section shall not apply to:

Exemptions

(1) A closeout sale made in good faith and approved by the department when the following conditions exist: (i) the stock of distilled spirits sought to be closed out has been in this State, either in the possession of the vendor who sold it to the retailer or in the possession of the retailer who seeks to close out the brand, for a period of not less than six months; (ii) the stock of distilled spirits to be closed out was not brought into this State for the purpose of offering it, or any part of it, at a closeout sale; (iii) at least 10 days prior to filing a request with the department for approval to sell the stock at a closeout sale, the retailer had offered to return the distilled spirits, at his original invoice cost, to both the vendors from whom he purchased them or to his successor and to the licensee who filed the minimum price schedule under the provisions of this section; (iv) such offer of return was not accepted.

At the place of any closeout sale and upon any package of distilled spirits to be so sold and in any advertisement in connection therewith, public notice shall be given of the sale as a closeout sale. Following the conclusion of a closeout sale, the retailer who conducted such sale shall not sell the same brands of distilled spirits for a period of at least one year.

(2) Sales made with the approval of the department when the distilled spirits or the package is damaged or deteriorated in quality and notice of this fact is given to the public at the place of any such sale and upon the package offered for sale and in any advertisement in connection therewith.

(3) Sales made by any officer acting under the orders of any court.

Filing minimum schedule

(g) A minimum retail price schedule containing a minimum retail price for each package of any brand of beer may be filed under the provisions of this chapter by the person in control of such brand and when so filed, the provisions of this chapter and any rules adopted by the department for the administration of the provisions of this chapter shall apply to the sale of packages of such brand of beer.

SEC. 5. Section 24757 of said code is amended to read:

Rules and regulations

24757. The department may adopt such rules as it determines to be necessary for the administration of Sections 24754 to 24756, inclusive, and shall take such steps as may be necessary to enforce the provisions of such sections and the rules adopted by it for the administration thereof.

CHAPTER 636

An act to add Sections 140.5, 140.7 and 1237.5 to, and to amend Sections 141, 142, 143, 146, 148, 149, 164, 176, 1238 and 1265 of, the Civil Code, to amend Sections 201.5, 661 and 663 of the Probate Code, to add Sections 13672, 15300, 15302.5 and 15303.5 to, and to amend Sections 15301 and 15306 of, the Revenue and Taxation Code, relating to property acquired by married persons.

In effect September 15, 1961

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.]

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

SECTION 1. Section 164 of the Civil Code is amended to read:

Property acquired after marriage

164. All other real property situated in this State and all other personal property wherever situated acquired during the marriage by a married person while domiciled in this State is community property; but whenever any real or personal property, or any interest therein or encumbrance thereon, is acquired by a married woman by an instrument in writing, the presumption is that the same is her separate property, and if acquired by such married woman and any other person the presumption is that she takes the part acquired by her, as tenant in common, unless a different intention is expressed in the instrument; except, that when any of such property is acquired by husband and wife by an instrument in which they are described as husband and wife, unless a different intention is expressed in the instrument, the presumption is that such property is the community property of said husband and wife. The presumptions in this section mentioned are conclusive in favor of any person dealing in good faith and for a valuable consideration with such married woman or her legal representatives or successors in interest, and regardless of any change in her marital status after acquisition of said property.

Presumptions

Limitations of actions

In cases where a married woman has conveyed, or shall hereafter convey, real property which she acquired prior to May 19, 1889, the husband, or his heirs or assigns, of such married woman, shall be barred from commencing or maintaining any action to show that said real property was community property, or to recover said real property from and after one year from the filing for record in the recorder's office of such conveyances, respectively.

As used in this section, personal property does not include and real property does include leasehold interests in real property.

SEC. 2. Section 140.5 is added to the Civil Code, to read:

"Quasi-community property"

140.5. As used in Sections 140.7, 141, 142, 143, 146, 148, 149 and 176 of this code, "quasi-community property" means

all personal property wherever situated and all real property situated in this State heretofore or hereafter acquired:

(a) By either spouse while domiciled elsewhere which would have been community property of the husband and wife had the spouse acquiring the property been domiciled in this State at the time of its acquisition; or

(b) In exchange for real or personal property, wherever situated, acquired other than by gift, devise, bequest or descent by either spouse during the marriage while domiciled elsewhere.

For the purposes of this section, personal property does not include and real property does include leasehold interests in real property.

SEC. 3. Section 140.7 is added to the Civil Code, to read:

"Separate property"

140.7. As used in Sections 141, 142, 143, 146, 148, 149 and 176 of this code, "separate property" does not include quasi-community property.

SEC. 4. Section 146 of the Civil Code is amended to read:

Disposition on dissolution, etc., of the marriage

146. In case of the dissolution of the marriage by decree of a court of competent jurisdiction or in the case of judgment or decree for separate maintenance of the husband or the wife without dissolution of the marriage, the court shall make an order for disposition of the community property and the quasi-community property and for the assignment of the homestead as follows:

(a) If the decree is rendered on the ground of adultery, incurable insanity or extreme cruelty, the community property and quasi-community property shall be assigned to the respective parties in such proportions as the court, from all the facts of the case, and the condition of the parties, may deem just.

(b) If the decree be rendered on any other ground than that of adultery, incurable insanity or extreme cruelty, the community property and quasi-community property shall be equally divided between the parties.

(c) If a homestead has been selected from the community property or the quasi-community property, it may be assigned to the party to whom the divorce or decree of separate maintenance is granted, or, in cases where a divorce or decree of separate maintenance is granted upon the ground of incurable insanity, to the party against whom the divorce or decree of separate maintenance is granted. The assignment may be either absolutely or for a limited period, subject, in the latter case, to the future disposition of the court, or it may, in the discretion of the court, be divided, or be sold and the proceeds divided.

(d) If a homestead has been selected from the separate property of either, in cases in which the decree is rendered upon any ground other than incurable insanity, it shall be assigned to the former owner of such property, subject to the power of the court to assign it for a limited period to the party to whom the divorce or decree of separate maintenance

is granted, and in cases where the decree is rendered upon the ground of incurable insanity, it shall be assigned to the former owner of such property, subject to the power of the court to assign it to the party against whom the divorce or decree of separate maintenance is granted for a term of years not to exceed the life of such party.

This section shall not limit the power of the court to make temporary assignment of the homestead at any stage of the proceedings.

Whenever necessary to carry out the purpose of this section, the court may order a partition or sale of the property and a division or other disposition of the proceeds.

SEC. 5. Section 148 of the Civil Code is amended to read:

Appellate review

148 The disposition of the community property, of the quasi-community property and of the homestead, as above provided, is subject to revision on appeal in all particulars, including those which are stated to be in the discretion of the court.

SEC. 6. Section 149 of the Civil Code is amended to read:

Jurisdiction of the court

149. When service of summons is made pursuant to the provisions of Sections 412 and 413 of the Code of Civil Procedure upon a spouse sued under the provisions of this chapter, the court, without the aid of attachment thereof or the appointment of a receiver, shall have and may exercise the same jurisdiction over:

(a) The community real property of the spouse so served situated in this State as it has or may exercise over the community real property of a spouse sued under the provisions of this chapter and personally served with process within this State.

(b) The quasi-community real property of the spouse so served situated in this State as it has or may exercise over the quasi-community real property of a spouse sued under the provisions of this chapter and personally served with process within this State.

SEC. 7. Section 141 of the Civil Code is amended to read:

Enforcement of decree

141. In the enforcement of any decree, judgment or order rendered pursuant to the provisions of this article, the court must resort:

(a) To the community property; then,

(b) To the quasi-community property; then,

(c) To the separate property of the party required to make such payments.

SEC. 8. Section 142 of the Civil Code is amended to read:

Allowance

142. When the prevailing party in the action has either a separate estate, or is earning his or her own livelihood, or there is community property or quasi-community property sufficient to give him or her alimony or a proper support, or if the custody of the children has been awarded to the other party, who is supporting them, the court in its discretion, may withhold any allowance to the prevailing party out of the separate property of the other party. Where there are no chil-

dren, and either party has a separate estate sufficient for his or her proper support, no allowance shall be made from the separate estate of the other party.

SEC. 9. Section 143 of the Civil Code is amended to read:

143. The community property, the quasi-community property and the separate property may be subjected to the support and education of the children in such proportions as the court deems just. Support and education of children

SEC. 10. Section 176 of the Civil Code is amended to read:

176. The wife must support the husband, when he has not deserted her, out of her separate property, when he has no separate property, and there is no community property or quasi-community property, and he is unable, from infirmity, to support himself. Support of husband

For the purposes of this section, the terms "quasi-community property" and "separate property" have the meanings given those terms by Sections 140 5 and 140 7 of this code.

SEC. 11. Section 1237.5 is added to the Civil Code, to read:

1237.5. As used in this title:

(a) "Quasi-community property" means real property situated in this State heretofore or hereafter acquired: "Quasi-community property"

(1) By either spouse while domiciled elsewhere which would have been community property of the husband and wife had the spouse acquiring the property been domiciled in this State at the time of its acquisition; or

(2) In exchange for real or personal property, wherever situated, acquired other than by gift, devise, bequest or descent by either spouse during the marriage while domiciled elsewhere.

(b) "Separate property" does not include quasi-community property. "Separate property"

SEC. 12. Section 1238 of the Civil Code is amended to read:

1238. If the claimant be married, the homestead may be selected: Marital homesteads

(a) From the community property; or

(b) From the quasi-community property; or

(c) From the separate property of the husband; or

(d) Subject to the provisions of Section 1239, from the property held by the spouses as tenants in common or in joint tenancy or from the separate property of the wife.

When the claimant is not married, but is the head of a family, within the meaning of Section 1261, the homestead may be selected from any of his or her property. If the claimant be an unmarried person, other than the head of a family, the homestead may be selected from any of his or her property. Property, within the meaning of this title, includes any freehold title, interest, or estate which vests in the claimant the immediate right of possession, even though such a right of possession is not exclusive.

SEC. 13. Section 1265 of the Civil Code is amended to read:

Homestead. Rights of surviving spouse, etc.

1265. From and after the time the declaration is filed for record, the premises therein described constitute a homestead. If the selection was made by a married person from the community property, or from the quasi-community property, or from the separate property of the spouse making the selection or joining therein, and if the surviving spouse has not conveyed the homestead to the other spouse by a recorded conveyance which failed to expressly reserve his homestead rights as provided by Section 1242 of the Civil Code, the land so selected, on the death of either of the spouses, vests in the survivor, except in the case of a married person's separate homestead, subject to no other liability than such as exists or has been created under the provisions of this title; in other cases, upon the death of the person whose property was selected as a homestead, it shall go to the heirs or devisees, subject to the power of the superior court to assign the same for a limited period to the family of the decedent; but in no case shall it, or the products, rents, issues or profits thereof be held liable for the debts of the owner, except as provided in this title; and should the homestead be sold by the owner, the proceeds arising from such sale to the extent of the value allowed for a homestead exemption as provided in this title shall be exempt to the owner of the homestead for a period of six months next following such sale.

SEC. 14. Section 661 of the Probate Code is amended to read:

Probate homestead

661. If no homestead has been selected, designated and recorded, or in case the homestead was selected by the survivor out of the separate property of the decedent, the decedent not having joined therein, the court, in the manner hereinafter provided, must select, designate and set apart and cause to be recorded a homestead for the use of the surviving spouse and the minor children, or, if there be no surviving spouse, then for the use of the minor child or children, out of the community property or quasi-community property or out of real property owned in common by the decedent and the person or persons entitled to have the homestead set apart, or if there be no community property or quasi-community property and no such property owned in common, then out of the separate property of the decedent. If the property set apart is the separate property of the decedent, the court can set it apart only for a limited period, to be designated in the order, and in no case beyond the lifetime of the surviving spouse, or, as to a child, beyond its minority; and, subject to such homestead right, the property remains subject to administration.

For the purposes of this section, the terms "quasi-community property" and "separate property" have the meanings given those terms in Section 1237.5 of the Civil Code.

SEC. 15. Section 663 of the Probate Code is amended to read:

663. If the homestead selected by the husband and wife, or either of them, during their coverture, and recorded while both were living, other than a married person's separate homestead, was selected from the community property or quasi-community property, or from the separate property of the person selecting or joining in the selection of the same, and if the surviving spouse has not conveyed the homestead to the other spouse by a recorded conveyance which failed to expressly reserve his homestead rights as provided by Section 1242 of the Civil Code, the homestead vests, on the death of either spouse, absolutely in the survivor. Homestead: Rights of surviving spouse

If the homestead was selected from the separate property of the decedent without his consent, or if the surviving spouse has conveyed the homestead to the other spouse by a conveyance which failed to expressly reserve homestead rights as provided by Section 1242 of the Civil Code, the homestead vests, on death, in his heirs or devisees, subject to the power of the court to set it apart for a limited period to the family of the decedent as hereinabove provided. In either case the homestead is not subject to the payment of any debt or liability existing against the spouses or either of them. at the time of the death of either, except as provided in the Civil Code.

For the purposes of this section, the terms "quasi-community property" and "separate property" have the meanings given those terms in Section 1237.5 of the Civil Code.

SEC. 16. Section 15300 is added to Chapter 3 of Part 9 of Division 2 of the Revenue and Taxation Code, to read:

15300. For the purposes of this chapter, property is "quasi-community property" if it is heretofore or hereafter acquired: "Quasi-community property"

(a) By either spouse while domiciled elsewhere and would have been the community property of the husband and wife had the spouse acquiring the property been domiciled in this State at the time of its acquisition; or

(b) In exchange for real or personal property, wherever situated, acquired other than by gift, devise, bequest or descent by either spouse during the marriage while domiciled elsewhere.

SEC. 17. Section 15301 of the Revenue and Taxation Code is amended to read:

15301. In the case of a transfer to either spouse by the other of community property or quasi-community property, one-half of the property transferred is not subject to this part. Transfers between the spouses

SEC. 18. Section 15302.5 is added to the Revenue and Taxation Code, to read:

15302.5. If any quasi-community property is transferred to a person other than one of the spouses, all of the property transferred is subject to this part, and: Transfers to third persons

(a) The spouse owning the property is the donor; or

(b) At the election of both of the spouses, each spouse shall be considered to be the donor of one-half.

SEC. 19. Section 15303.5 is added to the Revenue and Taxation Code, to read:

Transfers to the community, etc.

15303.5. A transfer of quasi-community property of either spouse into community property of both spouses or into property held by the spouses as joint tenants or as tenants in common with equal interests is not subject to this part; but if the property so transferred is the property of the wife and is transferred into community property and upon her death and survival by her husband the entire community property passing to her husband is not subject to Part 8 (commencing with Section 13301) of this division, one-half of the property so transferred is subject to this part upon the death of the wife as a gift from the wife to her surviving husband at the time of her death.

Exception

SEC. 20. Section 15306 of the Revenue and Taxation Code is amended to read:

No presumption of community, etc., property as to the state

15306. As against any claim made by the State for the tax imposed by this part, there is no presumption that property acquired by a spouse after marriage is community property or quasi-community property. Any person who claims that any property acquired after marriage is community property or quasi-community property has the burden of proving that it is such.

SEC. 21. Section 13672 is added to the Revenue and Taxation Code, to read:

Property held by husband and wife in joint tenancy, etc

13672. Where husband and wife hold property in joint tenancy, or deposit property in a bank or similar depository in their joint names subject to payment to either or the survivor, and such property had its source in quasi-community property of the marriage of the husband and wife, then upon the death of either of them, such property shall be treated for inheritance tax purposes as if one-half of the consideration for the acquisition of such property were furnished by each spouse.

For the purposes of this section, the term "quasi-community property" has the meaning given that term by Section 15300.

SEC. 22. Section 201.5 of the Probate Code is amended to read:

Property disposition on death

201.5. Upon the death of any married person domiciled in this State one-half of the following property in his estate shall belong to the surviving spouse and the other one-half of such property is subject to the testamentary disposition of the decedent, and in the absence thereof goes to the surviving spouse: all personal property wherever situated and all real property situated in this State heretofore or hereafter acquired:

(a) By the decedent while domiciled elsewhere which would have been the community property of the decedent and the surviving spouse had the decedent been domiciled in this State at the time of its acquisition; or

(b) In exchange for real or personal property, wherever situated, acquired other than by gift, devise, bequest or descent by the decedent during the marriage while domiciled elsewhere.

All such property is subject to the debts of the decedent and to administration and disposal under the provisions of Division 3 of this code.

As used in this section personal property does not include and real property does include leasehold interests in real property.

Severability

SEC. 23. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances, shall not be affected thereby.

CHAPTER 637

An act to add Section 515 to the Penal Code, relating to trust receipts.

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 515 is added to the Penal Code, to read:

515. (1) The goods, documents or instruments delivered to a trustee under a trust receipt transaction and the proceeds of any disposition thereof by a trustee are hereby declared for the purposes of Section 506 of the Penal Code to constitute trust property in the hands of a trustee.

(2) Where under the terms of a trust receipt transaction the trustee has no liberty of sale or other disposition, and willfully and wrongfully disposes of the goods, documents or instruments involved in the trust receipt transaction, or where under the terms of a trust receipt transaction the trustee, having liberty of sale or other disposition, is to account to the entruster for the proceeds of any sale or other disposition of the goods, documents or instruments, and after such sale or other disposition willfully and wrongfully fails to account to the entruster for such proceeds or to pay to the entruster the amounts due under the trust receipt, he shall be guilty of embezzlement and shall be punishable as provided in Section 514 of the Penal Code.

(3) In any case in which the trustee in a trust receipt transaction would be guilty of embezzlement and the trustee is a corporation or partnership, any officer or director, partner or agent of the trustee who willfully and wrongfully sells or disposes of or causes the trustee to sell or dispose of the goods, documents or instruments involved in a trust receipt transaction in which the trustee had no liberty of sale or other disposition, or who willfully or wrongfully diverts or causes the trustee to fail to account to the entruster for the proceeds of sale or other disposition or to pay to the entruster the amount due to the entruster under the trust receipt after such

sale or other disposition where the trustee had liberty of sale or other disposition shall be guilty of embezzlement.

(4) No intermingling of the proceeds of the sale by the trustee under a trust receipt transaction with his own property shall destroy the trust relationship in respect to the proceeds created by a trust receipt unless such intermingling was with the express written consent of the entruster.

(5) As used in this section, "trust receipt transaction" has the meaning ascribed to it in the Uniform Trust Receipts Law (Chapter 3A (commencing with Sec. 3012), Title 14, Part 4, Division 3, Civil Code).

CHAPTER 638

An act to amend Section 411 of the Code of Civil Procedure, relating to service of process in civil actions.

In effect September 15, 1961

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.]

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

SECTION 1. Section 411 of the Code of Civil Procedure is amended to read:

411. The summons must be served by delivering a copy thereof as follows:

1. If the suit is against a domestic corporation: to the president or other head of the corporation, a vice president, a secretary, an assistant secretary, general manager, or a person designated for service of process or authorized to receive service of process. If such corporation is a bank, to any of the foregoing officers or agents thereof, or to a cashier or an assistant cashier thereof. If no such officer or agent of the corporation can be found within the State after diligent search, then to the Secretary of State as provided in Sections 3301 to 3304, inclusive, of the Corporations Code, unless the corporation be of a class expressly excepted from the operation of those sections.

2. If the suit is against a foreign corporation, or a nonresident joint stock company or association, doing business in this State; in the manner provided by Sections 6500 to 6504, inclusive, of the Corporations Code.

3. If against a minor, under the age of 14 years, residing within this State: to such minor, personally, and also to his father, mother, or guardian; or if there be none within this State, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed.

4. If against a person residing within this State and for whom a guardian or conservator has been appointed: to such person, and also to his guardian or conservator.

5. If against a county, city or town: to the president or clerk of the board of supervisors, president or clerk of the

council or trustees, or other head of the legislative department or clerk or secretary thereof.

5.1. If the suit is against a school district: to the most recently selected chairman, president, presiding officer, or other head of the board of education or trustees, or to the clerk or the secretary of the board of education or trustees.

6. In all cases where a corporation has forfeited its charter or right to do business in this State, or has dissolved, by delivering a copy thereof to one of the persons who have become the trustees of the corporation and of its stockholders or members; or, in a proper case, as provided in Sections 3305 and 3306 of the Corporations Code.

7. In an action or proceeding authorized by law against a state board or commission, to the president, chairman, or other head of or to the secretary of said board or commission.

8. If the suit is one brought against a candidate for public office and arises out of or in connection with any matter concerning his candidacy or the election laws and said candidate cannot be found within the State after diligent search, then as provided for in Section 54 of the Elections Code.

9. In all other cases to the defendant personally.

CHAPTER 639

An act to amend Section 24802 of and to repeal Section 24803 of, the Vehicle Code, relating to parking lamps.

[Approved by Governor June 1, 1961 Filed with Secretary of State June 2, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 24802 of the Vehicle Code is amended to read:

24802. No lights need be displayed upon a vehicle which is: Display of lights

(a) Parked off the roadway; or

(b) Parked with a wheel within 18 inches of a curb; or

(c) Parked within a business or residence district with a wheel within 18 inches of a curb or edge of the roadway.

SEC. 2. Section 24803 of said code is repealed. Repeal

CHAPTER 640

An act to amend Section 16645.26 of the Education Code, relating to meetings of the Advisory Committee on Pilot Child Care Centers.

[Approved by Governor June 1, 1961 Filed with Secretary of State June 2, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 16645.26 of the Education Code is amended to read:

16645.26. An Advisory Committee on Pilot Child Care Centers for mentally retarded and physically handicapped children shall be established to aid in setting standards for admission to centers, and to advise district governing boards in the administration and operation of centers. The advisory committee shall consist of one member from the Department of Social Welfare to be appointed by the Director of Social Welfare, one member from the Department of Mental Health to be appointed by the Director of Mental Health, one member from the Department of Public Health to be appointed by the Director of Public Health, one member from the Department of Education to be appointed by the Director of Education, one lay member from the general public to be appointed by the Director of Education, and one member from each school district participating in the program to be appointed by the governing board of the district. The member from the Department of Education shall serve as secretary of the committee.

All meetings of the committee shall be open and public and all persons shall be permitted to attend any meetings of the committee.

CHAPTER 641

An act to repeal Section 1636 of the Insurance Code, relating to licenses to act as life agents.

In effect September 15, 1961

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.]

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

SECTION 1. Section 1636 of the Insurance Code is repealed.

CHAPTER 642

An act to amend Section 8618 of the Water Code, relating to agreements by political subdivisions with the Reclamation Board.

In effect September 15, 1961

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.]

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

SECTION 1. Section 8618 of the Water Code is amended to read:

8618. All political subdivisions, agencies of the State, and municipal and quasi-municipal corporations may make agreements with the board obligating themselves to do or perform those things which are required of the State, political subdivisions thereof, or other local agencies by the act of Congress approved June 22, 1936, or any acts amending or adding to it, now or hereafter adopted.

When an elimination, modification, or alteration of any authorized plan of flood control is made at the request of a political subdivision, agency of the State, or municipal or quasi-municipal corporation, the political subdivision, agency of the State, or municipal or quasi-municipal corporation may, in agreements made pursuant to this section, assume responsibility for all claims of damage or liability made against the State and its agencies or the United States and arising from the requested elimination, modification, or alteration of the authorized plan of flood control.

CHAPTER 643

An act to add Section 21715 to the Vehicle Code, relating to towed vehicles.

[Approved by Governor June 1, 1961 Filed with Secretary of State June 2, 1961]

In effect September 15, 1961

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

SECTION 1. Section 21715 is added to the Vehicle Code, to read:

21715. No passenger vehicle, or commercial vehicle under 4,000 pounds, shall draw or tow more than one vehicle in combination, except that an auxiliary dolly may be used with the towed vehicle.

CHAPTER 644

An act to amend Section 4986 of the Revenue and Taxation Code, relating to the cancellation of property taxes.

[Approved by Governor June 1, 1961 Filed with Secretary of State June 2, 1961]

In effect September 15, 1961

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

SECTION 1. Section 4986 of the Revenue and Taxation Code is amended to read:

4986. (1) All or any portion of any uncollected tax, penalty, or costs, heretofore or hereafter levied, may, on satisfactory proof, be canceled by the auditor on order of the board of supervisors with the written consent of the district attorney if it was levied or charged:

(a) More than once.

(b) Erroneously or illegally.

(c) On a portion of an assessment in excess of the cash value of the property by reason of the assessor's clerical error.

(d) On improvements when the improvements did not exist on the lien date.

(e) On property annexed after the lien date by the city owning it.

(2) (a) On property acquired after the lien date by the United States of America, if such property upon such acquisition becomes exempt from taxation under the laws of the United States, or by the State or by any county, city, school district or other public agency, and because of such public ownership becomes not subject to sale for delinquent taxes, no cancellation shall be made in respect of all or any portion of any such unpaid tax, or penalties or costs, but such tax, together with such penalties and costs as may have accrued thereon while on the secured roll, shall be transferred to the unsecured roll pursuant to Section 2921.5 of this code, and collection thereof shall be made and had as provided therein, except that the statute of limitations on any suit brought to collect such taxes and penalties shall commence to run from the date of transfer of such taxes, penalties and costs to the unsecured roll, which date shall be entered on the unsecured roll by the auditor opposite the name of the assessee at the time such transfer is made. The foregoing toll of the statute of limitations shall apply retroactively to all such unpaid taxes and penalties so transferred, the delinquent dates of which are prior to the effective date of the amendment of this section at the 1959 Regular Session.

If any property described in this subdivision is acquired by a negotiated purchase and sale after the lien date but prior to the commencement of the fiscal year for which current taxes are a lien on the property, the amount of such current taxes shall not be transferred to the unsecured roll, and neither the person from whom the property was acquired nor the public agency shall be liable for the payment of such taxes. If, however, the property is so acquired after the commencement of the fiscal year for which the current taxes are a lien on the property, that portion only of such current taxes, together with any allocable penalties and costs thereon, which are properly allocable to that part of the fiscal year which ends on the day before the date of acquisition of the property, shall be transferred to the unsecured roll and be collectible from the person from whom the property was acquired. The portion of such taxes, together with any penalties and costs thereon, which are allocable to that part of the fiscal year which begins on the date of the acquisition of the property, shall not be transferred to the unsecured roll nor be collectible either from the person from whom the property was acquired nor from the public agency.

In no event shall any transfer of unpaid taxes, penalties or costs be made with respect to property which has been tax-deeded to the State for delinquency.

(b) If at the time exemption from sale attaches to land or improvements acquired by a public agency the purchase price thereof is deposited in the registry of a court in an eminent domain proceeding, all delinquent taxes, penalties and costs which were or are a lien against such land or improvements and the pro rata share of the current taxes, penalties and costs

which are a lien against such land or improvements, prorated for the fiscal year for which such current taxes, penalties and costs are or will be due and payable, shall be paid out of the award. The date for such proration shall be at the time title was transferred to, or possession was taken by, the public agency, whichever time the court determines to have first occurred. If the amount of the current tax is not ascertainable at the time the proration is made the same shall be estimated and computed by the court based upon the last equalized assessed value of the property in its entirety regardless of any segregation which may occur by reason of the taking, and the tax rate levied on the property for the immediate prior year. The court shall further order canceled the public agency's portion of any prorated current tax. The subject of the amount of the taxes which may be due on the property shall not be considered relevant on any issue in the condemnation action, and the mention of said subject, either on the voir dire examination of jurors, or during the examination of witnesses, or as a part of the court's instructions to the jury, or in argument of counsel, or otherwise, shall constitute grounds for a mistrial in any such action.

No cancellation under paragraph (b) of subdivision (1) of this section shall be made in respect of all or any portion of any tax, or penalties or costs attached thereto, collectible by county officers on behalf of a municipal corporation without the written consent of the city attorney thereof.

CHAPTER 645

An act to amend Section 1821 of the Elections Code, and Section 5011 of the Elections Code as proposed by Assembly Bill No. 8, relating to ballot arguments concerning city measures.

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1821 of the Elections Code is amended to read:

Arguments for and against any city measure

1821. If there is no other method provided by general law, or, in the case of a chartered city, by the charter or by city ordinance, arguments for and against any city measure may be submitted to the qualified electors of the city pursuant to this article. If a method is otherwise provided by general law, or, in the case of a chartered city, by charter or city ordinance, for submitting arguments as to a particular kind of city measure, that method shall control.

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

Effect: Stats 1961, Ch 23

SEC. 3. Section 2 of this act shall become operative only if the Elections Code as proposed by Assembly Bill No. 8 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 8 takes effect; at which time Section 1821 of the Elections Code as amended by Section 1 of this act is repealed.

CHAPTER 646

An act to add Section 2573 to the Education Code, and to add Section 914 to Article 2 of Chapter 1 of Division 4 of the Education Code as enacted by Assembly Bill No. 463 of the 1961 Regular Session, relating to the naming of junior college districts.

In effect September 15, 1961

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.]

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

SECTION 1. Section 2573 is added to the Education Code, to read:

Naming junior college districts

2573. Every junior college district formed under the provisions of this article shall be given the name selected for it by the governing board of the district and shall be designated as the "_____ (using the name of the district) Junior College District." In the name by which the district is so designated the district and its governing board may sue and be sued and hold and convey property for the benefit of the district.

SEC. 2. Section 914 is added to Article 2 of Chapter 1 of Division 4 of the Education Code as enacted by Assembly Bill No. 463 of the 1961 Regular Session, to read:

Same

914. Every newly formed junior college district shall be given the name selected for it by the governing board of the district and shall be designated as the "_____ (using the name of the district) Junior College District." In the name by which the district is so designated the district and its governing board may sue and be sued and hold and convey property for the benefit of the district.

Effect: Assembly Bill No. 463

SEC. 3. Section 914, as added to Article 2 of Chapter 1 of Division 4 of the Education Code as enacted by Assembly Bill No. 463 by Section 2 of this act, shall take effect only if Assembly Bill No. 463 of the 1961 Regular Session is enacted; in which case it shall take effect at the same time as Assembly Bill No. 463, and Section 2573, as added to the Education Code by Section 1 of this act, shall be of no force or effect.

CHAPTER 647

An act to amend Section 6300 of the Elections Code and Section 15080 of the Elections Code as proposed by Assembly Bill No. 8, relating to ballot labels on voting machines.

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.] In effect September 15, 1961

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

SECTION 1. Section 6300 of the Elections Code is amended to read:

6300. The ballot label shall be printed by the clerk in black ink on clear material of such size as will fit the machine, of such color as may be determined by the clerk, and in as plain, clear type as the space will reasonably permit. Ballot label

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

SEC. 3. Section 2 of this act shall become operative only if the Elections Code as proposed by Assembly Bill No. 8 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 8 takes effect; at which time Section 6300 of the Elections Code as amended by Section 1 of this act is repealed. Effect Stats 1961, Ch 23

CHAPTER 648

An act to add Section 14401.5 to, and to amend Section 14402 of, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.] In effect September 15, 1961

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

SECTION 1. Section 14401.5 is added to the Education Code, to read:

14401.5. Any retirement allowance payable to a retired person, which has accrued and remains unpaid at the time of his death, shall be paid to: Unpaid retirement allowance balance

(a) The beneficiary entitled to payment in accordance with an optional settlement chosen by the member, or

(b) The beneficiary entitled to receive the lump sum death benefit provided upon death of a retired person if the member has not chosen an optional settlement, or

(c) The estate of the retired person, if there is not a beneficiary entitled under either (a) or (b).

SEC. 2. Section 14402 of said code is amended to read:

Payment directly to next of kin

14402. If the estate is the beneficiary, and if the estate need not be probated except for the payments due from the Retirement System, all of the amount due shall be paid directly without probate to the surviving next of kin of the deceased, or the guardians of the survivors' estates, share and share alike, payment to be made in the order in which the following groups are listed:

(a) Husband or wife.
(b) Children.
(c) Father and mother.
(d) Grandchildren.
(e) Brothers and sisters.
(f) Nieces and nephews.

No payment shall be made to persons included in any of the groups if at the date of payment there are living persons in any of the groups preceding it.

CHAPTER 649

An act to amend Sections 8210 and 8211 of the Fish and Game Code, relating to salmon.

In effect September 15, 1961

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.]

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

SECTION 1. Section 8210 of the Fish and Game Code is amended to read:

Seasons and limits

8210. In Districts 6, 7, 10, 11, 15, 16, 17, 18 and 19 under the authority of a commercial fishing license, salmon may be taken only by hook and line and only between April 15th and September 29th. There is no bag limit. No such king salmon may be less than 26 inches in length and no such silver salmon may be less than 25 inches in length, measured from tip of the snout to the extreme tip of the tail.

The amendments made to this section in the 1961 Regular Session of the Legislature shall remain in effect until October 1, 1963.

SEC. 2. Section 8211 of said code is amended to read:

Seasons and limits

8211. In Districts 6, 7, 10, 11, 15, 16, 17, 18, and 19, under the authority of a commercial fishing license, king salmon may be taken only by hook and line and only between April 15th and September 29th. Silver salmon may be taken only by hook and line and only between July 1st and September 29th. There is no bag limit. No such king salmon may be less than 26 inches in length and no such silver salmon may be less than 22 inches in length, measured from tip of the snout to the extreme tip of the tail.

Effective period

The amendments made to this section in the 1961 Regular Session of the Legislature shall remain in effect until October 1, 1963.

This section shall be in full force and effect only during such times that the States of Oregon and Washington have in effect laws or regulations prohibiting the taking of silver salmon by commercial trolling prior to July 1st of any year. At all other times, Sections 2361 and 8210 are effective insofar as commercial fishing is concerned.

Upon receipt of statements annually from the Secretaries of State of the States of Oregon and Washington that laws or regulations prohibiting the taking of salmon as described are in effect, the Secretary of State of California shall notify the department that this section is in effect for the year concerned. In order for this section to be effective such notification shall be made prior to April 15th of each year.

CHAPTER 650

An act to amend Sections 1182, 1202, 1237, and 1466 of the Penal Code, relating to appeals in criminal cases.

[Approved by Governor June 1, 1961 Filed with Secretary of State June 2, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1182 of the Penal Code is amended to read:

Application for a new trial

1182. The application for a new trial must be made and determined before judgment or the making of an order granting probation, whichever first occurs, and the order granting or denying such application must be immediately entered by the clerk in the minutes.

SEC. 2. Section 1202 of said code is amended to read:

Rendering of judgment

1202. If no sufficient cause is alleged or appears to the court at the time fixed for pronouncing judgment, as provided in Section 1191 of this code, why judgment should not be pronounced, it must thereupon be rendered; and if not rendered or pronounced within the time so fixed or to which it is continued under the provisions of Section 1191 of this code, then the defendant shall be entitled to a new trial. If the court shall refuse to hear a defendant's motion for a new trial or when made shall neglect to determine such motion before pronouncing judgment or the making of an order granting probation, then the defendant shall be entitled to a new trial.

SEC. 3. Section 1237 of said code is amended to read:

Appeals

1237. An appeal may be taken by the defendant:

1. From a final judgment of conviction; a sentence or an order granting probation shall be deemed to be a final judgment within the meaning of this section; upon appeal from a final judgment the court may review any order denying a motion for a new trial, except when an appeal from an order denying a motion for a new trial has previously been finally

determined in cases where the defendant has been committed for sexual psychopathy or insanity.

2. From an order denying a motion for a new trial in cases where the defendant is committed before final judgment for sexual psychopathy or insanity. Such an appeal shall be dismissed if while it is pending an appeal is taken under subdivision 1.

3. From any order made after judgment affecting the substantial rights of the party.

SEC. 4. Section 1466 of said code is amended to read:

Same To superior court

1466. An appeal may be taken from a judgment or order of an inferior court, in a criminal case, to the superior court of the county in which such inferior court is located, in the following cases:

By the people

1. By the people:

(a) From an order or judgment dismissing or otherwise terminating the action before the defendant has been placed in jeopardy or where the defendant has waived jeopardy;

(b) From a judgment for the defendant upon the sustaining of a demurrer;

(c) From an order granting a new trial;

(d) From an order arresting judgment;

(e) From any order made after judgment affecting the substantial rights of the people.

By the defendant

2. By the defendant:

(a) From a final judgment of conviction; a sentence shall be deemed to be a final judgment within the meaning of this section; upon appeal from a final judgment or an order granting probation the court may review any order denying a motion for a new trial, except when an appeal from an order denying a motion for a new trial has previously been finally determined in cases where the defendant has been committed for sexual psychopathy or insanity;

(b) From any order made after judgment affecting his substantial rights;

(c) From an order denying a motion for a new trial in cases where the defendant is committed before final judgment for sexual psychopathy or insanity; such an appeal shall be dismissed if while it is pending an appeal is taken under subdivision (a) or (d);

(d) From an order granting or denying probation.

CHAPTER 651

An act to amend Section 772 of the Probate Code, relating to public and private probate sales of personal property.

In effect September 15, 1961

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.]

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

SECTION 1. Section 772 of the Probate Code is amended to read as follows:

772. Except as provided in Sections 757, 770 and 771 of this code, personal property may be sold only after notice posted at the courthouse of the county in which the proceedings are pending at least 10 days before the sale or, in case of a private sale, at least 10 days before the day on or after which the sale is to be made; or by publication pursuant to Section 6063a of the Government Code in a newspaper in such county, or by both, as the executor or administrator may determine, containing the time and place of sale, and a brief description of the property to be sold and stating whether the sale is to be a private or public sale. In case of a private sale the notice must state a place at which bids or offers will be received and a day on or after which the sale will be made which day must be at least 10 days from the first publication or posting of the notice and the sale must not be made before that day but must be made within one year thereafter. Public sales must be made at the courthouse door, or at some other public place, or at the residence of the decedent; but no public sale shall be made of any personal property which is not present at the time of sale, unless the court shall otherwise order. A public sale may be postponed from time to time if the executor or administrator deems it for the interests of all persons concerned, such postponement not to exceed in all three months. In case of such postponement, notice thereof must be given by public declaration at the time and place appointed for the sale.

CHAPTER 652

An act to amend Section 8162 of the Education Code, relating to physical education courses.

[Approved by Governor June 1, 1961 Filed with Secretary of State June 2, 1961]

In effect September 15, 1961

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

SECTION 1. Section 8162 of the Education Code is amended to read:

8162. The governing board of each district may grant temporary exemption to pupils who are ill or injured where a modified program to meet the needs of the pupils cannot be provided, and to pupils while enrolled for one-half, or less, of the work normally required of full-time students. Permanent exemption may be granted a pupil who has reached his twenty-first birthday, or a pupil who is enrolled as a postgraduate student.

CHAPTER 653

An act to amend Sections 375, 21053, 25251, 25252, 25253, 25256, 25259, 25260, 25263, 25265, 25266, 25301, 27002, and 35002 of, to amend and renumber Section 2416, to add Sections 30, 165, 2416, 21807, 25264, 25267, 25268, 25269, 25270, 25271, and 25272 to, and to repeal Sections 120, 125, 130, 135, 140, 145, 150, 155, 160, 165, 170, 175, 180, 185, 190, 192, 195, 200, 205, 210, 215, 25254, 25255, 25261, and 25264 of, the Vehicle Code and to repeal Section 25756 of the Business and Professions Code, relating to authorized emergency vehicles.

In effect September 15, 1961

[Approved by Governor June 1, 1961. Filed with Secretary of State June 2, 1961.]

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

SECTION 1. Section 30 is added to the Vehicle Code, to read:

Legislative policy

30. It is declared as a matter of legislative policy that red lights and sirens on vehicles should be restricted to authorized emergency vehicles engaged in police, fire and lifesaving services; and that other types of vehicles which are engaged in activities which create special hazards upon the highways should be equipped with flashing amber warning lamps.

Repeal

SEC. 2. Section 120 of said code is repealed.

Repeal

SEC. 3. Section 125 of said code is repealed.

Repeal

SEC. 4. Section 130 of said code is repealed.

Repeal

SEC. 5. Section 135 of said code is repealed.

Repeal

SEC. 6. Section 140 of said code is repealed.

Repeal

SEC. 7. Section 145 of said code is repealed.

Repeal

SEC. 8. Section 150 of said code is repealed.

Repeal

SEC. 9. Section 155 of said code is repealed.

Repeal

SEC. 10. Section 160 of said code is repealed.

Repeal

SEC. 11. Section 165 of said code is repealed.

SEC. 12. Section 165 is added to said code, to read:

Authorized emergency vehicle

165. An authorized emergency vehicle is:

(a) Any publicly owned ambulance, lifeguard or lifesaving equipment.

(b) Any publicly owned vehicle operated by the following persons, agencies or organizations:

(1) Any forestry or fire department of any public agency or fire department organized as provided in the Health and Safety Code.

(2) Any police department, sheriff's department or the California Highway Patrol.

(3) The district attorney of any county or any district attorney investigator.

(4) Any constable or deputy constable engaged in law enforcement work.

(5) Peace officer personnel of the Department of Justice.

(c) Any vehicle owned by the State, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.

(d) Any state-owned vehicle used in responding to emergency fire, rescue or communications calls and operated either by the California Disaster Office or by any public agency or industrial fire department to which the California Disaster Office has assigned such vehicle.

(e) Any state-owned vehicle operated by a fish and game warden.

(f) Any vehicle owned or operated by any department or agency of the United States government:

(1) When such department or agency is engaged primarily in law enforcement work and the vehicle is used in responding to emergency calls, or

(2) When such vehicle is used in responding to emergency fire, ambulance or lifesaving calls.

(g) Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol.

SEC. 13. Section 170 of said code is repealed. Repeal

SEC. 14. Section 175 of said code is repealed. Repeal

SEC. 15. Section 180 of said code is repealed. Repeal

SEC. 16. Section 185 of said code is repealed. Repeal

SEC. 17. Section 190 of said code is repealed. Repeal

SEC. 18. Section 192 of said code is repealed. Repeal

SEC. 19. Section 195 of said code is repealed. Repeal

SEC. 20. Section 200 of said code is repealed. Repeal

SEC. 21. Section 205 of said code is repealed. Repeal

SEC. 22. Section 210 of said code is repealed. Repeal

SEC. 23. Section 215 of said code is repealed. Repeal

SEC. 24. Section 375 of said code is amended to read:

375. "Lighting equipment" is any of the following lamps or devices: "Lighting equipment"

(a) Any headlamp, auxiliary driving, passing, or fog lamp, rear lamp, stop lamp, license plate lamp, clearance lamp, signal lamp or device, or turn signal pilot indicator lamp mounted on the exterior of the vehicle.

(b) Any dimout or air-raid lamp, fender turning lamp, diffused nonglaring lamp, and flashing red schoolbus lamp.

(c) Any equipment regulating the light emitted from any lamp or device in subdivisions (a) or (b) or the light sources therein.

(d) Reflectors, including red reflectors for use on bicycles and reflectors used for required warning devices.

(e) Any steady burning red warning lamps used on authorized emergency vehicles on and after July 1, 1962.

(f) Any flashing red warning lamps and flashing amber warning lamps used on any vehicle on and after January 1, 1963.

SEC. 25. Section 2416 is added to said code, to read:

Emergency vehicle permits

2416. (a) The Commissioner of the California Highway Patrol may issue authorized emergency vehicle permits only for the following vehicles, and subject to the conditions set forth in this section:

(1) Any vehicle maintained in whole or in part by the State, a county or a city and privately owned and operated by a constable, deputy constable, or person who is a member of, and who receives salary from, and is regularly employed by, a police department or sheriff's department, provided the State, county or city does not furnish to such person a publicly owned authorized emergency vehicle.

(2) An emergency repair vehicle of a utility or public utility

(3) Firefighting equipment designed and operated exclusively as such.

(4) Ambulances designed and operated exclusively as such.

(5) Any vehicle operated by the chief or assistant chief of a fire department organized as provided in the Health and Safety Code

(6) Any vehicle of an air pollution control district used to enforce provisions of law relating to air pollution from motor vehicles

(7) Any vehicle operated by the chief of any fire department established on any base of the armed forces of the United States

(b) The commissioner may issue an authorized emergency vehicle permit for a vehicle only upon a finding that the vehicle is used in responding to emergency calls for fire or law enforcement service or for the immediate preservation of life or property or for the apprehension of law violators.

SEC. 26. Section 2416 of said code is amended and renumbered to read:

Suspension, etc., of permits

2417. (a) The commissioner may suspend or revoke any permit issued for an authorized emergency vehicle under the following conditions:

(1) The vehicle is operated in violation of any of the provisions of this code.

(2) The vehicle is operated in violation of the rules and regulations relating to authorized emergency vehicles as promulgated by the commissioner.

(3) The vehicle is not equipped as required by this code.

(b) The operator of any authorized emergency vehicle whose permit has been suspended or revoked shall be entitled, upon request, to a hearing in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 27. Section 21053 of said code is amended to read:

Exceptions

21053. The provisions of this code, except Sections 25268 and 25269, do not apply to public employees and publicly owned teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway, or work

of installation, removal, repairing, or maintaining official traffic control devices. The provisions of this code do apply to such persons and vehicles when traveling to or from such work.

SEC. 28. Section 21807 is added to said code, to read:

21807. The provisions of Section 21806 shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons and property. Safe driving

SEC. 29. Section 25251 of said code is amended to read:

25251. Flashing lights are permitted on motor vehicles as follows: Flashing lights permitted

(a) To indicate an intention to turn or move to the right or left upon a roadway, approved turn signal lamps and approved turn signal pilot indicator lamps may be flashed on the side of a vehicle toward which the turn or movement is to be made.

(b) As warning lights on disabled vehicles as permitted in Section 25300 or on other vehicles which are disabled upon the roadway, four or more approved turn signal lamps may be flashed, at least two of which must be toward the front and at least two toward the rear of the vehicle.

(c) For use on authorized emergency vehicles.

SEC. 30. Section 25252 of said code is amended to read:

25252. Every authorized emergency vehicle shall be equipped with at least one steady burning red warning lamp visible from at least 500 feet to the front of the vehicle to be used as provided in this code. Red warning lamp

In addition, authorized emergency vehicles may display revolving, flashing, or steady red warning lights to the front, sides or rear of the vehicles.

SEC. 31. Section 25253 of said code is amended to read:

25253. Tow cars used to tow disabled vehicles shall be equipped with flashing amber warning lamps which shall be displayed as may be deemed advisable to warn approaching drivers during the period of preparation at the location from which a disabled vehicle is to be towed. A flashing amber warning lamp upon a tow car may be displayed to the rear when such tow car is towing a vehicle and moving at a speed slower than the normal flow of traffic. Tow cars

SEC. 32. Section 25254 of said code is repealed. Repeal

SEC. 33. Section 25255 of said code is repealed. Repeal

SEC. 34. Section 25256 of said code is amended to read:

25256. Vehicles used by highway authorities or bridge and highway districts in highway maintenance, inspection, survey or construction work may display flashing amber warning lights to the front, sides or rear when such vehicles are parked or working on the highway. Highway maintenance, etc., vehicles

SEC 35. Section 25259 of said code is amended to read:

25259. Any authorized emergency vehicle may display flashing amber warning lights to the front, sides or rear and a vehicle operated by a police or traffic officer while in the actual performance of his duties as such officer may also dis- Amber warning lights

play to the rear of the vehicle a light of distinctive color, which color has been approved by the department.

SEC. 36. Section 25260 of said code is amended to read:

Public utility vehicles

25260. Public utility vehicles actually engaged in the construction, removal, maintenance or inspection of utility facilities may display flashing amber warning lights to the front, sides or rear when necessarily parked other than adjacent to the curb in a highway or when moving at a speed slower than than the normal flow of traffic.

Repeal

SEC. 37. Section 25261 of said code is repealed.

SEC. 38. Section 25263 of said code is amended to read:

Trucks towing houses, etc

25263. Trucks actually engaged in the towing of houses or buildings upon any highway may display flashing amber warning lights to the front, sides or rear on the vehicle or load.

Repeal

SEC. 39. Section 25264 of said code is repealed.

SEC. 40. Section 25264 is added to said code, to read:

Coroner's vehicles

25264. Any motor vehicle operated by a coroner, or by a deputy coroner, and which is at the scene of any violent highway death, may display flashing amber warning lights to the front or rear.

SEC. 41. Section 25265 of said code is amended to read:

Sanitary district, etc., repair vehicles

25265. Repair vehicles of sanitary districts or county sanitation districts necessarily parked other than adjacent to the curb in a highway for purposes of repairing district facilities, may display flashing amber warning lights to the front, sides or rear, but these lights shall not be lighted when the vehicle is in motion.

SEC. 42. Section 25266 of said code is amended to read:

State-owned vehicles: Levee work

25266. Vehicles owned by the State and operated by officers or employees of the State who are actually engaged in levee maintenance, patrol, or inspection, or in stream measurement work, may display flashing amber warning lights to front and rear when parked on the traveled roadway so as to partially obstruct the free flow of traffic, or when moving at a speed slower than the normal flow of traffic.

SEC. 43. Section 25267 is added to said code, to read:

Mosquito abatement district vehicles

25267. Vehicles used by mosquito abatement districts or pest abatement districts when dispersing insecticides may display flashing amber warning lights to the front or rear while the vehicles are parked or working on the highway.

SEC. 44. Section 25268 is added to said code, to read:

Amber lights

25268. No person shall display a flashing amber warning light on a vehicle as permitted by this code except when an unusual traffic hazard exists.

SEC. 45. Section 25269 is added to said code, to read:

Red lights

25269. No person shall display a flashing or steady burning red warning light on a vehicle except as permitted by Section 21055 or when an extreme hazard exists.

SEC. 46. Section 25270 is added to said code, to read:

Pilot cars

25270. Any pilot car required by the permit referred to in Section 35780 may display flashing amber warning lights to

the front, sides or rear while actually engaged in the movement described in the permit.

SEC. 47. Section 25271 is added to said code, to read:

Prevention of cruelty to animal corporation vehicles

25271. Any publicly owned vehicle or any vehicle operated by a corporation incorporated under Part 4 (commencing with Section 10400) of Division 2 of Title 1 of the Corporations Code for the purpose of the prevention of cruelty to animals, when used for removing dead animals, injured animals, or loose livestock, may, display flashing amber warning lights to the front or rear when necessarily parked on the roadway or when moving at a speed slower than the normal flow of traffic.

SEC. 48. Section 25272 is added to said code, to read:

Rural mail carrier vehicles

25272. A motor vehicle used by a rural mail carrier may display flashing amber warning lights to the front and rear of the vehicle while the vehicle is necessarily stopped or stopping upon a roadway for the delivery of United States mail.

SEC. 49. Section 25301 of said code is amended to read:

Parked public utility vehicles

25301. When utility or public utility vehicles are parked, stopped or standing at the site of work as described in Section 22512, warning devices shall be displayed as follows:

(a) During daylight warning devices shall consist of either:

A warning flag or barricade striping on the front and rear of the vehicle.

A warning flag, sign, or barrier on the highway not more than 50 feet in advance of the vehicle and not more than 50 feet to the rear thereof, except that in zones where the speed limit is in excess of 25 miles per hour the 50-foot distance may be increased up to 500 feet from the vehicle as circumstances may warrant.

(b) During darkness the warning devices shall consist of either:

One or more flashing amber warning lights on the vehicle giving warning to approaching traffic from each direction.

A warning light, flare, fusee, or reflector on the highway not more than 50 feet in advance of the vehicle and not more than 50 feet to the rear thereof, except that in zones where the speed limit is in excess of 25 miles per hour the 50-foot distance may be increased up to 500 feet from the vehicle where circumstances may warrant.

(c) The provisions of subdivision (a) or (b) do not prevent the display of both types of the warning devices during daylight or darkness.

(d) During either daylight or darkness, no warning device is necessary if the vehicle is equipped with the flashing warning lights visible to approaching traffic from each direction as provided in subdivision (b).

SEC. 50. Section 27002 of said code is amended to read:

Sirens

27002. No vehicle shall be equipped with, nor shall any person use upon a vehicle any siren, except that an authorized emergency vehicle shall be equipped with a siren of a type approved by the department.

Emergency fire calls

SEC. 51. Section 35002 of said code is amended to read:

35002. The provisions of this division are inapplicable in the case of any authorized emergency vehicle owned by a governmental agency while being operated or used in responding to and returning from emergency fire calls and in combating and suppressing fire. Any governmental agency operating such an emergency vehicle shall be liable to the governmental agency having custody of any state or county highway for any damage to the highway or any highway structure caused by the operation of any emergency vehicle of a size or weight of vehicle or load exceeding that specified in this division. The cost of repair of the damage shall be a proper charge against the support fund of the governmental agency operating an oversize or overweight vehicle.

Repeal

SEC. 52. Section 25756 of the Business and Professions Code is repealed.

Operative date

SEC. 53. This act shall become operative January 1, 1962 except that vehicles authorized by this act to use steady burning red warning lamps, flashing red warning lamps or flashing amber warning lamps, may continue to use any red or amber warning lamp lawfully in use upon such vehicles immediately prior to the operative date of this enactment until three months subsequent to the certification of approval by the Department of the California Highway Patrol of steady burning red warning lamps, flashing red warning lamps and flashing amber warning lamps.

CHAPTER 654

An act to add Section 1116.1 to the Agricultural Code, relating to chicken poultry meat.

In effect September 15, 1961

[Approved by Governor June 2, 1961. Filed with Secretary of State June 2, 1961.]

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

SECTION 1. Section 1116.1 is added to the Agricultural Code, to read:

1116.1. (a) Notwithstanding the provisions of subdivisions (a) and (b) of Section 1116, it shall be unlawful to sell or to offer for sale in this State any whole carcass of chicken poultry meat unless such carcass, or the immediate package or other container in which it is offered for sale or sold, is plainly, legibly and conspicuously labeled, stamped, tagged or branded to show the name and address of the poultry plant where the chicken was slaughtered or the name of the state in which the chicken was grown or raised.

(b) Chicken poultry meat sold to institutions, to restaurants, or to processors for processing, may bear the label required in subdivision (a) of this section on each shipping container in lieu of individual carcass labeling.

CHAPTER 655

An act to add Section 1185 to, and to add Article 1.5 (commencing with Section 1186) to Chapter 1 of Division 6 of the Military and Veterans Code, relating to veterans' memorial districts.

[Approved by Governor June 2, 1961. Filed with Secretary of State June 2, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1185 is added to the Military and Veterans Code, to read:

New districts

1185. A district may be formed in the manner prescribed by this article which is within an existing memorial district, if, in addition to the petition required by Section 1173, there is filed with the county clerk a verified copy of a resolution by the board of the existing district consenting to the formation of the new district.

SEC. 2. Article 1.5 (commencing with Section 1186) is added to Chapter 1, Division 6, of said code, to read:

Article 1.5. Withdrawal

Withdrawal from an old district

1186. Whenever a district is formed within an existing memorial district, the portion of the original district which is included within the newly formed district may be withdrawn from the original district within six months after the effective date of the formation of the new district. The withdrawal shall be effective upon the filing with the board of supervisors, the county clerk, and the county assessor, of copies of a resolution of the board of directors of the newly formed district, describing the included portion, and declaring such portion withdrawn from the original district.

If the portion of the original district included within a newly formed district is not withdrawn within six months, it may later be withdrawn only if a majority of the voters in the area to be withdrawn vote in favor of such withdrawal.

Distribution of assets By agreement

1187. Upon the withdrawal of any territory of a district pursuant to Section 1186, the two districts shall have six months from the effective date of the withdrawal in which, after giving consideration to all factors involved, including population, assessed valuation, the length of time the portion being withdrawn has paid taxes and such other matters as should be considered in arriving at an equitable distribution, they may establish a mutually agreeable basis for the distribution of the assets of the original district between the two districts. If, within the six-month period a mutually agreeable basis is reached, the property and assets shall be distributed between the two districts upon such basis.

If no mutually agreeable basis is reached within the six-month period, all of the property and unencumbered assets

of the original district shall be divided between the two districts in proportion to the average assessed value of the real property within the area withdrawn to the average assessed value of the real property within the entire original district during the five-year period prior to the effective date of the withdrawal, as determined from the equalized assessment roll for such period.

Real property subject to bond taxation

1183. Real property in territory withdrawn from a district shall continue to be subject to the tax, levied as provided in Section 1218, to pay the principal of and interest on bonds issued for the account of the district and outstanding at the time of such withdrawal or detachment.

Assumption of liability

1189. When land, upon which there are structural improvements owned, being acquired or leased by a district, is withdrawn from the district pursuant to Section 1186, the newly formed district shall, if it succeeds to the rights of the original district in such structural improvements, as a part of the division of property provided for in Section 1187, assume the outstanding liability of the district in connection with the acquisition or leasing of such improvements.

CHAPTER 656

An act to amend Section 8857 of the Education Code, relating to instructional television, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 2, 1961. Filed with Secretary of State June 2, 1961.]

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

SECTION 1. Section 8857 of the Education Code is amended to read:

8857. The governing board of any school district or the county superintendent of schools acting with its permission and on behalf of such a board, or boards, may enter into contracts, either alone or in co-operation with other school districts, for the purpose of participating in or the procuring of television broadcasts for use in the educational program of the schools.

The governing board of any school district or the county superintendent of schools, either alone or in co-operation with other school districts or other county superintendents of schools, may purchase broadcast time over, and may own, lease, and operate, television transmitting facilities for use in providing instructional services, teachers' inservice educational services, which the governing board or the county superintendent of schools is otherwise authorized to provide, and may provide necessary services in connection therewith. The governing board of a school district or the county superintendent of schools which is the owner or lessee of television transmitting

facilities may sell broadcast time, on a reimbursement basis, to any other school districts or county superintendent of schools for instructional services and teachers' inservice educational services upon such terms as are mutually agreed upon.

The governing board of a school district and a county superintendent of schools may accept grants-in-aid from any public or private source in carrying out the purposes of this section.

Urgency

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

Before a public education agency may provide instructional or teachers' inservice educational television services it is necessary that many time consuming processes are completed, including arrangements for the acquisition of the television transmitting facility, and agreements and approvals with the federal government. In view of the unsettled condition of world affairs, it is essential that every possible effort be made to improve the efficiency and quality of education of the youth of this country and to prepare them in the many technical fields in which instructional or teachers' inservice educational television has been proven to be a substantial teaching aid. In order for public education agencies to provide instructional or teachers' inservice educational television services by the ensuing school year, it is necessary that this act take effect immediately.

CHAPTER 657

An act to repeal Section 956 of the Civil Code, and to repeal Section 574 and to amend Sections 573 and 707 of the Probate Code, and to amend Sections 376 and 377 of the Code of Civil Procedure, and to repeal Section 17157 of the Vehicle Code, relating to the survival of causes of action after death.

[Approved by Governor June 2, 1961. Filed with Secretary of State June 2, 1961.]

In effect September 15, 1961

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

Repeal

SECTION 1. Section 956 of the Civil Code is repealed.

SEC. 2. Section 573 of the Probate Code is amended to read:

Surviving cause of action

573. Except as provided in this section no cause of action shall be lost by reason of the death of any person but may be maintained by or against his executor or administrator.

In an action brought under this section against an executor or administrator all damages may be awarded which might have been recovered against the decedent had he lived except damages awardable under Section 3294 of the Civil Code or other damages imposed primarily for the sake of example and by way of punishing the defendant.

When a person having a cause of action dies before judgment, the damages recoverable by his executor or administrator are limited to such loss or damage as the decedent sustained or incurred prior to his death, including any penalties or punitive or exemplary damages that the decedent would have been entitled to recover had he lived, and shall not include damages for pain, suffering or disfigurement.

This section is applicable where a loss or damage occurs simultaneously with or after the death of a person who would have been liable therefor if his death had not preceded or occurred simultaneously with the loss or damage.

Nothing in this section shall be construed as making assignable things in action which are of such a nature as not to have been assignable prior to the enactment of the 1961 amendment to this section.

Repeal

SEC. 3 Section 574 of the Probate Code is repealed.

SEC. 4 Section 376 of the Code of Civil Procedure is amended to read:

Action by parents for minor, etc., child

376. The parents of a legitimate unmarried minor child, acting jointly, may maintain an action for injury to such child caused by the wrongful act or neglect of another. If either parent shall fail on demand to join as plaintiff in such action or is dead or cannot be found, then the other parent may maintain such action and the parent, if living, who does not join as plaintiff must be joined as a defendant and, before trial or hearing of any question of fact, must be served with summons either personally or by sending a copy of the summons and complaint by registered mail with proper postage prepaid addressed to such parent's last known address with request for a return receipt. If service is made by registered mail the production of a return receipt purporting to be signed by the addressee shall create a disputable presumption that such summons and complaint have been duly served. In the absence of personal service or service by registered mail, as above provided, service may be made as provided in Sections 412 and 413 of this code. The respective rights of the parents to any award shall be determined by the court.

A mother may maintain an action for such an injury to her illegitimate unmarried minor child. A guardian may maintain an action for such an injury to his ward.

Any such action may be maintained against the person causing the injury. If any other person is responsible for any such wrongful act or neglect the action may also be maintained against such other person The death of the child or ward shall not abate the parents' or guardian's cause of action for his injury as to damages accruing before his death.

In every action under this section, such damages may be given as under all of the circumstances of the case may be just; except that in any action maintained after the death of the child or ward or against the executor or administrator of the person causing the injury, the damages recoverable shall be as provided in Section 573 of the Probate Code.

If an action arising out of the same wrongful act or neglect may be maintained pursuant to Section 377 of this code for wrongful death of any such child, the action authorized by this section shall be consolidated therewith for trial on motion of any interested party.

SEC. 5. Section 377 of the Code of Civil Procedure is amended to read:

Wrongful death

377. When the death of a person not being a minor, or when the death of a minor person who leaves surviving him either a husband or wife or child or children or father or mother, is caused by the wrongful act or neglect of another, his heirs or personal representatives may maintain an action for damages against the person causing the death, or in case of the death of such wrongdoer, against the personal representative of such wrongdoer, whether the wrongdoer dies before or after the death of the person injured. If any other person is responsible for any such wrongful act or neglect, the action may also be maintained against such other person, or in case of his death, his personal representatives In every action under this section, such damages may be given as under all the circumstances of the case, may be just, but shall not include damages recoverable under Section 573 of the Probate Code. The respective rights of the heirs in any award shall be determined by the court. Any action brought by the personal representatives of the decedent pursuant to the provisions of Section 573 of the Probate Code may be joined with an action arising out of the same wrongful act or neglect brought pursuant to the provisions of this section If an action be brought pursuant to the provisions of this section and a separate action arising out of the same wrongful act or neglect be brought pursuant to the provisions of Section 573 of the Probate Code, such actions shall be consolidated for trial on the motion of any interested party.

SEC. 6. Section 707 of the Probate Code is amended to read:

Claims against a decedent

707. All claims arising upon contract, whether they are due, not due, or contingent, and all claims for funeral expenses and all claims for damages for injuries to or death of a person or injury to property and all claims against the executor or administrator of any testator or intestate who in his lifetime has wasted, destroyed, taken or carried away or converted to his own use, the property of another person or committed any trespass on the real property of another person, must be filed or presented within the time limited in the notice or as extended by the provisions of Section 702 of this code; and any claim not so filed or presented is barred forever, unless it is made to appear by the affidavit of the claimant to the satisfaction of the court or a judge thereof that the claimant had not received notice, by reason of being out of the State, in which event it may be filed or presented at any time before a decree of distribution is rendered. The clerk must enter in the register every claim filed, giving the name of the claimant, the

amount and character of the claim, the rate of interest, if any, and the date of filing.

Repeal

SEC. 7. Section 17157 of the Vehicle Code is repealed.

Non-retroactive

SEC. 8. This act applies to all causes of action heretofore or hereafter arising but nothing in this act shall be deemed to revive any cause of action that has been lost by reason of the death of any person prior to the effective date of this act.

CHAPTER 658

An act to amend Sections 796.1, 796.2, 796.6, 796.8, 796.9, 828.33, and 829.1 of, to add Section 796.3 to, and to repeal Sections 796.3, 796.4, and 796.5 of, the Agricultural Code, relating to citrus fruit.

In effect September 15, 1961

[Approved by Governor June 2, 1961. Filed with Secretary of State June 2, 1961.]

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

SECTION 1. Section 796.1 of the Agricultural Code is amended to read:

Unlawful citrus fruit mixtures

796.1. It shall be unlawful to mix or blend citrus fruits which fail to conform to the requirements of this chapter with other citrus fruits which conform to such requirements for the purpose of selling, marketing, or transporting the fruit which has thus failed to conform to the requirements of this chapter.

Any citrus fruit which has been in storage or after being shipped fails to meet the requirements of the standards for citrus fruits established in this chapter only by reason of brown rot, blue mold, or green mold which has occurred after being packed, or placed loose in a container shall not be held for violation of the provisions of this chapter on account of such deterioration.

All containers of packed citrus fruits holding more than 25 pounds shall bear upon them in plain sight and in plainly legible letters on one outside end: the name of the packer thereof together with a sufficiently explicit address to permit ready location of such packer; in the case of oranges (except tangerines and mandarins), grapefruit, and lemons the number and average diameter of the citrus fruit in the container; in the case of oranges and grapefruit the name of the variety, if known, and when not known, the words "unknown variety" or "seedlings"; provided, however, that in the case of citrus fruit imported from another state the average diameter of the fruit in the container need not be shown and in the case of containers intended for shipment directly from the State of California to the State of Baja California, Republic of Mexico, the marking requirements of this section need not be shown.

SEC. 2. Section 796.2 of said code is amended to read:

796.2. All oranges (except tangerines and mandarins), or lemons intended for shipment out of the State of California, before being so shipped, shall be packed in closed standard containers number 58, and shall be uniform in size. All grapefruit intended for shipment out of the State of California, before being so shipped, shall be packed in closed standard container number 59 and shall be uniform in size. All oranges (except tangerines and mandarins), or lemons offered for distribution or sale within the State of California, before being so offered, shall be packed in closed standard container number 58 or 60 and shall be uniform in size. All grapefruit offered for distribution or sale within the State of California, before being so offered, shall be packed in closed standard container number 59 or 61 and shall be uniform in size. Packing for out-of-state shipment

The provisions of this section shall not apply to (1) the sale, marketing or transportation for sale or marketing of oranges, grapefruit or lemons for charitable purposes, unemployment relief or for use by the United States government or its agencies for relief distribution, or (2) the sale, marketing or transportation for sale or marketing of oranges, grapefruit or lemons in closed containers intended for sale to the consumer in their unbroken form and the net contents of which do not exceed 25 pounds, or (3) the sale, marketing, or transportation for sale or marketing of oranges, grapefruit or lemons not in standard containers when transported directly from the State of California to the State of Baja California, Republic of Mexico, or (4) to oranges, grapefruit or lemons in a retail establishment in possession of a retailer for the purpose of resale directly to consumers; nor to oranges, grapefruit or lemons sold by a grower or packer regularly engaged in the growing or packing of these fruits directly to consumers on the premises where produced or packed or at a retail stand operated by such grower or packer near the point of production, which in no case shall be outside of the county in which the fruit was produced. As used in this section, "consumer" means a person who buys oranges, grapefruit or lemons for use as a food and not for resale. Exceptions

Packed citrus fruit imported into this State from another state need not be packed in standard containers as specified in this code for such fruit if it is packed in containers conforming to the applicable laws or regulations of the state of origin or of the United States.

SEC. 3. Section 796.3 of said code is repealed. Repeal

SEC. 3.5. Section 796.3 is added to said code, to read:

796.3. (a) The marking requirements of Section 796.1 and the packing requirements of Section 796.2 shall not apply to citrus fruits being transported within the State in containers holding more than 500 pounds when being so transported to a repackaging plant within the State for further packing; provided the packer has made application to and a permit has been issued by an enforcing officer. Such permit shall be issued in Shipment to repackaging plant

writing in a form provided by the director and shall be valid for one year from the date of issuance, unless revoked or suspended. The permit shall bear a permit number and show the name of the packer together with a sufficiently explicit address to permit ready location of such packer. A manifest or other shipping document shall accompany each load sold, transported or received pursuant to this section, shall be plainly and conspicuously marked with the permit number issued to the packer, and shall show the name of the person operating a repackaging plant to whom the load is being transported together with a sufficiently explicit address of the repackaging plant to which the load is destined to permit ready location of such person and such repackaging plant. It is unlawful to ship, transport or receive citrus fruits pursuant to this section unless the permit number issued hereunder appears on the manifest or other shipping document.

Repackaging plant

(b) For purposes of this section, (1) a repackaging plant is defined as any location that has commercial equipment normally used for packaging citrus fruits in consumer-size packages and (2) consumer-size packages are defined as those which when full, contain 25 pounds or less of fruit.

Affidavits of compliance, etc.

(c) A permittee shall upon request of any enforcing officer furnish such affidavits, receipts and other evidence as the enforcing officer reasonably may require as proof that the citrus fruits have been disposed of in accordance with the provisions of this chapter and the terms of the permit.

Refusal of permit

Any enforcing officer may refuse to issue a permit hereunder or may revoke or suspend any permit if the permittee or applicant for permit has previously violated any of the provisions of this section or the terms of any permit issued hereunder, or has failed or refused to furnish the evidence required by the enforcing officer as hereinabove provided. Any order of the enforcing officer refusing to issue a permit or suspending or revoking the same shall be in writing.

Appeal, hearing

Any person may appeal to the director, within 10 days, for a hearing upon a written order of the enforcing officer refusing to issue a permit, or suspending or revoking the same. The proceedings for such hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500), of Part 1 of Division 3 of Title 2 of the Government Code, except that the provisions of Sections 11505 and 11506 thereof shall not apply, and the statement of issues or accusation, as the case may be, shall be delivered or mailed to the parties as provided in Section 11509 of said code.

Nothing herein contained shall be construed to allow a permittee or applicant to operate pending the disposition of his application or petition. Nothing herein contained shall be construed to prevent the enforcing officer from suspending or revoking a permit forthwith, and without notice or hearing; provided, however, that such peremptory action must be supported by previous investigation, the results of which reasonably indicate to said enforcing officer that to allow an existing permit

to remain in use pending a hearing would encourage, allow or permit additional or other violations of the provisions of this section.

Repeal

SEC. 4. Section 796.4 of said code is repealed.

Repeal

SEC. 5. Section 796.5 of said code is repealed.

SEC. 6. Section 796.6 of said code is amended to read:

Oranges, grapefruit and lemons

796.6. The count of oranges, grapefruit and lemons when packed in standard container number 58, 59, 60, or 61 and the number marked on the container as required in Section 796.1 shall be one of the numbers tabulated in Column A, below, for oranges or for grapefruit or for lemons and the average diameter marked on the containers shall be the corresponding measurement tabulated in Column B, below:

Average diameter

The average diameter in inches of the oranges, grapefruit or lemons in the container, as determined by inspection of a representative sample, shall be not less than the corresponding measurement tabulated in Column B for each such fruit.

Oranges

Column A Count	Column B Av. dia.
24	4.370
32	3.970
36	3.820
40	3.680
48	3.470
56	3.300
72	3.040
88	2.840
113	2.600
138	2.420
163	2.290
180	2.220
210	2.070
245	1.980
270	1.920

Grapefruit

Column A Count	Column B Av. dia.
9	6.200
12	5.640
14	5.350
16	5.120
18	4.920
23	4.540
27	4.270
32	4.030
36	3.880
40	3.740
48	3.530
64	3.170
80	2.900
88	2.840

Lemons

Column A Count	Column B Av. dia.
63	2.925
75	2.775
95	2.570
115	2.410
140	2.240
165	2.130
195	2.010
235	1.880
285	1.770
319	1.685
343	1.640

Oranges, grapefruit and lemons when in standard containers number 58, 59, 60, or 61 shall be packed in the container so compactly that they will not readily move in the container; the container must be level full of fruit; and the count of fruit in each container must be not less than the count marked with a permissible count in excess not exceeding 8 percent.

SEC. 7. Section 796.8 of said code is amended to read:

Determinations of compliance

796.8. The compliance or noncompliance with the provisions of Sections 796 2 and 796 6 of this chapter, may be determined from a representative sample which shall consist of not less than 10 percent, by count, of the oranges, grapefruit or lemons in a container.

SEC. 8. Section 796.9 of said code is amended to read:

Definitions

796.9. As applied to citrus fruits:

(a) "Diameter" means the diameter measurement taken at the widest portion of cross section, at a right angle to a straight line drawn from the stem end to the distal end thereof.

(b) "Packed" means a compact arrangement in the container either with or without straight rows or layers.

(c) "Uniform in size" means that none of the fruit in any one container may be more than 15 percent larger or smaller in diameter than the average diameter of the fruit in the container.

(d) "Closed" when applied to standard container number 58, 59, 60, or 61 means that the container shall be completely closed by material of a similar quality to the adjoining portion of the box. Nothing in this paragraph applying to standard container number 58, 59, 60, or 61 shall prevent the use of ventilation openings and handhold openings so constructed that they are not large enough for removal of any part of the contents.

SEC. 9. Section 828.83 of said code is amended to read:

828.83. Citrus fruit boxes

Citrus fruit boxes

		Depth	Width	Length
58	Standard orange or lemon box	$10\frac{1}{4}$	$10\frac{11}{16}$	$16\frac{3}{8}$
59	Standard grapefruit box	$9\frac{3}{4}$	$10\frac{11}{16}$	$16\frac{3}{8}$
60	Standard California orange or lemon box	$10\frac{1}{8}$	$10\frac{1}{2}$	$16\frac{7}{8}$
61	Standard California grapefruit box	$9\frac{5}{8}$	$10\frac{1}{2}$	$16\frac{7}{8}$

Standard container numbers 60 and 61 shall bear upon them in plain sight and in plainly legible letters at least one inch in height on one outside end and on the bottom of the container the words "California Container."

To allow for reasonable variations in the size of container numbers 58, 59, 60 and 61 by reason of manufacturing variations, atmospheric conditions and other factors affecting the size of such containers, a variation of plus or minus one-eighth of an inch in each of the dimensions of height, width, or length shall be permitted. Notwithstanding this tolerance the net cubical contents of container numbers 58 and 60 shall not be less than 1,750 cubic inches and the net cubical contents of container numbers 59 and 61 shall not be less than 1,665 cubic inches.

SEC. 10. Section 829.1 of said code is amended to read:

829.1. 1. Fresh apricots, numbers 1, 5, 6, 7, 8, 9, 22A, 22B, 24 or 27. Apricots

2. Strawberries, numbers 3A or 3C. Strawberries

3. Red and black cap raspberries, blackberries, dewberries and loganberries, numbers 3A or 3B. Other berries

4. Cherries, numbers 4, 10, 11, 12, 12A, 22C, 25 or 27. Cherries

5. Oranges, numbers 58 and 60; grapefruit, numbers 59 and 61; lemons, numbers 58 and 60, as provided in Section 828.83. Citrus fruit

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CHAPTER 659

An act to amend Sections 6903 and 8952 of the Education Code, relating to education of mentally retarded minors.

[Approved by Governor June 2, 1961. Filed with Secretary of State June 2, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 6903 of the Education Code is amended to read:

6903. The education of mentally retarded minors who do not come within the provisions of Section 6902, who are five or more, and less than 21 years of age, and who may be expected to benefit from special educational facilities designed

Education of mentally retarded minors

to educate and train them to further their individual acceptance, social adjustment, and economic usefulness in their homes and within a sheltered environment, may be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 8951 to 8956, inclusive.

Each school district maintaining special training schools or classes for such mentally retarded minors may limit the number of minors to be admitted to such schools or classes.

Any such minor who becomes 21 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time such school or class is maintained during the then current school year.

From the effective date of the 1957 amendment to this section, until the end of the 1963-1964 school year, this section shall also apply to the education of mentally retarded minors who are five or more, and less than 21 years of age, and who meet the other requirements of this section.

SEC. 2. Section 8952 of said code is amended to read:

Limitation of admissions

8952. Each county superintendent of schools maintaining special training schools or classes for mentally retarded minors pursuant to subdivision (c) of Section 8951 may limit the number of minors to be admitted to such schools or classes. Any minor who becomes 21 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time the school or class is maintained during the then current school year.

CHAPTER 660

An act to amend Section 8151 of the Fish and Game Code, relating to sardines.

In effect September 15, 1961

[Approved by Governor June 2, 1961. Filed with Secretary of State June 2, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 8151 of the Fish and Game Code is amended to read:

8151. Sardines for use in a reduction plant, or by a packer, may be taken only in accordance with this article, and at the following times in the following places:

(a) In Districts 4, 4½ and those portions of Districts 3½ and 18 lying south of a line running east and west through Point Arguello, 19, 20A and 21, between September 1st and March 1st, inclusive.

(b) In District 19A between October 1st and March 1st.

(c) Elsewhere in the State, except in District 20 where they may not be so taken, between August 1st and March 1st.

The amendment to this section made by the Legislature at the 1961 Regular Session shall remain in effect until October 1, 1963, and thereafter shall be of no force or effect.

CHAPTER 661

An act to amend Sections 14154 and 14155 of the Education Code, relating to contributions to the teachers' retirement system.

[Approved by Governor June 2, 1961. Filed with Secretary of State June 2, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 14154 of the Education Code is amended to read:

14154. The Retirement Board shall withhold for one year payment of contributions upon termination of employment, if the person to whom the contributions are payable previously had been paid contributions and had again become a member within one year after the termination of the prior employment in a status requisite for membership.

Withholding payment

SEC. 2. Section 14155 of said code is amended to read:

14155. If a person whose contributions have been returned re-enters the system he may elect to redeposit the contributions returned to him after he has rendered two years of creditable service subsequent to his re-entry. Such redeposit shall include interest at the rates currently being used from time to time to credit interest on contributions to the Retirement Annuity Fund. For time prior to July 1, 1944, the interest shall be at 2½ percent compounded annually. Redeposit may be made in installments in accordance with such rules and regulations as may be established by the retirement board.

Re-entry into the system

The election to redeposit withdrawn contributions as provided by this section shall be extended to all persons who withdrew contributions prior to October 1, 1961, and who have not redeposited prior to that date, provided that an election to redeposit such contributions was not available at the time of re-entry to membership.

Upon re-entry to membership the person's rate of contributions shall be the rate applicable to his age on the date of re-entry. If he elects to redeposit contributions, as provided in this section, his rate of contributions on service rendered subsequent to the first of the month following the date such election is received in the retirement office shall be the rate applicable to the age attained by deducting the period from the date of refund to the date of re-entry from the exact age attained at the time of re-entry.

If the member dies after he has rendered six months of service subsequent to his re-entry to membership, and before making an election with respect to the redeposit of the refunded contributions, the service upon which such contributions were based and the service rendered after his re-entry shall be included in the determination of the benefits payable under Sections 14251 and 14256.

Death after re-entry

CHAPTER 662

An act to amend Sections 799 and 802 of the Agricultural Code, relating to grape standards and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 2, 1961. Filed with Secretary of State June 2, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 799 of the Agricultural Code is amended to read:

Standards for grapes

799. There are two standards for grapes. All grapes of the varieties in Group A shall be considered table grapes and all other varieties juice grapes. Grapes of all varieties must at least meet the standard for juice grapes. The following varieties of grapes and other similar varieties are in Group A.

Group A

GROUP A

(White)

Almeria
Aspiran Blanc
Bicane
Chasselas de Fontainebleau
Chasselas Napoleon
Cornichon Blanc
Crystal
Dattier de Beyrouth
Delight
Dizmar
Golden Queen
Italia (Italian Muscat)
Khalili
Khandahar
Ladyfinger
Malaga
Ohanez
Olivette Blanche
Olivette de Vendemain
Perlette
Persian 23
Pizzutello di Roma
Rish Baba
Rosaki
Thompson Seedless

(Red)

Angelino
Cardinal
Catawba
Flame Tokay
Hunisa
Chasselas Rose
Emperor
Red Malaga
Rose de Falloux
Maraville de Malaga
Molinera Gorda
Pink Thompson Seedless
Piment
Queen
Sultanina Rose
Tokay
Zabalkanski
Zabalkanskoi

(Black)

Black Corinth	Isabella Regia
Black Ferrara	Black Monukka
Black Hamburg	Black Morocco
Blackrose	Muscat Albardiens
Black Zante	Black Prince
Bleu Grau	Muscat Hamburg
California Concord	Olivette Noir
Concord	Panariti
Corinthe Noir	Pierce
Corinchon	Pierce Isabella
Danugue	Pizzutello Nero
Drodelabi	Prune de Cazouls
Exotic	Purple Damascus
Frankenthal	Rose of Peru
Fresno Beauty	Ribier
Gros Colman	Servian Blue
Gros Guillaume	Snow's Muscat Hamburg
Isabella	Zante Currant

SEC. 2. Section 802 of said code is amended to read:

802. As applied to grapes: Definitions

(a) "Mature" means that each bunch of the varieties classified above in Group A shall test not less than 17 percent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, in view of differences in climatic conditions prevailing north and west of San Gorgonio Pass, which results in the Thompson Seedless and Malaga varieties of grapes grown in that area having, at maturity, a higher percentage of soluble solids than mature grapes of these varieties grown in the area south and east of San Gorgonio Pass, Thompson Seedless and Malaga grapes produced in the area north and west of San Gorgonio Pass shall so test not less than 18 percent, except that Thompson Seedless grapes produced in the area north and west of San Gorgonio Pass shall be considered mature if they so test not less than 17 percent and if the juice contains soluble solids equal to or in excess of 25 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization); however, the varieties Emperor, Gros Colman, Bleu Grau, Drodelabi, Fresno Beauty, Servian Blue, Pierce Isabella, Pierce, Isabella Regia, California Concord, Concord, Dattier de Beyrouth, Red Malaga, Khalili, Persian 23, Dizmar, Ribier, Delight, Perlette and Queen shall so test not less than 16 percent and the varieties Olivette Blanche, Ladyfinger, Rish Baba, and Khandahar shall so test not less than 15 percent; however, the Blackrose, Cardinal and Exotic varieties shall so test either not less than 16 percent or not less than 15 percent if the juice contains soluble solids equal to or in excess of 25 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization).

Same. Other varieties

"Mature" in the case of all other varieties shall mean that the average or composite test of all the grapes in any container or bulk lot shall be not less than 17 percent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, white varieties of the Muscat type shall test not less than 18 percent and the variety Burger shall test not less than 16 percent.

In the event that the maturity standard fixed for the Thompson Seedless and Malaga varieties of grapes produced in that area northwest of the San Gorgonio Pass should be declared void, it is the intent of the Legislature that the other maturity standards prescribed in this section shall prevail.

Any varieties included in Group A may be placed in the standard for juice grapes and other varieties may be placed in the standard established for table grapes, but regardless of standard, the maturity of varieties included in Group A shall be determined by testing the juice from entire bunches representative of the least mature grapes in any container and constituting not less than 10 percent by weight of the contents of the container. The maturity of all varieties not included in Group A shall be determined by testing the juice from a composite sample representative of the average of the grapes in any container or bulk lot. The standards provided by this section are minimum standards, and the tolerances allowed by Sections 800 and 801 shall not be applied to any test made in accordance with this section for the purpose of determining whether any lot of grapes complies with the maturity standard for the variety; however, no lot of grapes of the varieties classified in Group A shall be considered as failing to meet the maturity requirements of this section because the sample of grapes from one container fails to meet the required test.

(b) "Waterberry" means a disease characterized by a watery, soft or flabby condition of the berries. Such affected berries are low in sugar content, have tender skins and are very easily crushed.

(c) "Redberry" means a condition closely resembling waterberry generally found in black varieties. Such grapes show a red or brownish-red color in addition to the general characteristics of waterberry.

(d) "Raisined berries" means grape berries which are fully cured, resembling raisins, which do not contain sufficient juice to drop from the berry under ordinary pressure between thumb and finger.

(e) "Sunburned or dried berries" means grapes which show complete drying out, from any cause, of part or all of any individual berries

(f) "Severe freezing injury" means damage affecting the pulp of the berries.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

That in order to properly produce and market Exotic grapes during the current season and to avoid waste of this product this act must take effect immediately.

CHAPTER 663

An act to amend Section 9953, 9954 and 9957 of, and to add Sections 9361, 9554, 9555, 10011 and 10012 to, the Education Code, relating to school textbooks, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 2, 1961. Filed with Secretary of State June 2, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 9361 is added to the Education Code, to read:

Contracts for the purchase of textbooks, etc.

9361. Contracts for the purchase of textbooks or teachers' manuals entered into by the State Board of Education pursuant to Section 9355 shall, among other things, provide each of the following:

(a) That the textbook or teachers' manual shall be sold at a price at the state warehouse in Sacramento which, including all costs of transportation to that place, shall not exceed the lowest price at which the seller offers the textbook or teachers' manual for sale to any state or school district in the United States.

(b) That, if at any time during the term of said contract the textbook or teachers' manual should be sold at a lesser price to any state or school district in the United States under an agreement entered into or amended as to price after the date of said contract, said lesser price shall forthwith become the price at which the textbook or teachers' manual shall be sold in California pursuant to such contract.

(c) That, if at any time during the term of said contract the textbook or teachers' manual shall be offered to any state or school district in the United States under terms and conditions which, when construing the contract as a whole, are more favorable to the purchaser than those applicable under the contract, said terms and conditions shall become applicable at the option of the board to all textbooks or teachers' manuals thereafter furnished pursuant to such contract.

(d) That, upon the willful failure of the seller to comply with the requirements of the contract specified by this section, the seller shall be liable to the State of California in the amount of three times the total sum which the seller was paid in excess of the price required under subdivisions (a) or (b) of this section, and in the amount of three times the total value

to the State of the performance of the terms and conditions to which the State is entitled under subdivision (c) of this section.

SEC. 2. Section 9554 is added to said code, to read:

Supplementary textbooks

9554. Supplementary textbooks adopted pursuant to this article and sold by a publisher for use in a public school within the State shall be sold pursuant to a purchase order upon each copy of which there shall be clearly set forth the obligation of the publisher to comply with each of the following:

(a) That the supplementary textbook shall be sold at a price at the publisher's depository in California which, including all costs of transportation to that place, shall not exceed the lowest price at which the seller offers said supplementary textbook for sale to any state or school district in the United States.

(b) That, if at the time of sale of such supplementary textbook the publisher furnishes teachers' manuals or instructional services in connection with such textbook free of charge to any state or school district in the United States, said teachers' manuals and instructional services shall to the same extent be furnished free of charge to the purchaser of such supplementary textbook in California.

(c) That, upon the willful failure of the seller to comply with the obligations imposed by this section, the seller shall be liable to the State of California in the amount of three times the total sum which the seller was paid in excess of the price required under subdivision (a) of this section, and in the amount of three times the total value of the materials and services which the State is entitled to receive free of charge under subdivision (b) of this section.

Each copy of an invoice covering such supplementary textbooks shall contain the publisher's certification, under penalty of perjury, that the obligations imposed by this section have been met.

As used in this section, "publisher's depository in California" includes any office or depository maintained in accordance with Section 9957 of this code.

SEC. 2.5. Section 9555 is added to said code, to read:

Elementary schools

9555. The provisions of Section 9554 shall apply to the purchase of supplementary textbooks for use in elementary schools under Sections 7203 and 7352 of this code.

SEC. 3. Section 9953 of said code is amended to read:

Bond

9953. The bond shall provide that the publisher will furnish the books offered by him and listed by the State Board of Education to any high school district at a price at the publisher's depository in California which, including all costs of transportation to that place, shall not exceed the lowest price at which the publisher offers said books for sale to any state or school district in the United States.

SEC. 4. Section 9954 of said code is amended to read:

Same

9954. The bond shall also provide that the publisher will reduce the price automatically to purchasers within the State to the extent that reductions are made elsewhere in the United States.

SEC. 4.5. Section 9957 of said code is amended to read:

Same

9957. The bond shall further provide that the publisher will maintain an office and depository in California or arrange with an independently owned and operated depository in California to receive and fill orders for the textbooks.

SEC. 5. Section 10011 is added to said code, to read:

Obligations of publisher

10011. Textbooks adopted pursuant to this article and sold by a publisher for use in a public high school within the State shall be sold pursuant to a purchase order upon each copy of which there shall be clearly set forth the obligation of the publisher to comply with each of the following:

(a) That the textbook shall be sold at a price at the publisher's depository in California which, including all costs of transportation to that place, shall not exceed the lowest price at which the seller offers said textbooks for sale to any state or school district in the United States.

(b) That, if at the time of sale of such textbook the publisher furnishes teachers' manuals or instructional services in connection with such textbook free of charge to any state or school district in the United States, said teachers' manuals and instructional services shall to the same extent be furnished free of charge to the purchaser of such textbook in California.

(c) That, upon the willful failure of the seller to comply with the obligations imposed by this section, the seller shall be liable to the State of California in the amount of three times the total sum which the seller was paid in excess of the price required under subdivision (a) of this section, and in the amount of three times the total value of the materials and services which the State is entitled to receive free of charge under subdivision (b) of this section.

Each copy of an invoice covering such textbook shall contain the publisher's certification, under penalty of perjury, that the obligations imposed by this section have been met.

As used in this section, "publisher's depository in California" includes any office or depository maintained in accordance with Section 9957 of this code.

SEC. 5.5. Section 10012 is added to said code, to read:

High school textbooks

10012. The provisions of Section 10011 shall apply to the purchase of high school textbooks under Sections 7203 and 7352 of this code.

Urgency

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and Sections 1, 2, 2.5, 5 and 5.5 thereof shall go into immediate effect. The facts constituting such necessity are:

The Legislature is presently engaged in investigating prices of textbooks purchased by school districts and by the State

Board of Education. There is reason to believe that the prices set by the manufacturers are much too high, and that even with the changes made by this act, the manufacturers' profits will still be substantial. In order to give the manufacturers sufficient time to submit their revised prices for textbooks for the 1961-1962 school year, it is necessary that Sections 1, 2, 2.5, 5 and 5.5 of this act go into effect immediately.

CHAPTER 664

An act to amend Section 18624 of the Business and Professions Code, relating to boxing and wrestling.

In effect September 15, 1961

[Approved by Governor June 2, 1961. Filed with Secretary of State June 2, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 18624 of the Business and Professions Code is amended to read:

18624. The members of the commission shall elect one of their number chairman and another member vice chairman. The chairman and vice chairman shall be elected at the first meeting of each calendar year or when a vacancy exists The commission shall adopt a seal and make, amend or abrogate rules for the administration of their office, not inconsistent herewith, as they may deem expedient. Such rules shall be reasonably necessary to effectuate the purposes of this chapter and shall be adopted in accordance with the provisions of the Administrative Procedure Act.

CHAPTER 665

An act to amend Section 18674 of the Business and Professions Code, relating to boxing and wrestling.

In effect September 15, 1961

[Approved by Governor June 2, 1961. Filed with Secretary of State June 2, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 18674 of the Business and Professions Code is amended to read:

18674. The commission may license professional boxers, professional wrestlers, and booking agents, managers, trainers, and seconds of each.

No such person shall participate in any boxing contest or sparring or wrestling match or exhibition or serve in the capacity of a booking agent, manager, trainer or second, unless he has been licensed for that purpose by the commission.

For the purpose of this section the term "manager" means any person who does any of the following:

(a) By contract, agreement, or other arrangement with any person undertakes or has undertaken to represent in any way the interest of any professional boxer in procuring or with respect to the arrangement or conduct of, any professional boxing contest in which such boxer is to participate as a contestant; except that the term "manager" shall not be construed to mean any attorney licensed to practice in this State whose participation in such activities is restricted to his representing the interest of a professional boxer as his client.

(b) Directs or controls the professional boxing activities of any professional boxer.

(c) Receives or is entitled to receive more than 10 percent of the gross purse of any professional boxer for any services relating to such boxer's participation in a professional boxing contest.

(d) Is an officer, director or stockholder of any corporation which receives or is entitled to receive more than 10 percent of the gross purse of any professional boxer for any services relating to such boxer's participation in a professional boxing contest.

CHAPTER 666

An act to amend Section 1510 of the Military and Veterans Code, relating to the California State Disaster Council.

[Approved by Governor June 2, 1961 Filed with Secretary of State June 3, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1510 of the Military and Veterans Code is amended to read:

1510. There is hereby created a California State Disaster Council to consist of the following:

(a) The Governor, or an alternate appointed by him;

(b) The Lieutenant Governor, or an alternate appointed by him;

(c) The Attorney General, or an alternate appointed by him;

(d) One representative of the city governments of the State, and one representative of the county governments of the State, to be appointed by the Governor and to serve at his pleasure, provided these members shall be from different counties;

(e) A representative of the American Red Cross, to be appointed by the Governor;

(f) A representative of the city or county fire services of the State, appointed by the Governor and to serve at his pleasure.

(g) A representative of the city or county law enforcement services of the State, appointed by the Governor and to serve at his pleasure.

The President pro Tempore of the Senate and the Speaker of the Assembly shall meet with and participate in the work of the Disaster Council to the same extent as members of the council appointed by the Governor, excepting when such participation is constitutionally incompatible with their respective positions as Members of the Legislature.

If the President pro Tempore of the Senate does not desire to serve on the Disaster Council, the Senate Rules Committee may appoint a Member of the Senate to serve in his stead. If the Speaker of the Assembly does not desire to serve on the Disaster Council, he may appoint a Member of the Assembly to serve in his stead.

CHAPTER 667

An act to amend Sections 32402, 32406, and 32442 of the Water Code, relating to county water districts.

In effect September 15, 1961

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

The people of the State of California do enact as follows:

Petition for inclusion in a district

SECTION 1. Section 32402 of the Water Code is amended to read:

32402. A majority in number of the holders of title to any tract of land proposed to be included or the holders of title to a majority in acreage of the land, or a majority in number of the voters residing within the tract, may file with the secretary a petition signed by them containing a description of the land proposed to be included sufficient to identify it and praying that the land be included in the district.

SEC. 1.5. Section 32406 of said code is amended to read:

Petition protesting inclusion

32406. If the petition is signed by voters or by a majority in number of the holders of title to the land described in the petition, and the owners of a majority in acreage of such land file a written protest at or before the hearing on the petition, the land shall not be included in the district.

SEC. 2. Section 32442 of said code is amended to read:

Petitioners must hold a majority of the land

32442. The board shall not determine that only a portion of the land shall be included unless the petitioners include a majority in number of the holders of title to the portion of the land which is to be included or represent a majority in acreage of that land, or a majority in number of the voters residing within such portion of the land.

CHAPTER 668

An act to add Part 5 (commencing with Section 19950) to Division 13 of the Health and Safety Code, relating to housing for the elderly.

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Part 5 (commencing with Section 19950) is added to Division 13 of the Health and Safety Code, to read:

PART 5. FIXTURES IN HOUSING FOR THE ELDERLY

19950. Notwithstanding any other statutory provision, no state agency or city, city and county, county, or other political subdivision of this State, including, but not limited to, a chartered city, city and county, or county, shall prevent the use in any unit of a low cost housing development for the elderly financed in whole or in part with federal or state funds or by means of loans insured in whole or in part by the federal or state government of a stove, refrigerator, and sink which are combined in a single unit solely because they are so combined, if such unit meets the specifications set forth in Section 17702.

CHAPTER 669

An act to amend Sections 12, 16.1, 27.1, 27.2, and 27.3 of, and to add Sections 16.1a, 16.5, 16.6, and 17.1a to, the Municipal Water District Act of 1911 (Chapter 671 of the Statutes of 1911), relating to municipal water districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 2, 1961 Filed with Secretary of State June 3, 1961]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 12 of the Municipal Water District Act of 1911 (Chapter 671 of the Statutes of 1911) is amended to read:

Sec. 12. Any municipal water district incorporated as herein provided, shall have power:

Powers of district:

1. To have perpetual succession;

Succession

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

Sue, etc

3. To adopt a seal and alter it at pleasure;

Seal

Property

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the district;

Water facilities, etc.

5 To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the district, and to complete, extend, add to, repair, or otherwise improve any waterworks or waterworks system acquired by it as herein authorized;

Public recreation

5a. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the district, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities, including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor;

Leases

6 To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the district to cities, and to other public corporations and public agencies within the district, and to the inhabitants of such cities and of other territory within the district, and to persons, corporations, and other private agencies within the district for use within said district without any preference, and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said district, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers;

Sale of water

Supply, deliver water

6a. To supply and deliver district water to publicly owned and operated golf courses and other publicly owned and operated recreational facilities and to public schools, school districts and public school properties, and to fix and establish special rates, terms and conditions for the use and sale of water for each of these purposes; provided, however, that this provision shall not be construed to indicate legislative intent either for or against the existence of any power of the district to furnish water to other persons, firms or corporations at just and reasonable rates;

Eminent domain

7. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the district or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any

person, firm or private corporation. In proceedings relative to the exercise of such right, the district shall have all of the rights, powers and privileges of a city; provided, the district, in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location;

Same

7a. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any powers of the district. In proceedings relative to the exercise of such right, the district shall have all of the rights, powers and privileges of a city; provided, the district, in exercising such right, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. A municipal water district shall not exercise the right of eminent domain, under this subdivision, for the condemnation of property outside the boundaries of the district, unless it first obtains the consent thereto of the board of supervisors of the county in which such property is located;

Bonds, etc

8. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the district or property thereof; also to issue warrants to pay the formation expenses of the district, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings, but shall not include the expenses of holding and conducting the formation election;

Promissory notes

8a. To issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the district payable from revenues and taxes in the same manner as bonds of said district; and provided further, that the maturity shall not be later than three years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in any district but shall not otherwise exceed the lesser of either one million dollars ($1,000,000) or 2 percent of the assessed valuation of the taxable property in the district or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate;

Same

8b. To issue negotiable promissory notes for the purpose of acquiring funds to finance the construction or acquisition

of administrative offices, construction headquarters, commercial offices or facilities for similar district purposes and for the acquisition of land for district purposes; provided, however, that said negotiable promissory notes shall bear interest at a rate not exceeding 6 percent per annum; that said notes shall be general obligations of the district payable from revenue and taxes in the same manner as bonds of said district; and provided further, that the maturity shall not be later than 10 years from the date thereof; and that the total aggregate amount of such notes outstanding at any one time may be at least equal to fifty thousand dollars ($50,000) in any district, but shall not otherwise exceed the lesser of either five hundred thousand dollars ($500,000) or 1 percent of the assessed valuation of the taxable property in the district, or if said assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate;

Taxes

9 To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the district, including its formation expenses and any warrants issued therefor;

Emergency restrictions

9a. To restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of district water or the use of district water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the district; to prohibit use of such water during such periods for specific uses which the district may from time to time find to be nonessential;

Same: Ordinances

9b. To prescribe and define by ordinance the restrictions, prohibitions and exclusions referred to in subdivision 9a hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the district within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the district;

Contracts, etc.

10. To make contracts, to employ labor, and do all acts necessary for the full exercise of the district's powers;

Condemnation

11. In case of condemnation proceedings the board shall proceed in the name of the district;

Pensions, etc.

12. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the district, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the

pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them;

Water

13. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses of the district or its inhabitants or the owners of rights to water therein;

Join with other agencies, etc

14. To join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of such district, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for an agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation or public district of this State. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the municipal water district or an improvement district thereof incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the district or the improvement district voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the district or an improvement district.

The exact final form of such contract need not be available at the time of the special election but the (1) purpose of the contract, (2) the maximum amount of the indebtedness created thereby, (3) the maximum term of repayment, and (4) the maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the district or an improvement district at such special election;

Actions and proceedings

15 To commence, maintain, intervene in, and compromise, in the name of the district, any action or proceeding involving or affecting the ownership or use of water or water rights within the district, used or useful for any purpose of the district, or a common benefit to lands within the district or its inhabitants;

Issuance of bonds

16. To issue bonds under Section 15 of this act for the purpose of providing money required to be paid to any district organized under the Metropolitan Water District Act or the County Water Authority Act by the board of directors of such district as all or part of the terms and conditions upon which the corporate area of a municipal water district may be annexed to and become a part of said metropolitan water district or county water authority. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds;

Same Revenue bonds

17. To issue revenue bonds for any purpose for which general obligation bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to districts formed under this act;

Improvement Act of 1911

18 To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed by a municipal water district under the provisions of this act The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the municipal water district. In the application of said Improvement Act of 1911 to proceedings instituted by a municipal water district, the terms used in said Improvement Act of 1911 shall have the following meanings:

Definitions

(a) "City council" and "council" shall mean the board of directors of a municipal water district.

(b) "Municipality" and "city" shall mean a municipal water district.

(c) "Clerk" and "city clerk" shall mean the secretary.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean any person appointed by the board of directors to perform such duties.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the person or officer who has charge of and makes payment of the funds of the district

(g) "Mayor" shall mean the president of the board of directors of a municipal water district.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the district for the purpose of constructing and maintaining any works or improvements of municipal water districts.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed or recorded in the office of the secretary of the municipal water district;

Facilities for sewage, etc

19. To acquire, construct, and operate facilities for the collection, treatment and disposal of sewage, waste and storm water of the district and its inhabitants and may prescribe, revise and collect rates or other charges for the services and facilities furnished pursuant to this subdivision. The revenues from such rates and charges may be used to pay the operating and maintenance expenses of such facilities, provide a reasonable surplus for improvements, extensions and enlargements, pay the interest on any bonded debt for such facilities and provide a sinking or other fund for the payment of the principal of such debt as it may become due. The district may provide that such rates and charges may be collected with the water rates of the district and that all rates shall be billed upon the same bill and collected as one item, and that in the event of failure to pay the whole or any part thereof, the district may discontinue any and all service for which such bill is rendered, but this provision shall not be construed to prohibit the collection of rates or charges by the district in any other lawful manner. The second sentence of Section 33 of this act shall not be applicable to this subdivision;

Facilities for fire protection

20. To acquire, construct, and operate facilities for providing fire protection to the district and its inhabitants, including buildings, engines, hose, hose carts, or carriages, and other appliances and supplies for the full equipment of a fire company or department. The second sentence of Section 33 of this act shall not be applicable to this subdivision;

21. To disseminate information concerning the rights, properties, and activities of the district.

SEC. 2. Section 16.1 of said act is amended to read:

Annexation to an improvement district. Petition, etc

Sec. 16.1. Any portion of a municipal water district whether contiguous or not to an improvement district thereof, may be annexed to said improvement district in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the district, signed by holders of title to sixty percent (60%) or more of the land in the portion proposed to be annexed, which land as so represented in said petition shall have an assessed valuation of not less than fifty percent (50%) of the land so proposed to be annexed. The petition shall contain the following: (a) a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the district, which map shall govern for all details as to the extent of the area proposed to be annexed, or in any other

definite manner; (b) the terms and conditions upon which said proposed area may be annexed as theretofore determined by resolution adopted by the board of directors of the district; and (c) a prayer that the board of directors declare such area to be annexed to the improvement district. Said petition shall be accompanied by a certified check payable to the order of the district in sufficient sum to reimburse said district for expenses of processing and publishing the petition and preparing and making the filings required by law.

Examination of petition

Within 10 days of the date of the filing of such petition the secretary of the district shall examine the same and ascertain whether or not such petition is signed by the required number of property owners; and, if requested by the secretary of the district, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the district has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of property owners, or is not so signed, he shall certify that the same is sufficient, or insufficient, as the case may be.

Amending insufficient petition

If by the certificate of the secretary of the district the petition is found to be insufficient, said petition may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate. The secretary of the district shall, within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

Sufficient petition

If by the certificate of the secretary such petition, or petition as amended, is shown to be sufficient the secretary shall cause notice of hearing on the petition to be published and posted without delay.

The text of said petition shall be published pursuant to Section 6066 of the Government Code prior to the time at which the same is to be presented to the board of directors of the district, in at least one newspaper printed and published in such municipal water district, if there is a newspaper printed and published in such district, together with a notice stating the time and place of the meeting at which the same will be presented. When contained upon one or more instruments one copy only of such petition need be published No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated. Said notice and petition shall also be posted in three public places in the improvement district and three public places in the area proposed to be annexed, at least two weeks prior to the hearing.

Hearing

The board of directors of the district shall proceed to hear the petition at the time and place fixed therefor and any person residing within the municipal water district or improvement

district or owning taxable property in said district or improvement district shall be entitled to appear and be heard at such hearing. Such hearing may be continued from time to time by the board of directors of the district. At the conclusion of the hearing, and if the board of directors finds and determines from the evidence presented at said hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which said area proposed to be annexed will also be benefited thereby and will not be injured thereby, then and in such case the board of directors of the district may, by resolution, approve such annexation, describing the territory so annexed, which may be by reference to a map on file with the secretary of the district, which map shall govern for all details as to the extent of the annexed area, or in any other definite manner, and the terms and conditions of annexation as therefore determined by resolution of the board of directors.

Addition to district, taxation, etc

From and after the date of the adoption of such resolution the area named therein shall be deemed added to and shall form a part of said improvement district and the taxable property therein shall be subject to taxation thereafter for the purposes of said improvement district, including the payment of the principal of and interest on bonds and other obligations of such improvement district at the time authorized and outstanding at the time of said annexation as if said annexed property had always been a part of said improvement district, and the board of directors of such municipal water district shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Any action or proceeding wherein the validity of any such annexation is contested, questioned or denied must be commenced within three months after the date of the resolution approving such annexation; otherwise said annexation shall be held to be valid and in every respect legal and incontestable.

SEC. 3. Section 16.1a is added to said act, to read:

Proceedings for annexation Initiation by resolution

Sec. 16.1a. A board of directors of any district, by resolution, may initiate proceedings for the annexation of territory within the district contiguous to an improvement district to such improvement district. Such resolution shall declare that proceedings have been initiated by the board of directors pursuant to the provisions of this section, shall state the reason for proposing such annexation, shall set forth a description of the area proposed to be annexed which may make reference to a map on file with the secretary of the district, which map shall govern for all details as to the extent of the area proposed to be annexed, shall state the terms and conditions of such annexation, shall state that the holders of title to any of the land sought to be annexed may file written protests with the secretary of the district to the annexation or such annexation upon such terms and conditions and shall fix the time and place of a meeting at which the board of directors

will receive written protests theretofore filed with the secretary of the district, receive additional written protests, and hear from any and all persons interested in such annexation.

Publication of resolution

The text of said resolution shall be published pursuant to Section 6066 of the Government Code prior to the time of hearing in at least one newspaper printed and published in such municipal water district, if there is a newspaper so published and printed within such municipal water district. A copy of such resolution shall also be posted in three public places within the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing.

Hearing

The board of directors of the district shall proceed with the hearing at the time and place fixed therefor and may continue such hearing, if need be, from time to time. All interested persons will be heard at such hearing.

Protests

If written protests are filed by the holders of title of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of the county, further proceedings shall not be taken, and the board of directors shall refuse the annexation by a resolution so stating. If such written protest is not made and at the conclusion of the hearing, if the board of directors finds and determines from the evidence presented at said hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which said area proposed to be annexed will also be benefited thereby and will not be injured thereby, then and in such case the board of directors of the district may, by resolution, approve such annexation, describing the territory so annexed, which may be by reference to a map on file with the secretary of the district, which map shall govern for all details as to the extent of the annexed area and the terms and conditions of annexation as theretofore determined by resolution of the board of directors. In the event the board of directors finds and determines that either the area proposed to be annexed to the improvement district will not be benefited thereby, or that the improvement district to which said area is proposed to be annexed will not be benefited thereby and will be injured thereby, then and in such event the board of directors of the district shall by resolution disapprove such annexation.

Resolution approving

Resolution disapproving

Addition of territory, taxation etc

From and after the date of the adoption of such resolution, the area described therein shall be deemed added to and shall form a part of said improvement district and the taxable property therein shall be subject to taxation thereafter for the purposes of said improvement district, including the payment of the principal of and interest on bonds and other obligations of such improvement district at the time authorized and outstanding at the time of said annexation as if said annexed property had always been a part of said improvement district, and the board of directors of such municipal water district shall be empowered to do all things necessary to enforce and

make effective the terms and conditions of annexation fixed as hereinabove authorized.

Any action or proceeding wherein the validity of any such annexation is contested, questioned or denied must be commenced within three months after the date of the resolution of the board of directors annexing said territory to an improvement district; otherwise, said annexation shall be held valid and in every respect legal and incontestable. Limitation on actions

SEC. 4. Section 16.5 is added to said act, to read:

Sec. 16.5. Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act and to provide for such bonded indebtedness to be payable from taxes levied upon an uninhabited portion of the district, the board shall, by resolution, so declare and state: (a) the purpose for which the proposed debt is to be incurred; (b) the amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds; (c) that the board intends to form an improvement district of an uninhabited portion of the district which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the district, which map shall govern for all details as to the extent of the proposed uninhabited improvement district, and to incur indebtedness by the issuance of bonds of the district for said uninhabited improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the uninhabited improvement district; (e) that a general description of the proposed improvement, together with a map showing the exterior boundaries of said proposed uninhabited improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary of the district and is available for inspection by any person or persons interested; (f) the time and place for a hearing by the board on the questions of the formation of said proposed uninhabited improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested will be heard, and that any owner of property within such proposed uninhabited improvement district may file with the secretary of the district at any time prior to the time set for the hearing thereon written protest to the formation of such proposed uninhabited improvement district. For the purposes hereof the portion of the district formed into an uninhabited improvement district hereunder shall be deemed uninhabited if less than 12 voters reside therein at the time of the formation thereof. Bonded indebtedness Resolution

Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper Publication of notice of hearing

circulated in the municipal water district, if there is a newspaper circulated in the municipal water district. Said notice shall also be given by posting a copy of said resolution in three public places within the proposed uninhabited improvement district for at least two weeks before the time fixed for said hearing. A copy of the resolution shall also be mailed, postage prepaid, to each person to whom land in the proposed uninhabited improvement district is assessed as shown on the last equalized county assessment roll, at his address as shown upon the roll, and to any person, whether owner in fee or having a lien upon, or legal or equitable interest in, any land within the proposed uninhabited improvement district, whose name and address and a designation of the land in which he is interested is on file with the secretary of the district.

Hearing

At the time and place so fixed, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested may appear and present any matters material to the questions set forth in the resolution. Also at said hearing the board of directors shall hear and pass upon all written protests filed by the owners of property within the proposed uninhabited improvement district. If such protests are filed by the owners of one-half of the value of the property within such proposed uninhabited improvement district as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. If such protests are not made the board of directors shall by resolution determine whether it is necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred, the amount of the proposed debt, and that the exterior boundaries of the portion of the district which will be benefited are set forth on a map on file with the secretary of the district, which map shall govern for all details as to the extent of the uninhabited improvement district, and that said portion of the district set forth on said map, shall thereupon constitute and be known as "Improvement District No. U _____ of _____ Municipal Water District". The determinations made in said resolution shall be final and conclusive. After the formation of such uninhabited improvement district within a municipal water district pursuant to this section the board, may by resolution, at such time or times as it deems proper, issue bonds of the district for the whole or any part of the amount of the indebtedness so authorized under the provisions of Section 17 of this act; and all taxes levied for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the uninhabited improvement district.

Limitation on actions

Any action or proceeding wherein the validity of the formation of the uninhabited improvement district or of any of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of the resolution forming such district otherwise the forma-

tion of the uninhabited improvement district and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

SEC. 5. Section 16.6 is added to said act, to read:

Dissolution of an improvement district Resolution

Sec. 16.6. Whenever the board of directors deems it necessary for any improvement district formed in accordance with Sections 16, 16.2 or 16.5 to be dissolved, it shall by resolution so declare and state: (a) the reason why the improvement district should be dissolved; (b) if the improvement district was formed in accordance with Section 16 or 16.5, that no bonds have been issued therefor or are outstanding; (c) if the improvement district was formed in accordance with Section 16.2 that no indebtedness or liability was incurred therefor or is outstanding, (d) that a map showing the exterior boundaries of said improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary of the district and is available for inspection by any person or persons interested; (e) the time and place for a hearing by the board on the question of the dissolution of said improvement district; and (f) that at said time and place any person interested, including all persons owning property in the district or in the improvement district will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the municipal water district, if there is a newspaper circulated in the municipal water district. Said notice shall also be given by posting a copy of said resolution in three public places within the improvement district for at least two weeks before the time fixed for said hearing.

Publication of notice of hearing

Hearing

At the time and place so fixed, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing and at such hearing any person interested, including all persons owning property in the district, or in the improvement district, may appear and present any matters material to the proposed dissolution At the conclusion of the hearing the board shall by ordinance determine whether it is necessary to dissolve said improvement district, and, if so, the ordinance shall state that the exterior boundaries of said improvement district are set forth on a map on file with the secretary of the district and declare said improvement district dissolved The determinations made in said ordinance shall be final and conclusive.

Ordinance of dissolution

When the ordinance declaring the improvement district dissolved becomes effective the dissolution of such improvement district shall be complete, but the taxable property within the boundaries of such dissolved improvement district shall continue to be taxed for any indebtedness of the municipal water district contracted for such dissolved improvement district until said indebtedness shall have been satisfied to the same extent that such property would be taxable for such purpose if such dissolution had not occurred.

Limitations on actions

Any action or proceeding wherein the validity of the dissolution of the improvement district or of any of the proceedings in relation thereto is contested; questioned or denied, shall be commenced within three months from the effective date of the ordinance dissolving such district otherwise the dissolution of the improvement district and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

SEC. 6. Section 17.1a is added to said act, to read:

Proceeds from sale of bonds

Sec. 17 1a. The proceeds arising from the sale of bonds of the district issued for an improvement district thereof may be expended for the purpose for which the indebtedness was created in any territory annexed to such improvement district after the authorization of such bonds.

SEC. 7. Section 27 1 of said act is amended to read:

Uninhabited territory added to district

Sec. 27.1. Uninhabited territory within a county in which a municipal water district is situated may be added to such district pursuant to the provisions of this section. For the purposes hereof, territory shall be deemed uninhabited if less than 12 voters reside therein at the time of the filing of the petition for annexation or the initiation of proceedings by resolution of the board. Such uninhabited territory may consist of unincorporated territory only or of incorporated territory lying within the boundaries of one or more cities, or of both such unincorporated and incorporated territory. Such uninhabited territory, whether consisting of unincorporated territory or of incorporated territory or of both such unincorporated and incorporated territory, may consist of one or more parcels, which need not be contiguous one with the other or with the district.

Initiation by petition

Proceedings for the annexation of uninhabited territory to any district may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the district, signed by the owners of not less than one-fourth of the land in such territory by area and by assessed value as shown on the last equalized assessment roll of the county in which such territory is situated. A guardian, executor, administrator, or other person holding property in a trust capacity under appointment of court, may sign any petition or protest provided for in this section, when authorized by the proper court, which authorization may be made without notice. The last equalized assessment roll of said county is prima facie evidence of the ownership of the land or lands lying within such territory proposed to be annexed. Such petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to such municipal water district pursuant to the provisions of this section.

Petition presented to board

Resolution giving notice

The secretary shall present such petition to the board of directors of the district at its next meeting, and said board, without delay, shall pass a resolution giving notice of the proposed annexation. Said resolution shall state that such petition

has been filed, shall set forth and describe the boundaries of the territory proposed to be annexed, shall contain the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized, shall state that any owner of property within such territory may file with the secretary of the district, at any time prior to the hour set for the hearing thereof, written protest to the annexation of such territory, or to the annexation of such territory upon such terms and conditions, as the case may be, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

Initiation by resolution

The board of directors of any district by resolution may initiate proceedings for the annexation of uninhabited territory to such district. Such resolution shall declare that proceedings have been initiated by the board of directors under the provisions of this section, shall state the reason for proposing such annexation, shall set forth and describe the boundaries of the territory proposed to be annexed, shall contain the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized, shall state that any owner of property within such territory may file with the secretary of the district, at any time prior to the hour set for the hearing thereof, written protest to the annexation of such territory, or the annexation of such territory upon such terms and conditions, as the case may be, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

Hearing

Said hearing shall be commenced not less than 20 nor more than 40 days after the passage of the resolution of the board of directors. The secretary of the district shall cause the text of the resolution to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers printed and published in the district.

No judicial review of ordinance

After the date of issuance by the Secretary of State of his certificate reciting the passage of the ordinance approving the annexation and the addition of the uninhabited territory to the district, the sufficiency of the petition or resolution shall not be subject to judicial review or be otherwise questioned.

Protest

At any time prior to the hour set for the hearing of protests, any owner of property within the territory proposed to be annexed may file with the secretary of the district written protest against the annexation, or against the annexation upon the terms and conditions specified in the resolution, as the case may be. The protest shall state the name of the owner of the property affected, and the description and area of such property in general terms. At the hearing, which may be adjourned from time to time, the board of directors shall hear and pass upon all protests so filed. If such protests are so filed by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of

the county, further proceedings shall not be taken If such protest is not made, the board of directors shall approve or disapprove the annexation by ordinance. Any ordinance approving such annexation shall set forth and describe the boundaries of the territory so annexed and the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized If the board of directors disapproves the annexation, or the annexation subject to such terms and conditions, as the case may be, a new proceeding to annex any of the same territory shall not be initiated under this section for a period of 12 months from the effective date of the ordinance.

Disapproval of annexation

Approval of annexation

The board of directors may approve the annexation of such territory upon terms and conditions fixed by the board in the manner hereinafter provided. Such terms and conditions may provide, among other things, for the levy by such municipal water district of special taxes upon taxable property within such annexed area or areas in addition to the taxes elsewhere in this act authorized to be levied by such municipal water district, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors, in fixing such terms and conditions, shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. Such terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board of directors for the area or areas proposed to be annexed Such terms and conditions also may further provide that the taxable property in the annexed area be subject to taxation to the extent set forth in such terms and conditions for the purpose of the payment of bonds and other obligations of such district at the time authorized or outstanding. The board shall propose such terms and conditions either in the resolution adopted subsequent to the filing of a petition for annexation or in the resolution initiating the proceedings, as the case may be, or in a resolution adopted by the board at the hearing Terms and conditions proposed in a prior resolution may be amended and the amended terms and conditions proposed in a resolution adopted by the board at the hearing If such terms and conditions, or amended terms and conditions, are proposed by the board in a resolution adopted at the hearing, the board shall adjourn the hearing for not less than 20 nor more than 40 days, to a time and place to be fixed in such resolution, and said resolution shall state that any owner of property within such territory may file with the secretary of the district, at any time prior to the hour set for the adjourned hearing, written protest to the annexation of such territory upon such terms and conditions. The secretary of the district shall cause the text of the resolution to be published for the time and in the manner required for publication of the resolution giving

Resolution

Publication of resolution

notice of the original hearing. If prior to the hour set for the adjourned hearing, written protests, in the form hereinabove prescribed, to the annexation of such territory subject to such terms and conditions, are filed with the secretary of the district by the owners of one-half of the value of said territory as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. If such protest is not made, the board of directors shall by ordinance approve or disapprove the annexation. If approved, such annexation shall be subject to the terms and conditions, or amended terms and conditions, so proposed by resolution of the board, which terms and conditions shall be set forth in the ordinance.

Protests

Ordinance of approval or disapproval

When an ordinance approving annexation of uninhabited territory becomes effective, the president and secretary of the board of directors shall file with the Secretary of State a certified copy of the ordinance. Upon receipt of the certified copy of the ordinance, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the addition of said area or areas to said district. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county in which such municipal water district is situated. From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of, said municipal water district, and the taxable property therein shall be subject to taxation thereafter for the purposes of said municipal water district, and the board of directors of such municipal water district shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Filing copy of approving ordinance

Notwithstanding the eligibility of any territory for annexation to a district pursuant to the provisions of this section, the procedure herein prescribed shall not be deemed exclusive and such territory may be annexed to such district as a separate parcel, or as part of a larger parcel, of territory annexed under the provisions of Section 27 of this act

SEC. 8 Section 27.2 of said act is amended to read:

Sec. 27 2 Territory included within any municipal water district may be excluded from such district; provided, that where any part of the corporate area of any city is included in the territory proposed to be excluded from the district, the whole of the corporate area of such city, or part thereof, then included within such district shall be included in the territory so proposed to be excluded from such district. Such territory may consist of one or more parcels, which need not be contiguous one with the other.

Exclusion from a district

Proceedings for the exclusion of territory from any district may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the district, signed by voters residing within the boundaries of the area proposed to be excluded equal in number to at least ten (10) per centum of the number of such

Initiated by petition

voters voting for all candidates for the office of Governor of this State at the last general election prior to the filing of such petition; provided, that where one or more cities, or parts thereof, are included in the area so proposed to be excluded, such petition must be signed by at least ten (10) per centum of the voters of each such city, or part thereof, so voting at such election. Such petition shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, and shall contain a prayer that such area be excluded from the district.

Examination of petition

Within ten (10) days of the date of the filing of such petition the secretary of the district shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters; and if requested by the secretary of the district, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the district has completed his examination of the petition, he shall attach to the same his

Certification

certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of voters, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

Amending insufficient petition

If, by the certificate of the secretary of the district, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within ten (10) days of the date of such certificate. The secretary of the district shall, within ten (10) days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

Insufficient petition

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of directors of the district and kept as a public record, without prejudice, however, to the filing of a new peti-

Sufficient petition

tion to the same effect. But if, by the certificate of the secretary, such petition, or petition as amended, is shown to be sufficient, the secretary shall present the same to the board of directors, without delay, for the purpose of determining the estimated costs and expenses of the exclusionary proceedings. Upon presentation of the petition to the board of directors, the board shall estimate the expenses and costs incident to the proceedings of the exclusion including, but not limited to, adver-

Cost estimate of proceedings

tising, engineering and legal expenses and costs, and shall require the petitioners to deposit the sum so determined with the

secretary. The sum so determined shall not exceed five hundred dollars ($500)

Deposit by petitioners

The petitioners shall deposit the sum so determined within 30 days from the date of such determination. If the sum is not so deposited, no further action shall be taken on the petition. If the sum is so deposited, then without delay, the text of such petition shall be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks, before the time at which the same is to be presented to the board of directors of the district in at least one, but not to exceed three, newspapers printed and published in such district, together with a notice stating the time of the meeting at which the same will be presented for the purpose of granting or denying the petition. When contained upon more than one instrument, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated.

Publication of petition

After an election for the exclusion of such area from the district the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Initiation by resolution

The board of directors of any district, by resolution, may initiate proceedings for the exclusion of territory from such district. Such resolution shall describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, shall require all persons interested in the proposed exclusion to appear before the board and be heard as to why said area should not be so excluded, shall fix the time of the meeting of the board at which persons so interested will be heard, and shall direct the secretary of the district to give notice thereof. The secretary thereupon shall cause the text of said resolution and a notice of the time and place of said hearing to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks, before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers printed and published in the district.

Publication of resolution

After an election for the exclusion of such area from the district the sufficiency of such resolution shall not be subject to judicial review or be otherwise questioned.

Petition granted by ordinance

If the proceedings for exclusion have been initiated by petition, such petition may be granted by ordinance of the board of directors of such district. If such proceedings have been initiated by resolution, the board of directors shall hear all persons interested in the proposed exclusion who appear at the hearing, which may be adjourned from time to time, and after the conclusion of the hearing, the board may determine by ordinance that such area should be excluded from the district. If such petition is granted, or if such determination is made, the proposition of such exclusion shall be submitted to the vote of the voters within the area proposed to be excluded, at an

Submission to vote

Notice of election

election called by the board of directors and held, as herein provided, within 70 days after the effective date of such ordinance. Notice of such election shall be given by publication in a newspaper of general circulation published in the district once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week, prior to the date fixed for such election. Such notice shall describe the boundaries of the area so proposed to be excluded and shall designate such area by some appropriate name, or other words of identification, by which such area may be referred to and indicated upon the ballot to be used at any election at which the question of such exclusion is submitted, as in this act provided. The measure so submitted at such election shall be stated on the ballot substantially as follows:

Ballot

"Shall _____ (giving the name or other designation of the area proposed to be excluded, as stated in the notice of the election) be excluded from _____ (name of municipal water district)?"

At the right of such proposition there shall be printed the words "Yes" and "No" with voting squares The board of directors shall canvass the votes cast at such election and if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State and to the county recorder of the county in which such district is located. Upon receipt of such last-mentioned certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the exclusion of said area from said district. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county in which such municipal water district is situated. From and after the date of such certificate, the area named therein shall be deemed excluded from, and shall no longer form a part of, said municipal water district, but the taxable property within such excluded area shall continue taxable by such municipal water district for the purpose of paying the bonded or other indebtedness of such municipal water district outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the same extent that such property would be taxable for such purpose if such exclusion had not occured.

SEC. 9. Section 27.3 of said act is amended to read:

Uninhabited territory: Exclusion

SEC. 27.3. Uninhabited territory included within any municipal water district may be excluded from such district pursuant to the provisions of this section. For the purposes hereof, territory shall be deemed uninhabited if less than 12 voters reside therein at the time of the filing of the petition for exclusion or the initiation of proceedings by resolution of the board. Incorporated territory lying within the boundaries of any city may be excluded from such district in accordance with the provisions of this section only if upon the exclusion of such uninhabited territory no part of the corporate area of such

city will be included in such district. Such uninhabited territory may consist of one or more parcels, which need not be contiguous one with the other.

Initiation by petition

Proceedings for the exclusion of uninhabited territory from any district may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the district, signed by the owners of not less than one-fourth of the land in such territory by area and by assessed value as shown on the last equalized assessment roll of the county in which such territory is situated. A guardian, executor, administrator, or any person holding property in a trust capacity under appointment of court, may sign any petition or protest provided for in this section, when authorized by the proper court, which authorization may be made without notice. The last equalized assessment roll of said county is prima facie evidence of the ownership of the land or lands lying within such territory proposed to be excluded. Such petition shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, and shall contain a prayer that such area be excluded from such municipal water district pursuant to the provisions of this section.

Determination of cost of proceedings

The secretary shall present such petition to the board of directors, without delay, for the purpose of determining the estimated costs and expenses of the exclusionary proceedings. Upon presentation of the petition to the board of directors, the board shall estimate the expenses and costs incident to the proceedings of exclusion including, but not limited to, advertising, engineering and legal expenses and costs, and shall require the petitioners to deposit the sum so determined with the secretary The sum so determined shall not exceed five hundred dollars ($500).

Deposit by petitioners

The petitioners shall deposit the sum so determined within 30 days from the date of such determination. If the sum is not so deposited, no further action shall be taken on the petition. If the sum is so deposited, then without delay, the secretary shall present such petition to the board of directors of the district at its next meeting, and said board, without delay, shall pass a resolution giving notice of the proposed exclusion. Said resolution shall state that said petition has been filed, shall set forth and describe the boundaries of the territory proposed to be excluded, shall state that any owner of property within such territory may file with the secretary of the district, at any time prior to the hour set for the hearing thereof, written protest to the exclusion of such territory, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

Resolution on petition

Initiation by resolution

The board of directors of any district by resolution may initiate proceedings for the exclusion of uninhabited territory from such district. Such resolution shall declare that proceedings have been initiated by the board of directors under the provisions of this section, shall state the reasons for proposing

such exclusion, shall set forth and describe the boundaries of the territory proposed to be excluded, shall state that any owner of property within such territory may file with the secretary of the district, at any time prior to the hour set for the hearing thereof, written protest to the exclusion of such territory, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

Hearing

Said hearing shall be commenced not less than 20 nor more than 40 days after the passage of the resolution of the board of directors. The secretary of the district shall cause the text of the resolution to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers published in the district.

Publication of resolution

After the date of issuance by the Secretary of State of his certificate reciting the passage of the ordinance approving the exclusion and the exclusion of the uninhabited territory from the district, the sufficiency of the petition or resolution shall not be subject to judicial review or be otherwise questioned.

Protests

At any time prior to the hour set for the hearing of protests, any owner of property within the territory proposed to be excluded may file with the secretary of the district written protests against the exclusion. The protest shall state the name of the owner of the property affected, and the description and area of such property in general terms. At the hearing, which may be adjourned from time to time, the board of directors shall hear and pass upon all protests so filed. If such protests are so filed by the owners of one-half of the value of the territory proposed to be excluded as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. If such protest is not made, the board of directors shall approve or disapprove the exclusion by ordinance. Any ordinance approving such exclusion shall set forth and describe the boundaries of the territory so excluded. If the board of directors disapproves the exclusion, a new proceeding to exclude any of the same territory shall not be initiated under this section for a period of 12 months from the effective date of the ordinance.

Ordinance of approval or disapproval

Filing of ordinance

When an ordinance approving exclusion of uninhabited territory becomes effective, the president and secretary of the board of directors shall file with the Secretary of State a certified copy of the ordinance. Upon receipt of the certified copy of the ordinance, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the exclusion of said area or areas from said district. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county in which said municipal water district is situated. From and after the date of such certificate, the area or areas named therein shall be deemed excluded from, and shall no longer form a part of, said municipal water district, but the taxable property within such excluded area or

areas shall continue taxable by such municipal water district for the purpose of paying the bonded or other indebtedness of such municipal water district outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the same extent that such property would be taxable for such purpose if such exclusion had not occurred

Notwithstanding the eligibility of any territory for exclusion from a district pursuant to the provisions of this section, the procedure herein prescribed shall not be deemed exclusive and such territory may be excluded from such district as a separate parcel, or as part of a larger parcel, of territory excluded under the provisions of Section 27.2 of this act.

Severability clause

SEC. 10. If any section, subsection, sentence, clause or phrase of this act or the application thereof to any person or circumstance is for any reason held invalid the validity of the remainder of the act or the application of such provision to other persons or circumstances shall not be affected thereby. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

Urgency

SEC. 11 This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Many communities urgently need water and water distribution facilities in order that the public health and safety may be preserved. To assist in the obtaining of water and water distribution facilities it will be necessary that the amendments to the Municipal Water District Act of 1911 provided by the within and foregoing amendatory act are made effective immediately.

CHAPTER 670

An act to amend Sections 21202 and 21206 of the Financial Code, relating to pawnbrokers.

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 21202 of the Financial Code is amended to read:

Entry in pawnbook

21202. Every pawnbroker shall enter at the time of the transaction, in a pawnbook kept by him for that purpose, the date, duration, amount, and rate of interest of every loan made by him, an accurate description of the property pledged, the

name and residence address of the pledgor. Every pawnbroker shall deliver to the pledgor a written copy of such entry.

SEC. 2. Section 21206 of said code is amended to read:

Inspection of pawnbooks

21206. Every pawnbroker shall produce his pawnbook, account of sales, and all pledged property, for inspection by the following persons:

(a) Any officer holding a warrant authorizing him to search for personal property.

(b) Any person appointed by the sheriff of any county or appointed by the head of the police department of any city.

(c) Any officer holding a court order directing him to examine such pawnbook, account of sales, or pledged property.

CHAPTER 671

An act to add Section 6901.1 to the Harbors and Navigation Code, relating to river port districts.

In effect September 15, 1961

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 6901.1 is added to the Harbors and Navigation Code, to read:

6901.1. It may by resolution hold and save harmless the State of California, the Reclamation Board of the State of California, and the Sacramento and San Joaquin Drainage District, their officers, agents or employees, from all claims, damages or liability due or incident to the design, construction, operation, repair and maintenance of any waterway project of the United States entering the district or other improvement constructed by or for the district for which the approval of the State Reclamation Board must be obtained, whether the same be caused by negligence of the State or of the officers, agents, employees of the State, or otherwise, and it may levy and collect in the manner provided for the raising of funds under this part such sums as may be required to fulfill any obligation incurred hereunder.

CHAPTER 672

An act to amend Sections 250 and 251 of the Water Code, relating to acquisition of property for state water purposes.

In effect September 15, 1961

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 250 of the Water Code is amended to read:

Eminent domain

250. In the name of the people of the State of California, the department may condemn for state water and dam pur-

poses, under the provisions of the Code of Civil Procedure relating to eminent domain, any real property or interest therein which it is authorized to acquire. The department shall not commence any such proceeding in eminent domain unless the project for which the property is being acquired has been authorized, funds are available therefor, and the director first issues a declaration, concurred in by resolution of the California Water Commission, declaring that public interest and necessity require the acquisition, construction or completion by the State, acting through the department, of the improvement for which the real property or interest therein is required and that the real property or interest therein described in such declaration is necessary for the improvement.

Declaration of directors

SEC. 2. Section 251 of said code is amended to read:

251. The declaration of the director shall be conclusive evidence:

Declaration as evidence

(a) Of the public necessity of such proposed public improvement.

(b) That such real property or interest therein is necessary therefor.

(c) That such proposed public improvement is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

CHAPTER 673

An act to amend Section 22256 of, and to add Section 22282.1 to, the Water Code, relating to irrigation districts.

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 22256 of the Water Code is amended to read:

22256. A district may refuse to furnish water to any land to which it holds title by virtue of collector's deeds to the district or to any or all land on which the district has an outstanding unredeemed certificate of sale for the nonpayment of a district assessment.

Refusal of water

SEC. 2. Section 22282.1 is added to said code, to read:

22282.1. A district may refuse service to any land if outstanding charges for services already rendered such land have not been paid within a reasonable time.

Refusal of service

CHAPTER 674

An act to amend Sections 30705, 30815, 31031, 31032, 31700, 31701, 31702, and 31735 of the Water Code, relating to county water districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 30705 of the Water Code is amended to read:

Duties of board and others

30705. Whenever land in two counties is included in a district:

(a) The secretary may perform all duties prescribed by law to be performed by county clerks in connection with district elections For this purpose the secretary may procure from the proper county clerks all necessary registration books and copies of indexes thereof.

(b) All papers required by this division to be filed with county clerks may be filed with the secretary.

(c) The board may perform all duties prescribed by law to be performed by boards of supervisors in connection with district elections.

SEC. 2 Section 30815 of said code is amended to read:

When election not held

30815. If on the 35th day prior to a general county water district election only one person has been nominated for any of the positions of director to be filled at that election or no person has been nominated for any such office or offices, and a petition signed by 5 percent of the voters requesting that the election be held has not been presented to the board of directors of said district, an election shall not be held for such office in which no person or only one person has been nominated.

SEC. 3. Section 31031 of said code is amended to read:

Standby or availability charge

31031. A district may fix, on or before the first day of July in each calendar year, a water standby or availability charge of not to exceed ten dollars ($10) per acre per year for each acre of land, or ten dollars ($10) per year for each parcel of land less than an acre within the district to which water is made available for any purpose by the district, whether the water is actually used or not. The board of directors of a district which fixes such a charge may establish schedules varying such charge according to the land uses and the degree of availability or quantity of use of such water to the affected lands, and may restrict such charge to lands lying within one or more improvement districts within such district.

SEC 4 Section 31032 of said code is amended to read:

Unpaid charges

31032. In case any water standby charge remains unpaid on the first day of the month before the month in which the board of supervisors of the county in which the district or any

part thereof is located is required by law to levy the amount of taxes required for county purposes, a 6 percent penalty thereon shall accrue. The amount of the unpaid standby charge plus the said penalty shall be added to and become a part of the annual tax levied upon the land to which water for which the standby charge is unpaid was available and same shall constitute a lien on that land.

Lien added to tax

If a district collects taxes pursuant to Chapter 2 (commencing with Section 31700) of Part 7 of this division, the amount of tax attributable to unpaid water standby charges, and the penalty thereon, shall be stated on the tax bill separately from all other taxes.

Tax attributable to unpaid water charge

If a district collects taxes pursuant to Chapter 3 (commencing with Section 31730) of Part 7 of this division, it shall provide each person whose property is subject to taxation for unpaid water standby charges, and the penalty thereon, with a tax bill stating the amount of such charges and penalty separately.

Tax bill

In such case and at least fifteen (15) days before the first day of the month in which said board of supervisors is required by law to levy the amount of taxes required for county purposes, the board of directors of the district shall furnish in writing to the board of supervisors and to the county auditor, respectively, a description of each and every parcel of land within the district upon which a standby charge remains unpaid, together with the amount of said unpaid charge plus said penalty on each said parcel of land. Whenever land in two or more counties is included in a district, the board of directors of the district shall furnish in writing to the board of supervisors and to the county auditor of each of said counties, respectively, a description of each and every parcel within said county upon which a standby charge remains unpaid, together with the amount of said unpaid standby charge plus penalty thereon.

Furnishing written statement to supervisors

SEC. 5. Section 31700 of said code is amended to read:

31700. In this chapter "district" means a county water district formed under the provisions of the County Water District Act or this division.

"District"

SEC. 6. Section 31701 of said code is amended to read:

31701. If a district has no revenue or if the revenues of the district are, or in the judgment of the board of directors are likely to be, inadequate to pay the interest on or principal of any bonded debt as it becomes due, or any other expenses or claims against the district, the board of directors shall, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district or any part thereof is situated is required by law to levy the amount of taxes required for county purposes, furnish to the board of supervisors and to the auditor of each county, respectively, in writing:

Procedure where revenue inadequate

(a) An estimate of the minimum amount of money required to be raised by taxes in the county for the payment of

its proportion of the amount required to pay the principal of or interest on any bonded debt of the district or of an improvement district therein as it becomes due.

(b) A description of the improvement district benefited by the purposes of the bonded debt as stated in the resolution declaring the necessity to incur the bonded indebtedness, or, if the whole district was benefited by incurring it, a statement of that fact.

(c) An estimate of the minimum amount of money required to be raised by taxes in the county for the payment of its proportion of the amount required to meet all the charges, claims, expenditures and expenses, other than a bonded debt, of each improvement district created in the county pursuant to this division, together with a description of each such improvement district as determined by resolution of the board.

(d) An estimate of the minimum amount of money required to be raised by taxes in the county for the payment of its proportion of the amount required by the district for other expenses and claims against it.

SEC. 7. Section 31702 of said code is amended to read:

Tax levy

31702. After the board of directors has furnished the estimates as required in Section 31701, the board of supervisors of each county, annually, at the time and in the manner of levying other county taxes, shall:

(a) Until each bonded debt is fully paid, levy upon the property within the district, or improvement district therein benefited by the bonded debt in the county, and cause to be collected a tax sufficient to pay the county's proportion of the amount required to pay the principal of and interest on the bonded indebtedness to be known as the "_____ County Water District Bond tax."

(b) Until all charges, claims, expenditures and expenses other than a bonded debt of any improvement district created pursuant to this division have been fully paid, levy within such improvement district and cause to be collected a tax sufficient to pay the county's proportion of the amount required to pay all said charges, claims, expenditures and expenses of each improvement district to be known as the "_____ County Water District Improvement District No. _____ Tax."

(c) Until all other expenses or claims against the district are fully paid, levy upon all of the property within the district in the county and cause to be collected a tax sufficient to pay the county's proportion of the amount required to pay all those expenses or claims to be known as the "_____ County Water District General Tax."

SEC. 8. Section 31735 of said code is amended to read:

Land in two counties

31735. Whenever land in two counties is included in a district, it may assess property and levy and collect taxes pursuant to this chapter.

Urgency

SEC. 9. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The fair and efficient distribution of the costs and levying and collecting of taxes for furnishing water to water users is of great concern in the areas of the State which are wholly dependent upon water provided by county water districts and particularly where land in two counties is included in a district.

In order to provide for the immediate solution of existing inequities in water distribution costs and to permit the implementation of this act during the next fiscal year it is necessary that it take effect immediately.

CHAPTER 675

An act to add Section 1907.5 to the Harbors and Navigation Code, relating to the San Francisco Port Authority.

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows.

SECTION 1. Section 1907.5 is added to the Harbors and Navigation Code, to read:

1907.5. If the master, agent or owner of a vessel of 1,000 gross tons or under refuses or fails to move the vessel upon the request of the authority whenever, in the judgment of the authority, an emergency or the maintenance or operation of the port necessitates the move, the authority may move, or provide for the moving of, the vessel from any wharf, slip, dock or other place under its jurisdiction to any other suitable place under its jurisdiction. Any removal pursuant to this section shall be at the expense and risk of the owner of the vessel, and without any liability on the authority if the authority acts with due care.

CHAPTER 676

An act to add Section 17533.7 to the Business and Professions Code, relating to false advertising.

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 17533.7 is added to the Business and Professions Code, to read:

17533.7. It is unlawful for any person, firm, corporation or association to sell or offer for sale in this State any mer-

chandise on which merchandise or on its container there appears the words "Made in U.S.A.," "Made in America," "U.S.A.," or similar words when the merchandise or any article, unit, or part thereof, has been entirely or substantially made, manufactured, or produced outside of the United States.

CHAPTER 677

An act to amend Section 1613 of the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to precinct board members.

In effect September 15, 1961

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

The people of the State of California do enact as follows:

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 678

An act to add Section 33139 to the Streets and Highways Code, relating to revenue bonds of parking authorities.

In effect September 15, 1961

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 33139 is added to the Streets and Highways Code, to read:

33139. In determining the amount of bonds to be issued, the authority may include an amount for the purpose of establishing a reserve fund or funds for the security of the bonds.

CHAPTER 679

An act to add Section 322 to the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to the registration of voters.

In effect September 15, 1961

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

The people of the State of California do enact as follows:

NOTE. The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

SEC. 2. The county clerk may use his existing supply of affidavits of registration before using affidavits containing stubs of the type required by Section 322 of the Elections Code; provided, however, that use of the existing supply of affidavits of registration shall not continue beyond one year of the effective date of this act.

CHAPTER 680

An act to amend Sections 811.1, 828.55, and 828.61 of the Agricultural Code, relating to containers.

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 811.1 of the Agricultural Code is amended to read:

Cantaloupe containers

811.1. All cantaloupes shall be packed in regular compact arrangement in standard containers numbers 39, 40, 41, 42, 43, 44, 44A or 44B. All such containers shall be closed and the number of cantaloupes in each container shall be one of the "standard pack counts" listed in Section 829.3 for each such container.

As used in this section "closed" or "lidded" as applied to containers of cantaloupes means (1) in the case of fiberboard containers that the opening is completely covered, except for necessary ventilation openings, with material of similar quality and strength to the adjoining portion of the container and (2) in the case of nailed wooden, wirebound, or other containers, that 40 percent or more of the opening is covered with material similar to that used in the construction of the sides and bottom of said containers, securely attached to the top.

Exceptions

This section shall not apply to cantaloupes in a retail establishment in possession of a retailer for the purpose of resale directly to consumers; nor to cantaloupes sold by a producer regularly engaged in the production of cantaloupes directly to consumers on the premises where produced or at a retail stand operated by such producer near the point of production, which in no case shall be outside of the county in which the cantaloupes were produced. As used in this section "consumer" means a person who buys cantaloupes for use as food and not for resale

SEC. 2. Section 828.55 of said code is amended to read:

828.55.

Cantaloupe crates and containers

39	Standard cantaloupe crate	12	12	21⅛ or 22⅛
40	Pony cantaloupe crate	11	11	21⅛ or 22⅛
41	Jumbo cantaloupe crate	13 or 13½	13	21⅛ or 22⅛
42	Cantaloupe crate	13½	13	22½

43	Cantaloupe container	9 or 9½	13	21⅞ or 22
44	Cantaloupe container	9 or 10	13	22 or 22⅜
44A	Special cantaloupe crate	12½	14½	21⅝
44B	Cantaloupe—2-compartment container	5½	9⅛	21⅜ or 21⅝

Container number 41, when the depth of 13½ inches is used, shall only be considered standard when the maximum bulge of the lid does not exceed $\frac{2}{3}\frac{5}{2}$ of an inch as measured from the top of the lid slat, when tightly nailed in place, to the high point of the outside top of the bulge, normally at the center of the lid.

In addition, not more than 10 percent, by count, of such containers may have a bulge exceeding the $\frac{2}{3}\frac{5}{2}$ of an inch described herein.

Container number 44B shall be standard only when made as one container, and each container shall have two compartments, each compartment shall have the dimensions specified as standard for container 44B in this section.

The depth shall be measured from the bottom floor of the compartment to the underside of the overflap.

The width shall be measured across the approximate geometrical center, with the inside drape pieces pressed firmly in place as though cantaloupes were tightly packed in the compartment. Also, the maximum inside width of the combined two compartments, including the center divider, shall not exceed 19⅛ inches.

In addition, only the following numbers of cantaloupes shall be packed in cantaloupe container number 44B as described herein: 10, 12, 16, or 20.

SEC. 3. Section 828.61 of said code is amended to read:

Celery containers

828.61.	45-E celery container	9¾	16	19¼
	45-F celery container	9¾	16	20 to 20¼
	45-G celery container	10	11	15¾ to 16
	45-H celery container	9½	10½	15¾
	45-I celery container	8¼	9	17¼
	45-J celery container	8¼	11	15
	45-K celery container	9¾	11½	19¼

CHAPTER 681

An act to add Section 68543.5 to, and to amend Sections 75028, 75060, and 75060.6 and repeal Sections 75060.4, 75081, and 75082 of, the Government Code, relating to judges.

In effect September 15, 1961

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 68543.5 is added to the Government Code, to read:

Retired judges assigned to a court

68543.5. Whenever a justice or judge retired as such under the Constitution or any law of this State is assigned to sit in a court, he shall be paid while so sitting in addition to his retirement allowance the amount, if any, by which the compensation of a justice or judge of the court to which he is assigned exceeds his retirement allowance.

When assigned to sit in a county other than that in which he resides, he shall also be allowed his necessary expenses for travel, board, and lodging incurred in the discharge of the assignment. Such extra compensation and expenses, if any, shall be chargeable as follows:

(a) When the assignment is to the Supreme Court or a district court of appeal, the additional compensation and the expenses are chargeable to the State.

(b) When the assignment is to a superior court, the difference between the retirement allowance and the State's contribution to a superior court judge's salary, if the State's contribution is greater than the retirement allowance, is chargeable to the State, and any additional compensation and the expenses, are chargeable to the county.

(c) When the assignment is to a municipal court or a justice court, the additional compensation and the expenses are chargeable to the county.

SEC. 2. Section 75028 of said code is amended to read:

Assignments by the Chairman of the Judicial Council

75028. Except as provided in Sections 75060.6, 75080, and 68543.5, any designation as a judge pro tempore or any assignment by the Chairman of the Judicial Council shall be disregarded for purposes of this chapter. For the purposes of this chapter no person shall acquire status as a judge, nor shall any person's status as a judge be affected, by any such designation or assignment.

SEC. 3. Section 75060 of said code is amended to read:

Judges Disabilities

75060. Any judge who is unable to discharge efficiently the duties of his office by reason of mental or physical disability that is, or is likely to be, of a permanent character, may, with his consent and with the approval of the Governor or Acting Governor and the Chief Justice or Acting Chief Justice, be retired from office. The retirement shall be effective upon approval by the designated officers. A certificate evidencing such approval shall be filed with the Secretary of State. Upon the filing of the certificate, a successor shall be appointed to fill the vacancy.

SEC. 4. Section 75060.4 of said code is repealed.

Repeal

SEC. 5. Section 75060.6 of said code is amended to read:

Retirement allowance

75060.6 Except as provided in Section 75060.5, every judge who retires pursuant to Section 75060 shall during the remainder of his life, receive an allowance equal to one-half of the salary payable, at the time the allowance falls due, to the judge holding the judicial office to which he was last elected by the people. The allowance shall be paid by the State at the times and in the manner provided for the payment of salaries of justices of the Supreme Court.

Medical examinations

The Commission on Judicial Qualifications, in its discretion, and from time to time, may require any judge who is receiving an allowance under this section and who is under the age of 65 years to undergo medical examination. Such examination shall be made by one or more physicians or surgeons, appointed by the Commission on Judicial Qualifications, at the place of residence of the judge or other place mutually agreed upon. Upon the basis of such examination the commission shall determine whether he is still incapacitated, physically or mentally, for service as a judge If the commission determines, on the basis of the results of such medical examination, that he is not so incapacitated, his allowance shall be canceled forthwith. If such a judge subsequently retires pursuant to Section 75060, he shall receive a retirement allowance computed under this section. Any judge whose allowance is so canceled shall be a judicial officer of the State, but shall not exercise any of the powers of a justice or judge except while under assignment to a court by the Chairman of the Judicial Council. The provisions of Section 68543.5 are applicable to a judge whose allowance is so canceled, while he is under assignment, except that the amount of the retirement allowance shall not be deducted from the amount paid such a judge while assigned to sit in a court and except that any other provision of Section 68543.5 which is inconsistent with this section shall not be applicable. The transfers and deductions required by Sections 75102 and 75103 shall be made with respect to the salary paid such a judge while he is so assigned. If such judge subsequently retires pursuant to Section 75025, the period of time he served while so assigned shall be included in the computation of years of service for the purpose of Section 75025. The provisions of this section and of Section 75060 are applicable to all judges of courts of record in this State.

Repeal

SEC. 6. Section 75081 of said code is repealed.

Repeal

SEC. 7. Section 75082 of said code is repealed.

CHAPTER 682

An act to add Section 803.2 to the Agricultural Code, relating to peaches.

In effect September 15, 1961

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 803.2 is added to the Agricultural Code, to read:

803.2. Nothing in this chapter shall be construed to prohibit any person, under a permit issued in accordance with this section, from transporting out of the State, peaches which fail to comply with the packing, container or marking requirements of this chapter; providing, such permit is issued for and

is attached to each load or lot transported and the peaches are loose in containers which are not closed. The permit may be issued by the commissioner of the county from which the peaches are to be transported when such commissioner has satisfactory verification by a like officer of the state of destination that the peaches are to be transported to a purchaser for commercial processing, preserving or manufacturing on the premises of the purchaser. Such verification shall include a statement that such official will report to the commissioner who issued the permit as to the commercial processing, preserving or manufacturing use to which the peaches transported under the permit were actually put by the purchaser thereof.

CHAPTER 683

An act to amend Section 559 of the Agricultural Code, relating to milk drink, ice cream and ice milk.

[Approved by Governor June 2, 1961 Filed with Secretary of State June 3, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 559 of the Agricultural Code is amended to read:

559. The provisions of subdivisions (a) and (b) of Section 551, subdivision (a) of Section 552, subdivision (a) of Section 553, and Sections 464 5, 554, 555, and 556 of this code shall not apply to the manufacture of a milk drink when such product is manufactured from milk drink mix or sterilized milk drink mix, or to ice cream manufactured from ice cream mix, or to ice milk manufactured from ice milk mix, when such products are manufactured in a freezing device from which such products are served directly in a semifrozen state, without packaging of any type, for consumption on the premises in or from rooms where food is served to the public. All such mixes so used shall be secured from a licensed manufacturer of milk products. Milk drink shall contain not less than 3.5 percent of milk fat nor more than 75,000 bacteria per gram. No milk or milk products other than market milk or market skim milk or market cream shall be combined with or added to milk drink mix or sterilized milk drink mix in the freezing device in the making of such milk drinks.

CHAPTER 684

An act to amend Section 68540 of the Government Code, relating to assignment of judges.

In effect September 15, 1961

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 68540 of the Government Code is amended to read:

68540. (a) Whenever a judge of a superior court is assigned by the Chairman of the Judicial Council to sit in a superior court in another county, any extra compensation to which this judge is entitled under the Constitution for the time so served shall be paid by the county to which such judge is assigned.

Further, the county to which such judge is assigned shall reimburse the county in which such judge was elected or appointed by the Governor as a superior court judge in an amount equal to that portion of the regular salary of such judge paid for the time he was serving in the other court. This reimbursement shall be made from the same funds as the extra compensation is paid.

(b) The State shall pay the same proportion of the extra compensation of a judge of a municipal or justice court, assigned to a superior court, that it pays of the salary of a judge of the superior court to which the assignment is made, and the remainder of such extra compensation shall be paid by the county in and for which is held the superior court to which the assignment is made.

CHAPTER 685

An act to amend Section 1727 of the Insurance Code, relating to records of insurance brokers or agents.

In effect September 15, 1961

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

The people of the State of California do enact as follows.

SECTION 1. Section 1727 of the Insurance Code is amended to read:

1727. Every insurance agent or broker shall keep complete records of all insurance transacted by him and of the collection of all premiums and of the names of all persons from whom business is accepted or to whom commissions are promised or paid.

Such records shall be open to inspection or examination of the commissioner at all times and the commissioner may at any time require such licensee to furnish him in such manner

or form as he requires, any information kept or required to be kept in such records.

The records required to be kept by this section may be destroyed after they have been retained by the broker or agent for a period of five years after the expiration date of the policy to which the records pertain.

CHAPTER 686

An act to amend Section 27904 of the Vehicle Code, relating to designation of cargo of vehicles.

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 27904 of the Vehicle Code is amended to read:

27904. Section 27903 does not apply if each vehicle transporting the explosive, poisonous, or flammable cargo has prominently displayed on each side and the rear of the vehicle a trademark, trade name, other designating mark, or a legend, substantially descriptive of the type of cargo of the vehicle and generally known to the public as being applied to the explosive substance, poisonous gases, flammable liquids, or liquefied petroleum gases.

Section 27903 also does not apply if the vehicles are under the jurisdiction of, and in compliance with the regulations relating to signs of, the Public Utilities Commission or the Interstate Commerce Commission or to any vehicle transporting radioactive materials if the transportation of such radioactive materials is exempted from the provisions of Section 27903 in regulations adopted by the State Fire Marshal pursuant to Section 33001. In no event shall the regulations adopted by the State Fire Marshal be more restrictive than those of the Interstate Commerce Commission.

CHAPTER 687

An act to amend Section 33274 of, and to add Section 33280 to, the Health and Safety Code, relating to community redevelopment.

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 33274 of the Health and Safety Code is amended to read:

Restriction on construction, etc

33274. This part does not authorize an agency to construct or rehabilitate any of the buildings for residential, commercial, industrial, or other use contemplated by the redevelopment plan.

SEC. 2. Section 33280 is added to said code, to read:

Low rent public housing

33280. If it appears to the agency that it is in the public interest that land to be acquired as part of a redevelopment project should be used in whole or in part as a site for a low-rent public housing project, such land shall be made available to the housing authority undertaking the low-rent public housing project at a price equal to the fair value of the land to a private redeveloper who wants to buy a site in the community for private rental housing with physical characteristics similar to those of the proposed low-rent housing project.

CHAPTER 688

An act to add Section 3039 to the Fish and Game Code, relating to sale of birds and mammals.

In effect September 15, 1961

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 3039 is added to the Fish and Game Code, to read:

3039. It is unlawful to sell or purchase any bird or mammal taken under a hunting license.

CHAPTER 689

An act to add Section 54913 to the Government Code, relating to the filing of statements and maps and plats for tax purposes, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 2, 1961. Filed with Secretary of State June 3, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 54913 is added to the Government Code, to read:

54913. This chapter does not apply with respect to any taxes levied for the fiscal year 1961-62 by any junior college district which is coterminous with a union high school district and which was formed during the fiscal year 1960-61, if, on or before March 31, 1961, the statement and map or plat for said district described in this chapter was filed with the assessor whose assessment roll is used for the levy and with the State Board of Equalization.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution, and shall go into immediate effect. The facts constituting such necessity are: Urgency

A question has arisen as to the validity of any tax that may be levied for the fiscal year 1961-62 in any junior college district coterminous with a union high school district and formed during the fiscal year 1960-61. Those directly concerned have been reasonably unaware that as a result of such formation a new public agency has been formed requiring the filing of a statement and map or plat with the county assessor and the State Board of Equalization as a condition to levying taxes for junior college purposes for the fiscal year 1961-62

Unless such failure to file the statement and map or plat is corrected in accordance with this act, the junior college district so formed will be without power to levy taxes or assessments for the district and junior college services in the district will be jeopardized and the soundness of bond issues voted by the district will be imperiled.

CHAPTER 690

An act to amend Section 24356 of the Government Code, relating to filing and preserving statements and affidavits.

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 24356 of the Government Code is amended to read:

24356. The auditor shall file in his office the statements and affidavits required by this chapter, and may dispose of them after five years in accordance with Section 26907.

CHAPTER 691

An act to amend Section 26205 of, and to add Section 26205.5 to, the Government Code, relating to destruction of records.

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 26205 of the Government Code is amended to read:

26205. At the request of the county officer concerned, the board of supervisors of any county may authorize the destruction of any record, paper, or document which is not expressly Destruction of certain records

required by law to be filed and preserved if all of the following conditions are complied with:

(a) The record, paper, or document is photographed, microphotographed, or reproduced on film of a type approved for permanent photographic records by the National Bureau of Standards;

(b) The device used to reproduce such record, paper, or document on film is one which accurately reproduces the original thereof in all details;

(c) The photographs, microphotographs, or other reproductions on film are placed in conveniently accessible files and provision is made for preserving, examining, and using the same.

SEC. 2. Section 26205.5 is added to said code, to read:

Same

26205.5. At the request of the county recorder, the board of supervisors of any county may authorize the destruction of any or all of the filed papers or record books created by typing on printed forms, by typewriting, or by photographic methods, in the recorder's official custody, if all of the following conditions are complied with:

(a) The record, paper, or document is photographed, microphotographed, or reproduced under the direction and control of the county recorder on film of a type approved for permanent photographic records by the National Bureau of Standards;

(b) The device used to reproduce such record, paper, or document on film is one which accurately and legibly reproduces the original thereof in all details;

(c) The photographs, microphotographs, or other reproductions on film are made as accessible for public reference as the book records were.

(d) A true copy of archival quality of such film reproductions shall be kept in a safe and separate place for security purposes.

Provided, however, that no page of any record, paper, or document shall be destroyed if any such page can not be reproduced on film with full legibility. Every such unreproducible page shall be permanently preserved in a manner that will afford easy reference.

CHAPTER 692

An act to amend Section 581c of, and to add Section 631.8 to, the Code of Civil Procedure, relating to judgments in court trials.

In effect September 15, 1961

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 581c of the Code of Civil Procedure is amended to read:

581c. After the plaintiff has completed his opening statement, or the presentation of his evidence in a trial by jury, the defendant, without waiving his right to offer evidence in the event the motion is not granted, may move for a judgment of nonsuit. Motion for nonsuit

If the motion is granted, unless the court in its order for judgment otherwise specifies, such judgment of nonsuit operates as an adjudication upon the merits.

SEC. 2. Section 631.8 is added to said code, to read:

631.8. After a party has completed his presentation of evidence in a trial by the court, the other party, without waiving his right to offer evidence in support of his defense or in rebuttal in the event the motion is not granted, may move for a judgment. The court as trier of the facts shall weigh the evidence and may render a judgment in favor of the moving party, in which case the court shall make findings as provided in Sections 632 and 634 of this code, or may decline to render any judgment until the close of all the evidence. Such motion may also be made and granted as to any counterclaim or cross-complaint. Motion for judgment at the close of evidence

If the motion is granted, unless the court in its order for judgment otherwise specifies, such judgment operates as an adjudication upon the merits.

CHAPTER 693

An act to amend Sections 117l, 977, 978, 980, 980b, 981a, 982, 985, 988f, 988g, 988h, and 988i of, and to add Chapter 5, comprising Section 988t, to Title 13 of Part 2 of, the Code of Civil Procedure, and to amend Sections 1467 and 1469 and the headings of Title 11 of Part 2 and Chapter 2 of Title 11 of Part 2 of, and to add Chapter 3, comprising Section 1471, to Title 11 of Part 2 of, the Penal Code, and to add Section 69155 to the Government Code, relating to review of cases within the original jurisdiction of municipal and justice courts.

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 117*l* of the Code of Civil Procedure is amended to read:

117*l*. The statement mentioned in the last section shall be accompanied by a bond substantially in the following form: Statements

In the small claims court of _____, County of _____, State of California

_____ Plaintiff,

vs.

_____ Defendant,

Whereas the above-entitled court in the above-entitled action did on the _____ day of _____, 19___, enter judgment in favor of the plaintiff and against the defendant in the sum of _____ dollars ($_____); and

Whereas the defendant is about to appeal to the superior court of the State of California in and for the above-named county;

Now, therefore, the undersigned do hereby undertake and promise that if said judgment is affirmed, in whole or in part, or the appeal from such judgment dismissed, then and in that event, the appellant will pay the amount directed to be paid by said judgment, or the part of such amount as to which the judgment is affirmed, if affirmed only in part, and all costs which may be awarded against appellant on appeal; and that if the appellant does not make such payment within 20 days after the entry by the clerk of said superior court of the modification or affirmation of said judgment or within such additional period as may be provided by rules of the Judicial Council, that then judgment may be entered, on motion of respondent, in his favor and against the undersigned sureties for such amount, together with the interest that may be due thereon, costs which may be awarded against the appellant on appeal and also the sum of fifteen dollars ($15) as an attorney fee.

Dated this _____ day of _____, 19___.

_____,

_____,

Sureties.

State of California,
City and County
or County of _____ } ss.

_____ and _____, the sureties named in the above bond, being first duly sworn, each for himself and not one for the other, deposes and says that he is a _____ holder and resident within said city and county or county and within said State, and is worth the sums hereinabove mentioned, over and above all of his debts and liabilities, exclusive of property exempt from execution.

_____

_____

Subscribed and sworn to before me this _____ day of _____, 19___.

_____

Notice of the filing of the appeal and notice of the filing of the undertaking on appeal must be given to respondent within five days after filing the same. Within five days after the service of such notices upon respondent the adverse party may except to the sufficiency of the sureties, and unless they or

other sureties justify before the judge of said small claims court within five days thereafter, upon notice to the adverse party, to the amounts stated in their affidavits, the appeal must be regarded as if no such undertaking had been given.

SEC 2. Section 977 of the Code of Civil Procedure is amended to read:

Papers transmitted on appeal

977. Upon the filing of the notice of appeal, the payment of the fees of the judge, payable on appeal and not included in the judgment, and any other fees required by law, and the filing of an undertaking as required in the next section, and after settlement of the statement, if any, the judge must, within five days, transmit to the clerk of the superior court the following papers, which shall constitute the record on appeal and may be used on the hearing of the appeal in the reviewing court or the trial of the action or hearing of the order anew in the superior court:

1. If the appeal be on questions of law alone, a certified copy of the entries in the docket relating to the action, all written pleadings filed in the action, the statement as settled, all exhibits, notices, affidavits, orders, and other papers and documents on file with the court in such action which are referred to in the statement by designations sufficient to identify them, the notice of appeal and the undertakings filed; or,

2. If the appeal be on questions of fact, or both law and fact, a certified copy of the entries in the docket relating to the action, the pleadings, all exhibits, notices, motions, and all other papers and documents filed in the action, the notice of appeal, and the undertakings filed.

The judge may be compelled by the reviewing court, by an order entered upon motion, to transmit such papers, and may be fined for neglect or refusal to transmit the same. A certified copy of such order may be served on the judge by either party or his attorney. In the reviewing court, either party may have the benefit of all legal objections made in the justice court and presented by the record on appeal

SEC. 3. Section 978 of the Code of Civil Procedure is amended to read:

Undertakings required on appeal

978. An appeal from a judgment in a justice court is not effectual for any purpose, unless an undertaking be filed with two or more sureties in the sum of one hundred dollars ($100) for the payment of the costs on the appeal, or, if a stay of proceedings be claimed, in the sum of one hundred dollars ($100) plus a sum equal to twice the amount of the judgment, including costs, when the judgment is for the payment of money; or plus twice the value of the property including costs, when the judgment is for the recovery of specific personal property; and must be conditioned, when the action is for the recovery of money, that the appellant will pay the amount of the judgment appealed from, and all costs, if the appeal be withdrawn or dismissed, or the amount of any judgment and all costs that may be recovered against him in the action in the reviewing court.

When the action is for the recovery of or to enforce or foreclose a lien on specific personal property, the undertaking must be conditioned that the appellant will pay the judgment and costs appealed from, and obey the order of the court made therein, if the appeal be withdrawn or dismissed, or any judgment and costs that may be recovered against him in said action in the reviewing court, and will obey any order made by the court therein

When the judgment appealed from directs the delivery of possession of real property, the execution of the same cannot be stayed unless a written undertaking be executed on the part of the appellant, with two or more sureties, to the effect that during the possession of such property by the appellant, he will not commit, or suffer to be committed any waste thereon, and that if the appeal be dismissed or withdrawn, or the judgment affirmed, or judgment be recovered against him in the action in the reviewing court, he will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession thereof; or that he will pay any judgment and costs that may be recovered against him in said action in the reviewing court, not exceeding a sum to be fixed by the judge of the court from which the appeal is taken, and which sum must be specified in the undertaking

A deposit of the sum of one hundred dollars ($100) for the payment of the costs on the appeal, or if a stay of proceedings be claimed, in the sum of one hundred dollars ($100) plus the amount of the judgment, including all costs appealed from, or plus the value of the property, including all costs, in actions for the recovery of specific personal property, with the judge is equivalent to the filing of the undertakings above provided for, and in such cases, the judge must transmit the money to the clerk of the superior court, to be by him paid out on the order of the reviewing court.

If the appeal be from an order made after judgment, the perfecting of the appeal from such order stays proceedings in a justice court upon said order

SEC. 4. Section 980 of the Code of Civil Procedure is amended to read:

Appeal on questions of law

980 Upon an appeal upon questions of law alone, the reviewing court may review all orders and proceedings affecting the judgment or order appealed from, may affirm, reverse or modify the judgment or order appealed from, may direct the proper judgment or order to be entered, may set aside, or confirm, or modify any or all of the proceedings subsequent to and dependent upon such judgment or order, and may, if necessary or proper, order a new trial or new hearing on the order or may order other further proceedings Upon the final determination of such an appeal, the clerk of the reviewing court shall remit to the court from which the appeal was taken a certified copy of the judgment of the reviewing court, and of its opinion, if any, and also all original pleadings, exhibits, and other papers and documents which were sent to said court in

connection with such appeal, except the notice of appeal, the statement and the undertakings.

SEC 5 Section 980b of the Code of Civil Procedure is amended to read:

Costs upon dismissal of appeal

980b. When an appeal is dismissed for delay in bringing it to a trial or to a hearing, as provided in Section 981a, respondent is entitled to costs If it appear to the reviewing court that the appeal was taken solely for delay, it may add to the costs such damages as may be just, not exceeding 25 percent of the judgment appealed from.

SEC 6 Section 981a of the Code of Civil Procedure is amended to read:

Dismissal of appeal

981a. An appeal from a judgment or order of a justice court must be dismissed by the superior court on its own motion, or on the motion of any party interested therein, whether named in the complaint as a party or not:

1. Where, in the absence of a written stipulation extending the time, such appeal is not brought to trial or to a hearing within one year from the date of filing such appeal in said superior court, if, upon hearing after notice, it should appear to the satisfaction of said superior court that the delay in bringing said appeal to trial or to a hearing within said one-year period was occasioned by lack of reasonable diligence on the part of the appealing party; or,

2 Where such appeal is not brought to trial or to a hearing within three years from the date of filing such appeal in said superior court.

This section is applicable only in the superior court.

SEC 7. Section 982 of the Code of Civil Procedure is amended to read:

Return of papers on dismissal of appeal

982. Upon dismissal of the appeal the clerk of the reviewing court shall return all the papers to the court from which the appeal was taken, and the judge of said court shall have jurisdiction the same as if no appeal had been taken.

SEC 8. Section 985 of the Code of Civil Procedure is amended to read:

Undertaking required for stay

985 If a stay of execution is desired on any appeal from a municipal court, an undertaking must be filed on the part of the appellant with two or more sureties, for the sums and containing the conditions hereinafter stated, to wit:

1. When the judgment or order is for the recovery of money, the undertaking shall be for a sum equal to twice the amount of the judgment, including costs, and must be conditioned that if the judgment or order appealed from, or any part thereof, be affirmed or the appeal withdrawn or dismissed, the appellant will pay the amount directed to be paid by such judgment or order, or the part of such amount as to which the judgment or order is affirmed, if affirmed only in part, and that if the appellant does not make such payment within 30 days after the filing of the remittitur from the reviewing court in the court from which the appeal was taken, judgment may be entered on motion of the respondent in his favor against the

sureties for such amount, together with the interest that may be due thereon and the damages and costs which may be awarded against the appellant on the appeal;

2. When the judgment is for the recovery of specific personal property, the undertaking shall be for a sum equal to twice the value of the property and the costs included in the judgment, and must be conditioned that the appellant will pay the judgment appealed from, including costs, and obey the order of the court made therein, if the appeal be withdrawn or dismissed or the judgment be affirmed;

3. When the judgment directs the delivery of possession of real property, the undertaking shall be for such sum as may be fixed by a judge of the municipal court, and must be conditioned that during the possession of such property by the appellant, he will not commit, or suffer to be committed, any waste thereon, and that if the appeal be withdrawn or dismissed, or the judgment affirmed, he will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession thereof, not exceeding the sum specified in the undertaking;

4. If the judgment direct the sale of personal property upon the foreclosure of a mortgage or other lien thereon, the undertaking shall be for such amount as may be fixed by a judge of the municipal court, and must be conditioned that the appellant will, on demand, deliver the said property to the proper officer, if the appeal be withdrawn or dismissed or the judgment affirmed, and that in default of such delivery the appellant and sureties will, on demand, pay to the proper officer the full value of such property at the date of the appeal.

A deposit with the clerk of the court of such sum as is provided for in any paragraph of this section shall be equivalent to the filing of an undertaking to stay execution in the sum provided for in such paragraph. Upon the affirmance of the judgment or order appealed from, or the withdrawal or dismissal of the appeal, the court may order any money so deposited to be applied in accordance with the conditions required for the undertaking in place of which it was deposited.

SEC. 9. Section 988f of the Code of Civil Procedure is amended to read:

Judgment reversed or modified on appeal

988f. When the judgment or order is reversed or modified, the reviewing court may make complete restitution of all property and rights lost by the erroneous judgment or order, so far as such restitution is consistent with protection of a purchaser of property at a sale ordered by the judgment, or had under process issued upon the judgment, on the appeal from which proceedings were not stayed, and for relief in such cases the appellant may have his action against the respondent enforcing the judgment for the proceeds of the sale of the property, after deducting therefrom the expenses of the sale.

SEC 10. Section 988g of the Code of Civil Procedure is amended to read:

Final determination

988g. Upon the final determination of an appeal by the reviewing court, the clerk of said court must remit to the municipal court a certified copy of the judgment of the reviewing court and of its opinion, if any The clerk of the municipal court must file such certified copy of the judgment and opinion of the reviewing court, must attach the same to the judgment roll if the appeal was from a judgment, and must enter a note of the judgment of the reviewing court stating whether the judgment or order appealed from has been affirmed, reversed or modified, in the margin of the original entry of such judgment or order, and also in the register of actions.

SEC 11. Section 988h of the Code of Civil Procedure is amended to read:

Reviewable orders, etc

988h Upon an appeal from a municipal court, the reviewing court may review the verdict or decision and any intermediate ruling, proceeding, order or decision which involves the merits or necessarily affects the judgment or order appealed from or which substantially affects the right of a party, including, on any appeal from the judgment, any order on motion for a new trial, and may affirm, reverse or modify any judgment or order appealed from, and may direct the proper judgment or order to be entered, and may, if necessary or proper, direct a new trial or further proceedings to be had. The respondent, or party in whose favor the judgment was given, may, without appealing from such judgment, request the court to and it may review any of the foregoing matters for the purpose of determining whether or not the appellant was prejudiced by the error or errors upon which he relies for reversal or modification of the judgment from which the appeal is taken. If there be a new trial, it must be in the municipal court. If it appears to the reviewing court that any appeal was taken solely for delay, it may, on dismissal of such appeal or affirmance of the judgment or order appealed from, add to the costs of appeal such damages as may be just, not exceeding 25 percent of the judgment appealed from, if it be a judgment for money, or 25 percent of the value of the property if it be a judgment for the recovery of specific personal property.

SEC. 12. Section 988i of the Code of Civil Procedure is amended to read:

Appeal where no jury trial held

988i. In all cases where trial by jury is not a matter of right or where trial by jury has been waived, the reviewing court may make findings of fact contrary to or in addition to those made by the municipal court Such findings may be based on the evidence adduced before the trial court either with or without the taking of evidence by the reviewing court The reviewing court may for the purpose of making such findings of fact or for any other purpose in the interests of justice, take additional evidence of or concerning facts occurring at any time prior to the decision of the appeal, and may give or direct

the entry of any judgment or order and make such further or other order as the case may require. The mode of procedure for taking such additional evidence may be regulated by the rulemaking authority. This section shall be liberally construed to the end among others that wherever possible causes may be finally disposed of by a single appeal and without further proceedings in the trial court except where the interests of justice require a new trial.

SEC. 13. Chapter 5, comprising Section 988t, is added to Title 13 of Part 2 of the Code of Civil Procedure, to read:

CHAPTER 5. TRANSFER OF MUNICIPAL AND JUSTICE COURT APPEALS

Transfer to the district court of appeal

988t. A district court of appeal may order any case on appeal within the original juridiction of the municipal and justice courts in its district transferred to it for hearing and decision as provided by rules of the Judicial Council when the superior court certifies, or the district court of appeal determines, that such transfer appears necessary to secure uniformity of decision or to settle important questions of law.

No case in which there is a right on appeal to a trial anew in the superior court shall be transferred pursuant to this section before a decision in such case becomes final therein.

A court to which any such case is transferred shall have similar power to review any matter and make orders and judgments as the superior court by statute would have in such case, except as otherwise expressly provided and except that if the case was tried anew in the superior court, the reviewing court shall have similar power to review any matter and make orders and judgments as it has by statute in a case within the original jurisdiction of the superior court.

SEC. 14. The heading of Title 11 of Part 2 of the Penal Code is amended to read:

TITLE 11. PROCEEDINGS IN INFERIOR COURTS AND APPEALS FROM SUCH COURTS

SEC. 15. The heading of Chapter 2 of Title 11 of Part 2 of the Penal Code is amended to read:

CHAPTER 2. APPEALS FROM INFERIOR COURTS

SEC. 16. Section 1467 of the Penal Code is amended to read:

Stay of execution

1467. An appeal from a judgment of conviction does not stay the execution of the judgment in any case unless the trial or a reviewing court shall so order. The granting or refusal of such order shall rest in the discretion of the court.

SEC. 17. Section 1469 of the Penal Code is amended to read:

Review where no exception is taken

1469. Upon appeal by the people the reviewing court may review any question of law involved in any ruling affecting

the judgment or order appealed from, without exception having been taken in the trial court. Upon an appeal by a defendant the court may, without exception having been taken in the trial court, review any question of law involved in any ruling, order, instruction, or thing whatsoever said or done at the trial or prior to or after judgment, which thing was said or done after objection made in and considered by the trial court and which affected the substantial rights of the defendant. The court may also review any instruction given, refused or modified, even though no objection was made thereto in the trial court if the substantial rights of the defendant were affected thereby. The reviewing court may reverse, affirm or modify the judgment or order appealed from, and may set aside, affirm or modify any or all of the proceedings subsequent to, or dependent upon, such judgment or order, and may, if proper, order a new trial If a new trial is ordered upon appeal, it must be had in the superior court unless the appeal is from a municipal court in which case the new trial must be had in the court from which the appeal is taken.

SEC. 18. Chapter 3, comprising Section 1471, is added to Title 11 of Part 2 of the Penal Code, to read:

CHAPTER 3. TRANSFER OF MUNICIPAL AND JUSTICE COURT APPEALS

Transfers to the district court of appeal

1471. A district court of appeal may order any case on appeal within the original jurisdiction of the municipal and justice courts in its district transferred to it for hearing and decision as provided by rules of the Judicial Council when the superior court certifies, or the district court of appeal determines, that such transfer appears necessary to secure uniformity of decision or to settle important questions of law.

No case in which there is a right on appeal to a trial anew in the superior court shall be transferred pursuant to this section before a decision in such case becomes final therein.

A court to which any such case is transferred shall have similar power to review any matter and make orders and judgments as the superior court by statute would have in such case, except as otherwise expressly provided and except that if the case was tried anew in the superior court, the reviewing court shall have similar power to review any matter and make orders and judgments as it has by statute in a case within the original jurisdiction of the superior court.

SEC. 19. Section 69155 is added to the Government Code, to read:

Fees

69155. The fee for filing a petition for hearing in the district court of appeal in a case within the original jurisdiction of a municipal or justice court is two dollars and fifty cents ($2.50).

Operative date

SEC. 20. This act shall become operative on January 2, 1962.

CHAPTER 694

An act to authorize the inclusion of the Orcutt Sanitary District within the Laguna County Sanitation District, relating to sanitary and sanitation districts.

In effect September 15, 1961

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

The people of the State of California do enact as follows:

Orcutt Sanitary District

SECTION 1. The facilities of the Orcutt Sanitary District in Santa Barbara County are not adequate to meet the demands for services which are being made upon the district and the district does not have sufficient financial resources to enable the district to expand its facilities to the extent necessary to meet such demands for services. The Laguna County Sanitation District in Santa Barbara County has existing facilities and financial resources to enable it to provide the services if the territory of the Orcutt Sanitary District were included within the Laguna County Sanitation District and the Orcutt Sanitary District dissolved. There is, at the present time, no law which permits a sanitary district to be included within a county sanitation district by action of the respective governing boards of the districts and provides for the dissolution of the sanitary district upon its inclusion within the county sanitation district. It is, therefore, necessary that a special law be enacted which will authorize the inclusion of the Orcutt Sanitary District within the Laguna County Sanitation District and provide for the dissolution of the Orcutt Sanitary District upon such inclusion.

Requesting inclusion by resolution

SEC. 2. The district board of the Orcutt Sanitary District may, by resolution, request the inclusion of the district within the Laguna County Sanitation District. A verified copy of the resolution shall be filed with the Secretary of State and with the board of directors of the Laguna County Sanitation District.

Approval, inclusion by resolution, etc.

SEC. 3. If the board of directors of the Laguna County Sanitation District approves of the inclusion of the Orcutt Sanitary District within the Laguna County Sanitation District, it shall adopt a resolution declaring the Orcutt Sanitary District included within the Laguna County Sanitation District. Upon the filing of a verified copy of the resolution with the Secretary of State, the Orcutt Sanitary District is included within the Laguna County Sanitation District and is dissolved.

Property, funds

The property, funds and obligations of the former district shall become the property of the Laguna County Sanitation District.

Property continues subject to tax

SEC. 4. The property in the territory now constituting the Orcutt Sanitary District shall remain subject to tax to pay off any outstanding indebtedness of the Orcutt Sanitary District at the time of its inclusion within the Laguna County Sanitation District. The tax shall be levied by the board of directors

of the Laguna County Sanitation District as prescribed in Article 6 (commencing with Section 6780), Chapter 7, Part 1, Division 6 of the Health and Safety Code, in the same manner as though the Orcutt Sanitary District had not been included in the Laguna County Sanitation District.

CHAPTER 695

An act to amend Section 69593 of the Government Code, relating to superior courts.

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 69593 of the Government Code is amended to read:

69593. In the County of Sacramento there shall be 10 judges of the superior court.

CHAPTER 696

An act to amend Section 6735 of the Business and Professions Code, relating to the practice of engineering.

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 6735 of the Business and Professions Code is amended to read:

6735. All civil engineering plans, specifications, reports or documents shall be prepared by a registered civil engineer or by a subordinate employee under his direction. In addition, they shall be signed by him, showing in addition to his signature his registration number, or stamped with his seal, either of which shall indicate his responsibility for them. The registered civil engineer shall use together with his signature or seal, the title "civil engineer" or, if he has the authority, the title "structural engineer."

CHAPTER 697

An act to amend Section 12320 of the Government Code, relating to securities belonging to the State.

In effect September 15, 1961

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 12320 of the Government Code is amended to read:

12320. The Treasurer shall receive and keep in the vaults of the State Treasury or deposit in banks all moneys belonging to the State, not required to be received and kept by some other person. Bonds, and other securities or investments belonging to the State shall be received by the State Treasurer and kept in the vaults of the State Treasury or may be deposited by the State Treasurer for safekeeping with any federal reserve bank or any branch thereof, or with any trust company, or the trust department of any state or national bank located in a city designated as a reserve or central reserve city by the Board of Governors of the Federal Reserve System.

CHAPTER 698

An act to amend Section 10202.7 of the Insurance Code, relating to group life insurance policies.

In effect September 15, 1961

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 10202.7 of the Insurance Code is amended to read:

10202.7. A group life policy conforming to all of the following conditions may be issued to the trustee of a fund established by employer members of a trade association or by a trade association and maintained by contributions of such members for the sole benefit of their employees:

(a) The trade association (1) must have been formed and continuously maintained for purposes other than obtaining insurance and have been in existence for five years or longer prior to issuance of the policy or (2) must be a statewide association having over 500 members, which has been in existence for 10 years or longer and consists of employer members engaged in any one or more of the manufacturing, fabricating, or processing industries.

(b) The policy must cover at date of issue not less than 75 percent of the eligible employees of at least 50 percent of the total employer members of the trade association unless the total number of lives covered at date of issue exceeds 600,

in which event the policy must cover when issued 75 percent of the eligible employees of at least 25 percent of the employer members of the trade association; provided, however, that in determining the total of the employer members of the trade association there shall be excluded any member whose employees are already covered by group life insurance.

The policy may provide that the term "employees" shall include retired employees and the individual proprietor or partners if an employer is an individual proprietor or a partnership.

(c) The group life policy must be issued pursuant to Section 10202 and the trustee shall be deemed to be the employer for purposes of administration.

(d) The group policy must cover when issued at least 100 lives.

CHAPTER 699

An act to amend Sections 31558, 31585, 31593, 31624, 31676, 31681 and 31710 of, and to add Section 31593.5 to, the Streets and Highways Code, relating to the Vehicle Parking District Law of 1943.

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 31558 of the Streets and Highways Code is amended to read:

Publication of notice of intention to modify

31558. The legislative body shall not decrease, change or otherwise modify the proposed acquisition or improvement except after notice of intention to do so is published by the clerk pursuant to Section 6061 of the Government Code in the newspaper in which the ordinance of intention was published. The term "decrease, change or otherwise modify" includes the addition of acquisitions or improvements and also includes the substitution of additional acquisitions or improvements in lieu of acquisitions or improvements eliminated.

SEC. 2. Section 31585 of said code is amended to read:

Modifications

31585. Whenever an ordinance is adopted pursuant to this chapter, whether in response to a proposal made in the petition or otherwise, the legislative body may, at the hearing on the ordinance of intention or subsequent thereto, increase, decrease, eliminate, change or otherwise modify the lands to be so held, used and treated, the improvements to be made or constructed thereon, or the compensation to be paid the city for such city lands, in the same manner and by the same procedure as provided in this part for increasing, decreasing, changing or otherwise modifying the acquisitions and improvements to be made, and in that event the legislative body shall adopt a new ordinance pursuant to this chapter consistent

with such changes and repealing the prior ordinance or shall amend the prior ordinance.

SEC. 3. Section 31593 of said code is amended to read:

Modification of acquisition, etc

31593. At any time subsequent to the adoption of the ordinance ordering the acquisition and improvement and declaring the district formed but before the confirmation of the assessment the legislative body may decrease, change or otherwise modify the acquisition and improvement after notice and hearing in the same manner as provided in Sections 31557 to 31560. In proceedings under this section the legislative body shall not decrease, change or otherwise modify the acquisition and improvement unless following the hearing it determines by a four-fifths vote of all its members that all of the lands in the district as originally formed or the district as changed pursuant to Section 31593.5, as the case may be, will be benefited by the acquisition and improvement remaining after such decrease, change or modification. Any such decrease, change or modification shall be effected by an ordinance amending the ordinance ordering the acquisition and improvement and declaring the district formed, and thereafter further proceedings under this part shall be taken pursuant to such ordinance as amended. The term "decrease, change or otherwise modify" includes the addition of acquisitions or improvements and also includes the substitution of additional acquisitions or improvements in lieu of acquisitions or improvements eliminated. If a condemnation action has been brought on any property eliminated, such action may be dismissed as to the property eliminated even though an interlocutory judgment has been entered, and a further condemnation action may be brought as to any property added or substituted for any property eliminated.

Notice and hearing

Amendment of ordinance

SEC. 4. Section 31593.5 is added to said code, to read:

Change of boundaries

31593.5. At any time subsequent to the adoption of the ordinance ordering the acquisition and improvement and declaring the district formed but before the confirmation of the assessment the legislative body may change the boundaries of the district after notice and hearing in the same manner as provided in Sections 31551 to 31554. In proceedings under this section the legislative body shall not change the boundaries of the district unless following the hearing it determines by a four-fifths vote of all its members that all of the lands in the district as changed will be benefited by the acquisition and improvement originally ordered or the acquisition and improvement as changed pursuant to Section 31593, as the case may be. Any such change in boundaries shall be effected by an ordinance amending the ordinance declaring the district formed, and thereafter further proceedings under this part shall be taken pursuant to such ordinance as amended. Proceedings under this section may be combined with proceedings under Section 31593.

SEC 5. Section 31624 of said code is amended to read:

31624. The total cost and expense include: Assessment of cost, etc Items included

(a) The amounts awarded the defendants in the condemnation action and their costs and the estimated amount of interest, if any, which will accrue on the amounts awarded.

(b) Any amounts fixed by contract for the purchase of any land or rights-of-way to be acquired

(c) All costs and expenses of plaintiff in the condemnation action, attorneys' fees, fees of expert witnesses, service of process, and other costs or expenses.

(d) The expenses of making the diagram and assessment.

(e) The estimated expense of issuing and selling bonds.

(f) The estimated costs and expenses of the proposed improvement.

(g) All expenses of the proceedings pursuant to this part, including engineers' and attorneys' fees, title searches, certificates of title, publication and posting of ordinances or notices, maps, plans, the estimated expenses of the proceedings thereafter to be taken, and all expenses of the proceedings taken under the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

SEC 6. Section 31676 of said code is amended to read:

31676. The bonds shall extend over a period not to exceed 24 years from January 2d next succeeding the next September 1st following their date; provided, however, that in the case of proceedings where the ordinance of intention was adopted prior to the effective date of this act or in the case of proceedings where the legislative body finds that circulation of the petition was commenced prior to the effective date of this act the bonds shall extend over a period of not to exceed 19 years from January 2d next succeeding the October 15th following their date. Bonds' Term

SEC 7. Section 31681 of said code is amended to read:

31681. The bonds shall be substantially in the following form: Form

Vehicle Parking District No. _____
(Number of district)
of the City of _____

IMPROVEMENT BOND

$ _____ No. _____

Under and by virtue of the Vehicle Parking District Law of 1943, I, out of the fund for the above designated Vehicle Parking District No._____ of the City of _____ bonds, will pay to _____ , or order, (or to bearer,) the sum of $_____, with interest at the rate of _____ percent per annum, all as is hereinafter specified, and at the office of the Treasurer of the City of _____, State of California.

This bond is issued to pay the cost of the acquisition and improvement of certain parking places in the City of _____ as the same is more fully described in assessment number _____ issued by the street superintendent of said city and recorded in his office. Its amount is the amount assessed in said

assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number _____, and which now remains unpaid, and constitutes a lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit: The lot or parcel of land in said City of _____, County of _____, State of California, described as follows: _____

This bond is payable exclusively from said fund, and neither the city nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is _____ years from the second day of January next succeeding the next _____ following its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year, following the next _____ after its date, an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of _____ per centum per annum.

The interest is payable semiannually, to wit: On the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, hereto attached, the first of which is for the interest from date to the next second day of _____ and thereafter the interest coupons are for semiannual interest.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said law, at any time before maturity, and before commencement of proceedings for sale, upon payment to the treasurer, for the holder of this bond, of the amount then unpaid on the principal thereof, with interest thereon calculated up to the due date of the next maturing interest coupon, and all penalties accrued and unpaid.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or any one in his behalf, the holder of this bond is entitled on or after the second day of January or July, as the case may be, following such default to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law; provided, however, that any bond may be reinstated after such default in the manner provided in said law. In case of such default there shall be immediately added to such defaulted amount 1 percent of the amount thereof, and on the first day of each month following such default there shall be added a further penalty of 1 percent of such defaulted amount. The 1 percent penalty first imposed and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment.

At said City of _____, this _____ day of _____, in the year one thousand, nine hundred and _____.

_____

Treasurer of the City of_____

SEC. 8. Section 31710 of said code is amended to read:

31710. At any time either before or after the amount required for the acquisition of the property to be acquired has been fixed by interlocutory judgment or by contract, the legislative body may advance from the general fund of the city or out of any other available funds such amount as may be necessary to acquire such property or any part thereof and may use such money to acquire such property or part thereof under the contract or to satisfy the interlocutory judgment as to such property or part thereof, and may also make such an advance to pay the cost of making the improvements on any property so acquired. Following the recordation of the assessment any such advance shall be repaid from the first moneys available from cash collections of assessments or sale of bonds or both.

Advancement from general fund

CHAPTER 700

An act to amend Sections 2857, 2885 and 4279 of the Streets and Highways Code, relating to special assessments.

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 2857 of the Streets and Highways Code is amended to read:

2857. At the hearing on the report, the report, except as to the map, plat or diagram and the assessed valuations and true valuations of and assessments and estimated assessments upon each parcel of land, shall be read or summarized before protests are considered. The hearing may be continued from time to time not exceeding 120 days.

Hearing

SEC. 2. Section 2885 of said code is amended to read:

2885. At the hearing on the ordinance or resolution of intention, the reports (except as to the map, plat or diagram and the assessed valuations and true valuations of and the assessments and estimated assessments upon each parcel of land) shall be read or summarized to the legislative body prior to the consideration of protests and objections, if any If the hearing on the ordinance or resolution of intention is held at the same time as the hearing on the report this section shall not apply.

Reading report

SEC. 3. Section 4279 of said code is amended to read:

4279. The assessment shall show:

(a) The total sum to be raised thereby.

(b) The items of such total sum.

(c) Opposite each lot or parcel of land assessed, the amount assessed thereon.

Contents of assessment

CHAPTER 701

An act to amend Sections 43603 and 43616 of the Government Code, relating to general obligation bonds of cities.

In effect September 15, 1961

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 43603 of the Government Code is amended to read:

City plan bond issue

43603. When a city planning commission and the legislative body approve a group of municipal improvements as constituting a city plan, the legislative body may submit a single bond proposition covering the entire group of improvements. The provisions of Title 7 of this code shall not apply to the formulation and approval of a city plan under this section.

SEC. 2. Section 43616 of said code is amended to read:

Resubmission

43616. If any proposition is defeated by the electors, the legislative body shall not call another election on a substantially similar proposition to be held within six months after the prior election. If a petition requesting submission of such a proposition, signed by 15 percent of the city electors as shown by the votes cast for all candidates for Governor at the last election, is filed with the legislative body, it may hold an election before the expiration of six months.

CHAPTER 702

An act to amend Section 666 of the Agricultural Code, relating to imitation milk products.

In effect September 15, 1961

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 666 of the Agricultural Code is amended to read:

666. It is unlawful, except as to oleomargarine or margarine sold, dealt in or furnished by a wholesale dealer or as to oleomargarine or margarine, imitation ice cream or imitation ice milk sold, dealt in or furnished by a retail dealer, to engage in the business or occupation of manufacturing, selling, dealing in or furnishing, or to have in possession for any purpose other than for consumption in his own family, or for transportation in case of boats, railroads, or other carriers, or for the purpose of storage in the case of a warehouse or cold storage company, (a) imitation milk, (b) oleomargarine or margarine, colored oleomargarine or colored margarine, renovated

butter or a substitute for butter, (c) imitation cheese or substitute for cheese, (d) imitation ice cream or imitation ice milk, (e) imitation cream, or (f) any other imitation milk product not otherwise listed herein, without first having applied for and obtained a license so to do. To engage in any such business or occupation, other than that of a retail dealer or wholesale dealer in oleomargarine or margarine or retail dealer in imitation ice cream or imitation ice milk, a person shall first apply each year to the director for a license, and upon payment of the license fee mentioned in Section 667 the director shall issue a license to engage in the business for which the license is issued. Separate licenses are required for each such business or occupation, except that no license shall be required of a retail dealer or wholesale dealer in oleomargarine or margarine or retail dealer in imitation ice cream or imitation ice milk.

CHAPTER 703

An act to amend Sections 16551, 16555, and 16561 of the Education Code, relating to the use of school buildings.

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 16551 of the Education Code is amended to read:

16551. The governing board of any school district may grant the use of school buildings or grounds for public, literary, scientific, recreational, educational, or public agency meetings, or for the discussion of matters of general or public interest upon such terms and conditions as the board deems proper, and subject to the limitations, requirements, and restrictions set forth in this chapter (commencing at Section 16551) Conditions

SEC. 2. Section 16555 of said code is amended to read:

16555. The governing board of any school district may grant the use of school buildings, grounds, and equipment without charge to public agencies for the purpose of holding examinations for the selection of personnel, and for the instruction of precinct board members. Personnel examinations

SEC. 3. Section 16561 of said code is amended to read:

16561. The use of schoolhouses, property, and grounds pursuant to this chapter (commencing at Section 16551) shall be granted free, except as otherwise provided by Section 16562, to public agencies, or to organizations, clubs, or associations organized for general character building or welfare purposes. Free use

For any other use of schoolhouses, property, and grounds pursuant to this chapter, including uses for which charges may be made under Section 16562, the governing board of any school district may charge not to exceed an amount sufficient

to pay the cost to the district of supplies, utilities, and salaries paid school district employees necessitated by such use of schoolhouses, property, and grounds of the district.

CHAPTER 704

An act to amend Section 1 of Chapter 1551, Statutes of 1959, relating to Long Beach tidelands, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 6, 1961 Filed with Secretary of State June 6, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1551, Statutes of 1959, is amended to read:

Section 1. The State has asserted as against the City of Long Beach claims that certain lands, easements, or well sites lying within the boundaries of the Long Beach Harbor District (as such boundaries were defined on April 1, 1956), and the revenues or the other things of value derived by the City of Long Beach therefrom, are or may be subject to the terms, provisions, conditions, trusts or rights declared by Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, Chapter 158, Statutes of 1935, Chapter 915, Statutes of 1951, or Chapter 29, Statutes of 1956 (First Extraordinary Session) (hereinafter referred to as the Acts of 1911, 1925, 1935, 1951, and 1956), which claims are denied by the city. Such lands or portions thereof are located within that segment of the Wilmington Oil Field designated as Fault Block IV, as said Fault Block IV descriptive boundaries are set forth in the officially published Findings of Fact and Orders of the State Oil and Gas Supervisor, dated February 26, 1959, and are the subject of presently existing contracts or royalty arrangements between the City of Long Beach and the following oil operators: the Termo Company-Oakes-Combs Group, General American Oil Company of Texas, Signal Oil and Gas Company, Hancock Oil Company, D. D. Dunlap Oil Company, Royalty Service Corporation, Ltd., the Superior Oil Company and Humble Oil & Refining Company, hereinafter called "enumerated oil operators." Said contracts or royalty arrangements provide for the production of oil and gas therefrom, which contracts or royalty arrangements will expire by their terms within the next five years or thereafter. Such lands are located within a subsidence area, as fixed and established pursuant to Section 3336 of the Public Resources Code, and it is necessary in aid of the legislative declarations contained in Article 5.5 (commencing at Section 3315), Chapter 1, Division 3 of the Public Resources Code, that the City of Long Beach be empowered and authorized to extend, amend, and

modify such contracts or royalty arrangements in order to make it feasible for the city and the enumerated oil operators, their successors or assigns, to enter into unit or co-operative agreements providing for the repressuring of a portion or all of such lands in order to arrest or ameliorate subsidence. The repressuring of such lands and adjacent lands cannot be delayed pending determination of the claims of the State.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Through inadvertence the Superior Oil Company and Humble Oil & Refining Company were not designated in the act as "enumerated oil operators." In order to facilitate the making of unit and co-operative agreements with these two companies providing for the repressuring of the lands within the boundaries of the Long Beach Harbor District where there has been subsidence endangering life, property, and health and thereby alleviate the dangerous subsidence problem, it is essential that this act go into immediate effect.

CHAPTER 705

An act to repeal Section 909 of the Welfare and Institutions Code as added by Chapter 369, Statutes of 1937 and amended by Chapter 481, Statutes of 1943, and to add Section 1760.4 to the Welfare and Institutions Code, relating to institutions for juveniles.

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 909 of the Welfare and Institutions Code as added by Chapter 369, Statutes of 1937 and amended by Chapter 481, Statutes of 1943 is repealed.

SEC. 2. Section 1760.4 is added to said code, to read:

1760.4. The boys housed in forestry camps established by the Youth Authority may be required to labor on the buildings and grounds of the camp, on the making of forest roads for fire prevention or firefighting, on forestation or reforestation of public lands, or on the making of fire trails and firebreaks, or in fire suppression, or to perform any other work or engage in any studies or activities prescribed or permitted by the Youth Authority or any officer designated by it.

The Youth Authority may provide, in co-operation with the Department of Natural Resources or otherwise, for the payment of wages to the boys for work they do while housed in such camps, the sums earned to be paid in reparation, or to the parents or dependents of the boy, or to the boy in such manner and in such proportions as the Youth Authority directs.

CHAPTER 706

An act to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved by electors November 7, 1922, by amending Section 1 thereof, relating to practice of chiropractic.

In effect September 15, 1961

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the act cited in the title is amended to read:

Section 1. A board is hereby created to be known as the "State Board of Chiropractic Examiners," hereinafter referred to as the board, which shall consist of five members, citizens of the State of California, appointed by the Governor. Each member must have pursued a resident course in a regularly incorporated chiropractic shool or college, and must be a graduate thereof and hold a diploma therefrom.

Each member of the board first appointed hereunder shall have practiced chiropractic in the State of California for a period of three years next preceding the date upon which this act takes effect, thereafter appointees shall be licentiates hereunder. Not more than two persons shall serve simultaneously as members of said board, whose first diplomas were issued by the same school or college of chiropractic, nor shall more than two members be residents of any one county of the State. And no person connected with any chiropractic school or college shall be eligible to appointment as a member of the board. Each member of the board, except the secretary, shall receive a per diem in the amount provided in Section 103 of the Business and Professions Code for each day during which he is actually engaged in the discharge of his duties, together with his actual and necessary traveling expenses incurred in connection with the performance of the duties of his office, such per diem traveling expenses and other incidental expenses of the board or of its members to be paid out of the funds of the board hereinafter defined and not from the State's taxes.

CHAPTER 707

An act to amend Section 25751 of the Health and Safety Code, relating to meetings of the Departmental Co-ordinating Committee on Atomic Energy Development and Radiation Protection.

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 25751 of the Health and Safety Code is amended to read:

25751. Meetings of the committee shall be held as called by the co-ordinator or upon request of four or more of the members.

All meetings of the committee shall be open and public and all persons shall be permitted to attend any meetings of the committee

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CHAPTER 708

An act to amend Sections 5508, 5700, 6001, and 6213 of, and to add Section 9206 to, the Financial Code, relating to savings and loan associations.

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 5508 of the Financial Code is amended to read:

5508. A filing fee of five hundred dollars ($500) shall be paid to the commissioner with each application for approval of proposed articles of incorporation. Filing fee

SEC. 2. Section 5700 of said code is amended to read:

5700. An association shall not change the location of its principal office or of any branch office except with the approval of the commissioner. If the proposed change is from one city to another the commissioner shall, and in any other case the commissioner may, hold a hearing upon the proposed change. If a hearing is held the commissioner shall mail notice of such hearing to each association in this State at least 20 days before such hearing, and the association requesting the commissioner's approval shall pay him a fee of two hundred fifty dollars ($250) before such notices are mailed. Change of location of principal office

SEC. 3. Section 6001 of said code is amended to read:

6001. The application for a branch license shall be accompanied by a filing fee of five hundred dollars ($500), shall be in such form as the commissioner requires, and shall include an itemized statement of the estimated receipts and expenditures of the association in connection with such branch for the Branch license filing fee and application

first year or such longer period as the commissioner requires, and a showing that the public convenience and advantage will be promoted by the operation of such branch.

Fees

SEC. 4. Section 6213 of said code is amended to read:

6213. The fee for licenses required by this chapter is fifteen dollars ($15) for each year or fraction thereof, and the fee for renewals is five dollars ($5) for each year or fraction thereof. The commissioner may issue licenses and renewals in the month of June preceding the year for which they are effective and in such case he shall account for and deposit the fees with the State Treasurer, and the fees shall be considered received by the commissioner on or after July 1st following the date of issuance.

Filing fees for mergers, consolidation, or transfer

SEC. 5. Section 9206 is added to said code, to read:

9206. A filing fee of five hundred dollars ($500) shall be paid to the commissioner for each application for merger, consolidation or transfer requiring the commissioner's approval.

CHAPTER 709

An act to amend Section 25763 of the Health and Safety Code, relating to meetings of the Advisory Council on Atomic Energy Development and Radiation Protection.

In effect September 15, 1961

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 25763 of the Health and Safety Code is amended to read:

25763. The council shall meet at least twice each year at the call of the Governor. All meetings of the council shall be open and public and all persons shall be permitted to attend any meetings of the council.

CHAPTER 710

An act to amend Section 6801 of the Health and Safety Code, relating to sanitary districts.

In effect September 15, 1961

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 6801 of the Health and Safety Code is amended to read:

6801. As an alternative to the functions of the treasurer, the district board may elect to disburse funds of the district. Such election shall be made by resolution of the board and the

filing of a certified copy thereof with the treasurer. The treasurer shall thereupon and thereafter deliver to the district all funds of the district. Such funds shall be deposited by the board in a bank or banks approved for deposit of public funds and shall be withdrawn only by written order of the district board, signed by the president and secretary. The order shall specify the name of the payee, the fund from which it is to be paid and state generally the purpose for which payment is to be made. Such order shall be entered in the minutes of the board. The district board shall appoint a treasurer who shall be responsible for the deposit and withdrawal of funds of the district. The treasurer shall deposit with the district, prior to October 1st of each year, a surety bond in the annual amount fixed by the district board. The deposit and withdrawal of funds of the district shall thereafter be subject to the provisions of Article 2 (commencing at Section 53630), Chapter 4, Part 1, Division 2, Title 5, of the Government Code.

CHAPTER 711

An act to add Section 8276 to the Health and Safety Code, relating to cemeteries.

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 8276 is added to the Health and Safety Code, to read:

8276. Charges made by a cemetery authority for foundations, for setting of or permitting the setting of, or for endowment care of, grave markers or monuments, shall be uniform whether the marker or monument sale was made by the cemetery authority or by another person, firm, or corporation. The amount charged for the marker or monument, the foundation, the setting, permitting the setting and the deposit for endowment care, shall be separately stated, in the contract of sale, when applicable.

CHAPTER 712

An act to amend Sections 8101 and 8653 of the Revenue and Taxation Code, relating to the Motor Vehicle Fuel License Tax and Use Fuel Tax Laws.

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 8101 of the Revenue and Taxation Code is amended to read:

8101. The following persons who have paid a license tax for motor vehicle fuel, either directly or to the vendor from

Reimbursement

whom it was purchased, or indirectly by the adding of the amount of the tax to the price of the fuel, shall be reimbursed and repaid the amount of the tax:

(a) Any person who buys and uses the motor vehicle fuel for purposes other than in motor vehicles operated or licensed to be operated upon the public highways of the State; provided, however, that the tax shall be repaid to a person who uses the fuel in a motor vehicle operated exclusively off the highway, or in an operation partly off the highway and partly on the highway in a continuous trip when the distance traveled off the highway exceeds one mile, the tax shall be repaid with respect to the gallonage of fuel used in operations off the highway in excess of one mile.

(b) Any person who exports the motor vehicle fuel for use outside of this State. Motor vehicle fuel carried from this State in the fuel tank of a motor vehicle is not deemed to be exported from this State unless the motor vehicle fuel becomes subject to tax as an "import" under the laws of the destination state.

(c) Any person who sells the motor vehicle fuel to the armed forces of the United States for use in ships or aircraft or for use outside this State, under circumstances that would have entitled him to an exemption from the payment of the license tax under Section 7401 had he been the distributor of this fuel.

(d) Any person who buys and uses the motor vehicle fuel in any construction equipment which is exempt from vehicle registration pursuant to the Vehicle Code, while operated within the confines and limits of a construction project.

SEC. 2. Section 8653 of the Revenue and Taxation Code is amended to read:

Exemption from tax

8653. No tax shall be imposed upon fuel used in any motor vehicle when the user establishes to the satisfaction of the board that the vehicle is operated exclusively off the highway; provided, however, that if the distance traveled in the operation of the vehicle off the highway in an operation which is partly off the highway and partly on the highway in a continuous trip exceeds one mile, the tax shall not apply to the fuel used in the operation off the highway in excess of one mile.

Construction of act

SEC. 3. The amendment made by Section 1 of this act insofar as subdivision (d) is added to Section 8101 of the Revenue and Taxation Code, does not constitute a change in, but is declaratory of, existing law.

CHAPTER 713

An act to amend Section 23114 of the Vehicle Code, relating to transportation of live birds.

[Approved by Governor June 6, 1961 Filed with Secretary of State June 6, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 23114 of the Vehicle Code is amended to read:

23114. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its contents or load other than clear water or feathers from live birds from dropping, sifting, leaking, or otherwise escaping therefrom.

CHAPTER 714

An act to add Section 69614 to the Government Code, relating to superior courts.

[Approved by Governor June 6, 1961 Filed with Secretary of State June 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 69614 is added to the Government Code, to read:

69614. In the County of Santa Cruz there shall be two judges of the superior court.

CHAPTER 715

An act to amend Section 69602 of the Government Code, relating to superior courts.

[Approved by Governor June 6, 1961 Filed with Secretary of State June 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 69602 of the Government Code is amended to read:

69602. In the County of Solano there shall be three judges of the superior court.

CHAPTER 716

An act to amend Section 69600 of the Government Code, relating to the Santa Clara County Superior Court.

In effect September 15, 1961

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 69600 of the Government Code is amended to read:

69600. In the County of Santa Clara there shall be 14 judges of the superior court.

CHAPTER 717

An act to amend Section 69599.5 of the Government Code, relating to the Santa Barbara Superior Court.

In effect September 15, 1961

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 69599.5 of the Government Code is amended to read:

69599.5. In the County of Santa Barbara there shall be four judges of the superior court.

CHAPTER 718

An act to add Section 10200.5 to the Insurance Code, relating to insurance.

In effect September 15, 1961

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 10200.5 is added to the Insurance Code, to read:

10200.5. The term "franchise" or "wholesale" insurance shall mean a life insurance plan under which a number of individual life insurance policies are issued at special rates to a selected group. A special rate is any rate lower than the rate shown in the issuing insurance company's manual for individually issued policies of the same type and to insureds of the same class.

After the effective date of this section no franchise or wholesale life insurance plan shall be entered into in this State

unless the individuals to whom such insurance is made available are members of a professional association, employees of a common employer or affiliated employers, or unless the insurance is made available in connection with an indebtedness or a contract of sale. The word "employees" as used in this section shall be deemed to include the individual proprietors or partners who constitute the employer or affiliated employers.

In the case of any plan existing on or before the effective date of this section, any individual plan or policy then in effect shall not be changed or affected by this section, but no individual may thereafter become insured for more than twenty-five thousand dollars ($25,000), under any such plan except those written in connection with a professional association, an indebtedness, a contract of sale, or a pension plan. Nothing herein contained shall prevent any such plan so existing at the effective date hereof from being changed or modified (a) to change the insurer or insurers underwriting said plan and, to the extent necessary without affecting benefits payable, to make the plan conform to the underwriting rules and procedures of the new insurer or insurers; (b) to change rates applicable to insurance written under said plan; or (c) to add to said plan incidental benefits providing coverage on the lives of dependents of the insured individual, accidental death benefits or waiver of premiums during periods of total disability on the insured.

For purposes of this section a professional association means an association whose membership is restricted to one or more of the licensed professions such as medicine, dentistry, pharmacy, law and accountancy.

CHAPTER 719

An act to add Section 119 and Chapter 2A (commencing with Section 12640.01) to Part 6 of Division 2 of, and to amend Sections 100, 700 01 and 984 of the Insurance Code, relating to mortgage guaranty insurance.

[Approved by Governor June 6, 1961. Filed with Secretary of State June 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Chapter 2A (commencing with Section 12640.01) is added to Part 6 of Division 2 of the Insurance Code, to read:

CHAPTER 2A. MORTGAGE GUARANTY INSURANCE

Article 1. Definitions

12640.01. This chapter may be cited as the Mortgage Guaranty Insurance Act. Short title

Definitions

12640.02. The definitions set forth in this article shall govern the construction of the terms used in this chapter but shall not affect any other provisions of this code.

"Mortgage guaranty insurance"

(a) "Mortgage guaranty insurance" means insurance against financial loss by reason of nonpayment of principal, interest and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust, or other instrument constituting a lien or charge on real estate.

"Authorized real estate security"

(b) "Authorized real estate security" means an amortized note, bond or other evidence of indebtedness, not exceeding ninety (90) percent of the fair market value of the real estate, secured by a mortgage, deed of trust, or other instrument constituting a first lien or charge on real estate; provided:

(1) The real estate loan secured in such manner is originated by a bank, savings and loan association, or an insurance company, which is supervised and regulated by a department of this State or an agency of the federal government.

(2) The improvement on such real estate is a residential building or buildings designed for occupancy by not more than four families.

(3) The lien on such real estate may be subject and subordinate to the following:

(i) The lien of any public bond, assessment, or tax, when no installment, call or payment of or under such bond, assessment or tax is delinquent.

(ii) Outstanding mineral, oil or timber rights, rights-of-way, easements or rights-of-way or support, sewer rights, building restrictions or other restrictions or covenants, conditions or regulations of use, or outstanding leases upon such real property under which rents or profits are reserved to the owner thereof.

"Contingency reserve"

(c) "Contingency reserve" means an additional premium reserve established for the protection of policyholders against the effect of adverse economic cycles.

"Policyholder surplus"

(d) "Policyholders surplus" means the aggregate of capital, surplus and contingency reserve.

Article 2. Capital, Surplus and Contingency Reserve Requirements

Capital and surplus requirements

12640.03. An insurer shall not transact the business of mortgage guaranty insurance unless it has paid-in capital of at least one million dollars ($1,000,000) and paid-in surplus of at least one million dollars ($1,000,000).

Contingency reserve

12640.04. In addition to the paid-in capital and surplus provided in Section 12640.03, each mortgage guaranty insurer shall establish a contingency reserve out of net premiums remaining (gross premiums less premiums returned to policyholders) after establishment of the unearned premium reserve. To the contingency reserve the insurer shall contribute an amount equal to fifty (50) percent of such remaining premiums. The yearly contributions to the contingency reserve

made during each calendar year shall be maintained for a period of 180 months, except that withdrawals may be made by the insurer in any given year in which the actual losses exceed the expected losses. The commissioner shall, by regulation, determine when an insurer may make withdrawals from its contingency reserve.

Outstanding total liability

12640.05. A mortgage guaranty insurer shall not at any time have outstanding a total liability under its aggregate insurance policies exceeding 25 times its policyholders surplus, such liability to be computed on the basis of the insurer's liability under its election as provided in Section 12640.09. In the event that any insurer has outstanding total liability exceeding 25 times its policyholders surplus, it shall cease transacting new business until such time as its total liability no longer exceeds 25 times its policyholders surplus.

Dividends

12640.06. A mortgage guaranty insurer shall not declare any dividends except from undivided profits remaining on hand over and above the aggregate of its paid-in capital, paid-in surplus and contingency reserve.

Article 4. Limitations and Restrictions for Transacting Business

By whom transacted

12640.07. Mortgage guaranty insurance may be transacted in this State only by a stock or mutual casualty insurer holding a certificate of authority for the transaction of such insurance pursuant to this chapter (commencing with Section 12460.01), and shall be written only to insure loans secured by authorized real estate securities as defined in Article 1 (commencing with Section 12604.01) of this chapter. Any reciprocal insurer engaging in this type of business shall be bound by all provisions of this chapter, including the requirements as to paid-in capital and paid-in surplus.

Loans secured by housing tract

12640.08. A mortgage guaranty insurer shall not insure loans secured by properties in a single housing tract or a contiguous tract in excess of ten (10) percent of the insurer's policyholders surplus. In determining the amount of such risk, applicable reinsurance in any assuming insurer authorized to transact mortgage guaranty insurance in this State shall be deducted from the total direct risk insured. "Contiguous," for the purposes of this section, means not separated by more than one-half mile.

Limitation on coverage

12640.09. A mortgage guaranty insurer shall limit its coverage to a maximum of twenty (20) percent of the outstanding balance of the loan insured, but the insurer's liability shall in no event exceed the actual loss or as provided in Section 12640 095. In lieu of paying the percentage of the loan insured as specified in the policy, a mortgage guaranty insurer may elect to pay the entire indebtedness to the insured and acquire title to the authorized real estate security.

Same

12640.095. A mortgage guaranty insurer shall limit its coverage to a maximum of twenty (20) percent of the outstanding

balance of the loan insured, but in lieu of complying with Section 12640.09, the insurer's liability shall in no event exceed eighty (80) percent of the actual loss. In lieu of paying the percentage of the loan insured as specified in the policy, a mortgage guaranty insurer may elect to pay the entire indebtedness to the insured and acquire title to the authorized real estate security.

Transaction of other insurance

12640.10. A mortgage guaranty insurance insurer which anywhere transacts any class of insurance other than mortgage guaranty insurance is not eligible for the issuance of a certificate of authority to transact mortgage guaranty insurance in this State nor for the renewal thereof.

Right to impose other requirements

12640.11. Nothing in this chapter (commencing with Section 12640.01) shall be construed as limiting the right of any mortgage guaranty insurer to impose reasonable requirements upon the lender with regard to the terms of any note or bond or other evidence of indebtedness secured by a mortgage or deed of trust, such as requiring a stipulated down payment by the borrower.

Article 5. Rebates and Commissions

Schedule of premium charges

12640.12. Every mortgage guaranty insurer shall adopt, print and make available a schedule of premium charges for mortgage guaranty insurance policies. The schedule shall show the entire amount of premium charge for each type of mortgage guaranty insurance policy issued by the insurer.

Prohibited commissions

12640.13. No mortgage guaranty insurer shall pay to any person who is acting as agent, representative, attorney or employee of the owner, mortgagee of the prospective owner, or mortgagee of the real property or any interest therein, either directly or indirectly, any commission, or any part of its premium charges or any other consideration as an inducement for or as compensation on any mortgage guaranty insurance business.

Prohibited rebates

12640.14. No mortgage guaranty insurer shall make any rebate of any portion of the premium charge shown by the schedule required by Section 12640.12. No mortgage guaranty insurer shall quote any premium charge to any person which is less than that currently available to others for the same type of mortgage guaranty insurance policy. The amount by which any premium charge is less than that called for by the current schedule of premium charges is an unlawful rebate.

Suspension or revocation of certificate

12640.15. The commissioner may after a hearing suspend or revoke the certificate of authority of any mortgage guaranty insurer which, after 10 days written notice from the commissioner requiring it to cease and desist, continues to pay any commission or to make any unlawful rebate in willful violation of the provisions of this article (commencing with Section 12640.12). The hearings of the commissioner shall be conducted in accordance with the Administrative Procedure Act, Chapter 5, Part 1, Division 3, Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

Article 6. Financial Statements

Law applicable

12640.16. (a) The provisions of Article 10 (commencing with Section 900), Chapter 1, Part 2, Division 1, relating to financial statements, shall apply to mortgage guaranty insurers.

Unearned premium reserve

(b) The unearned premium reserve shall be computed in accordance with the other applicable sections of this code, except that on all policies covering a risk period of more than one year the unearned premium reserve shall be computed in accordance with standards promulgated by the commissioner after appropriate hearings.

Loss reserve

(c) In addition to the contingency reserve required under Section 12640.04, the case basis method shall be used to determine the loss reserve, which shall include a reserve for claims reported and unpaid and claims incurred but not reported, including:

(i) Estimated losses on insured loans which have resulted in the conveyance of property which remains unsold.

(ii) Insured loans in the process of foreclosure.

(iii) Insured loans in default for four or more months.

Article 7. Applicability of Other Laws

Laws applicable

12640.17. All the applicable provisions of this code and of other statutes of this State, except as the same may be in conflict herewith, shall apply to the operation and conduct of the business authorized by this chapter (commencing with Section 12604.01).

Article 8. Additional Powers of Commissioner

Rules and regulations

12640.18. The commissioner may adopt, pursuant to the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, such reasonable rules and regulations as may be necessary to carry out the provisions of this chapter (commencing with Section 12604.01), including, but not limited to, appropriate restrictions as to investments, giving full consideration to the desirability of high liquidity.

Article 9. Advertising

Reference to "insured loans"

12640.19. No bank, savings and loan association or insurance company, any of whose authorized real estate securities are insured by mortgage guaranty insurance pursuant to this chapter (commencing with Section 12640.01) may state in any brochure, pamphlet, report or any form of advertising that the real estate loans of the bank, savings and loan association or insurance company are "insured loans" unless the brochure, pamphlet, report or advertising also clearly states that the loans are insured by private insurers and the names of the private insurers are given and shall not make any such

statement at all unless such insurance is by an insurer certificated to write in this State.

SEC. 2. Section 100 of said code is amended to read:

Classes of insurance

100. Insurance in this State is divided into the following classes:

(1) Life
(2) Fire
(3) Marine
(4) Title
(5) Surety
(6) Disability
(7) Plate glass
(8) Liability
(9) Workmen's compensation
(10) Common carrier liability
(11) Boiler and machinery
(12) Burglary
(13) Credit
(14) Sprinkler
(15) Team and vehicle
(16) Automobile
(17) Mortgage
(18) Aircraft
(19) Mortgage guaranty
(20) Miscellaneous

SEC. 3. Section 119 is added to said code, to read:

Mortgage guaranty insurance

119. Mortgage guaranty insurance includes insurance against financial loss by reason of the nonpayment of principal, interest and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust, or other instrument constituting a lien or charge on real estate.

SEC. 4. Section 700.01 of said code is amended to read:

Classes of insurance

700.01. In addition to any or all of the classes of insurance which it is permitted to transact by all other applicable provisions of this code, any incorporated insurer admitted or hereafter admitted for one or more of the classes of insurance stated in Section 100, except life, title, mortgage, or mortgage guaranty shall (subject to any limitations contained in its articles of incorporation or charter) be admitted after October 1, 1953, for any or all of the following classes, upon making application therefor and complying with all applicable requirements of law, if its paid-in capital is not less than one million dollars ($1,000,000) or the aggregate of the amounts hereinafter set forth opposite the classes transacted by it in the United States if an alien insurer, or in any jurisdiction if other than an alien insurer, whichever is lower; provided, that the paid-in capital of incorporated insurers not transacting either fire, marine or surety insurance making application under this section shall be at least one hundred fifty thousand dollars ($150,000) in excess of such aggregate amount. In no event shall any incorporated insurer be required to have a paid-in

Paid-in capital

capital in excess of one million dollars ($1,000,000) as a condition for its admission for any or all of the classes of insurance hereinafter set forth.

Number and name of class	Amount of capital
2. Fire	$200,000
3. Marine	200,000
5. Surety	250,000
6. Disability	50,000
7. Plate glass	50,000
8. Liability 9. Workmen's compensation 10. Common carrier liability	100,000 for any or all of these
11. Boiler and machinery	50,000
12. Burglary	50,000
13. Credit	50,000
14. Sprinkler	50,000
15. Team and vehicle	50,000
16. Automobile	100,000
18. Aircraft	50,000
20. Miscellaneous	50,000

Exceptions

This section shall not be applicable to life, title, mortgage, or mortgage guaranty insurance, and an insurer now or hereafter admitted to transact life, title, mortgage, or mortgage guaranty insurance shall not be admitted under the provisions of this section, but its admission is governed by other applicable provisions of this code.

Governing provisions

Until January 1, 1970, insurers admitted for one or more classes of insurance on October 1, 1961, shall be governed respecting the subject matter of this section by the provisions of this section in effect on January 1, 1961.

SEC. 5. Section 984 of said code is amended to read:

Mortgage insurer

984. Any mortgage insurer or any mortgage guaranty insurer is insolvent whenever provision for its liabilities and for unearned income would, after exhausting its required insurance surplus, impair its capital paid in so as to reduce it below two hundred fifty thousand dollars ($250,000) or below 75 percent of the aggregate par value of its issued capital stock.

CHAPTER 720

An act to amend Section 377.4 of the Agricultural Code, relating to poultry.

[Approved by Governor June 7, 1961 Filed with Secretary of State June 7, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 377.4 of the Agricultural Code is amended to read:

377.4. (a) No poultry meat shall be packed, repacked, cut up, recut, offered for sale or sold unless each container or each

carcass is marked in accordance with the provisions of this article and the regulations adopted hereunder.

(b) A poultry meat inspector shall place or cause to be placed a mark on each carcass or container of poultry meat before the poultry meat is removed from a poultry plant.

(c) The marks required hereunder shall be in addition to those required by Section 375.4 but may be in combination therewith.

(d) The director shall determine by regulation the official design of the marks required hereunder. Each poultry plant shall submit samples of the proposed method of use of the design to the director which method must be approved by the director before use.

(e) It shall be unlawful to sell or offer for sale or mark as inspected for wholesomeness poultry meat that has not been inspected and passed for wholesomeness in accordance with this article and regulations adopted thereunder.

(f) Notwithstanding the provisions of subdivisions (a) and (b) of Section 377.6, it shall be unlawful for any person, other than the consumer thereof, to remove from any whole carcass of poultry meat, or from any part of a dismembered carcass thereof, any official wholesomeness inspection mark of the United States Department of Agriculture, or of any city, county or state poultry meat inspection service. As used in this subdivision, "consumer" includes a restaurant or other place where such poultry meat is cooked and sold for consumption on or off the premises.

CHAPTER 721

An act to amend Section 372 of the Code of Civil Procedure and Section 1431 of the Probate Code, relating to compromise of claims of minors and incompetent persons.

In effect September 15, 1961

[Approved by Governor June 7, 1961. Filed with Secretary of State June 7, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 372 of the Code of Civil Procedure is amended to read:

Infant, insane, or incompetent person

372. When an infant, or an insane or incompetent person is a party, he must appear either by his general guardian or by a guardian ad litem appointed by the court in which the action is pending, or by a judge thereof, in each case. A guardian ad litem may be appointed in any case, when it is deemed by the court in which the action or proceeding is prosecuted, or by a judge thereof, expedient to represent the infant, insane, or incompetent person in the action or proceeding, notwithstanding he may have a general guardian and may have appeared by him. The general guardian or guardian ad litem so appearing for any infant or insane or incompetent

person in any action or proceeding shall have power, with the approval of the court in which such action or proceeding is pending, to compromise the same, to agree to the order or judgment to be entered therein for or against his ward, and to satisfy any judgment or order in favor of said ward or release or discharge any claim of said ward pursuant to such compromise. If the money or the value of other property to be paid or delivered under said order or judgment does not exceed ten thousand dollars ($10,000), and there is no general guardian of the ward, the court in which said order or judgment is entered may, in its discretion, require that any money paid thereunder be deposited in a bank or banks, or a trust company or companies, or be invested in an account or accounts in an insured savings and loan association or associations, subject to withdrawal only upon the order of the court, or it may require a general guardian to be appointed and the money or other property to be paid or delivered to such guardian, or prescribe such other conditions as in the discretion of the court seems to the best interests of the ward However, if the party is an infant and if the money or the value of other property to be paid or delivered under said order or judgment does not exceed one thousand dollars ($1,000), the court may direct that money or property be paid or delivered to the father or mother, without bond. If the money or the value of other property to be paid or delivered under said order or judgment exceeds ten thousand dollars ($10,000), and there is no general guardian of the ward, the court in which said order or judgment is entered must require a general guardian to be appointed and must direct that the money or other property be paid or delivered to such guardian or in lieu thereof it must require that any moneys so paid be deposited in a bank or banks, or a trust company or companies, or be invested in an account or accounts in an insured savings and loan association or associations, subject to withdrawal only upon the order of the court or, as to any property to be received by the ward shall prescribe such conditions as the court may deem proper. The term "account in an insured savings and loan association" used in this section has the same meaning as in Section 1431 of the Probate Code.

SEC. 2. Section 1431 of the Probate Code is amended to read:

Claim of minor

1431. When a minor has a disputed claim for damages, money or other property against a third person, his father, or if his father is dead or the parents of said minor are living separate or apart and his mother then has care or custody of said minor then his mother, or the general guardian, if any, of the minor, shall have the right to compromise, or execute a covenant not to sue on, such claim, but before the compromise or covenant is valid it must be approved by the superior court of the county where the minor resides, upon the filing of a

verified petition in writing. If the court approves the compromise or covenant and the money or the value of other property to be paid or delivered under the compromise or covenant does not exceed ten thousand dollars ($10,000), it shall direct that the money or other property be paid or delivered to the father or mother or guardian of the minor, without the filing of a bond, and that it be deposited in a bank or banks, or a trust company or companies, or be invested in an account or accounts in an insured savings and loan association or associations, subject to withdrawal only upon the order of the court. However, if the money or the value of other property to be paid or delivered under said order or judgment does not exceed one thousand dollars ($1,000), the court may direct that the money or property be paid or delivered to the father or mother, without bond. If the court approves the compromise or the execution of the covenant and the money or the value of other property to be paid or delivered under the compromise or covenant exceeds ten thousand dollars ($10,000) it must require a general guardian to be appointed and must direct that the money or other property be paid or delivered to such guardian or in lieu thereof it must require that any moneys so paid be deposited in a bank or banks, or a trust company or companies, or be invested in an account or accounts in an insured savings and loan association or associations, subject to withdrawal only upon the order of the court or, as to any property to be received by the minor shall prescribe such conditions as the court may deem proper. The father or mother or the guardian, upon receiving such money or other property may execute a full release and satisfaction of, or execute a covenant not to sue on the claim of the minor; provided, however, that such release and satisfaction or covenant not to sue shall not be effective for any purpose until the money to be paid under the compromise or covenant shall have been deposited in the bank or trust company or invested in an account in an insured savings and loan association as directed in the order of the court. The clerk of the court shall not charge any fee for filing the petition. The term "account in an insured savings and loan association" used in this section means shares issued by a federal savings and loan association, or investment certificates issued by a state-chartered building and loan association or savings and loan association doing business in this State which is an "insured institution" as defined in Title IV of the National Housing Act, or shares issued by a state-chartered building and loan association or savings and loan association doing business in this State which does not issue investment certificates and which is an "insured institution" as defined in Title IV of the National Housing Act.

CHAPTER 722

An act to amend Sections 473 and 473a of the Code of Civil Procedure, relating to default judgments.

[Approved by Governor June 7, 1961. Filed with Secretary of State June 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 473 of the Code of Civil Procedure is amended to read:

Court may allow amendment to pleadings, etc.

473. The court may, in furtherance of justice, and on such terms as may be proper, allow a party to amend any pleading or proceeding by adding or striking out the name of any party, or by correcting a mistake in the name of a party, or a mistake in any other respect; and may, upon like terms, enlarge the time for answer or demurrer. The court may likewise, in its discretion, after notice to the adverse party, allow, upon such terms as may be just, an amendment to any pleading or proceeding in other particulars; and may upon like terms allow an answer to be made after the time limited by this code.

Postponement of trial

When it appears to the satisfaction of the court that such amendment renders it necessary, the court may postpone the trial, and may, when such postponement will by the amendment be rendered necessary, require, as a condition to the amendment, the payment to the adverse party of such costs as may be just.

Relief from judgments, etc.

The court may, upon such terms as may be just, relieve a party or his legal representative from a judgment, order, or other proceeding taken against him through his mistake, inadvertence, surprise or excusable neglect. Application for such relief must be accompanied by a copy of the answer or other pleading proposed to be filed therein, otherwise the application shall not be granted, and must be made within a reasonable time, in no case exceeding six months, after such judgment, order or proceeding was taken; provided, however, that, in the case of a judgment, order or other proceeding determining the ownership or right to possession of real or personal property, without extending said six months period, when a notice in writing is personally served within the State of California both upon the party against whom the judgment, order or other proceeding has been taken, and upon his attorney of record, if any, notifying said party and his attorney of record, if any, that such order, judgment or other proceeding was taken against him and that any rights said party has to apply for relief under the provisions of Section 473 of the Code of Civil Procedure shall expire 90 days after service of said notice, then such application must be made within 90 days after service of such notice upon the defaulting party or his attorney of record, if any, whichever service shall be later.

Clerical mistakes

The court may, upon motion of the injured party, or its own motion, correct clerical mistakes in its judgment or orders as entered, so as to conform to the judgment or order directed, and may, on motion of either party after notice to the other party, set aside any void judgment or order.

SEC. 2. Section 473a of said code is amended to read:

Time to answer where defendant not personally served

473a. When from any cause the summons in an action has not been personally served on the defendant, the court may allow, on such terms as may be just, such defendant or his legal representatives, at any time within one year after the rendition of any judgment in such action, to answer to the merits of the original action; provided, however, that, without extending said one year period, in the case of a judgment, order or other proceeding determining the ownership or right to possession of real or personal property, when a notice in writing is personally served within or without the State of California both upon said defendant and upon his attorney of record, if any, notifying said defendant and his attorney of record, if any, that such judgment had been rendered against him and that any rights said defendant has to apply for relief under Section 473a of the Code of Civil Procedure shall expire 180 days after service of said notice, then the time within which said defendant or his legal representatives may apply for such relief shall not exceed 180 days after said service of said notice upon said defendant or his attorney of record, if any, whichever service shall be later.

CHAPTER 723

An act to amend Sections 780 and 782 of the Probate Code, relating to sale of real property in the estates of decedents.

In effect September 15, 1961

[Approved by Governor June 7, 1961. Filed with Secretary of State June 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 780 of the Probate Code is amended to read:

Publication of notice of sale

780. Notice of the time and place of sale of real property must be published pursuant to Section 6063a of the Government Code in a newspaper published in the county in which the land or some portion thereof lies, if there is one so published; if none, then in such paper as the court or judge may direct, prior to the day of sale, or, in the case of a private sale, prior to the day on or after which the sale is to be made. When, however, it appears from the inventory and appraisement that the value of the property to be sold does not exceed one thousand dollars ($1,000), the executor or administrator may in his discretion dispense with the publication, and in lieu thereof post a notice of the time and place of sale at the

courthouse of the county in which the land or some portion thereof lies for 10 days prior to the day of the sale, or, in the case of a private sale, prior to the day on or after which the sale is to be made. The property proposed to be sold must be described with common certainty in the notice.

SEC. 2 Section 782 of said code is amended to read:

Same, private sale

782. In the case of a private sale, the notice must state a place where bids or offers will be received, and a day on or after which the sale will be made, and the sale must not be made before that day, but must be made within one year thereafter; but if it is shown that it will be for the best interests of the estate, the court or judge may, by an order, shorten the time of notice required by Section 6063 of the Government Code to one week, and such notice must then be published pursuant to Section 6061 of the Government Code or, in proper cases, posted for one week prior to the date of the sale or, in the case of a private sale, prior to the day on or after which the sale is to be made and otherwise in accordance with Section 780 of this code. The bids or offers must be in writing, and may be left at the place designated in the notice or delivered to the executor or administrator personally, or may be filed in the office of the clerk of the court where the proceedings are pending, at any time after the first publication or posting of the notice and before the making of the sale.

CHAPTER 724

An act to amend Section 31468 of the Government Code, relating to sanitary districts.

[Approved by Governor June 7, 1961. Filed with Secretary of State June 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 31468 of the Government Code is amended to read:

31468. (a) "District" means a district, other than school district, formed under the laws of the State, and required by law to deposit its funds in the county treasury. "District" also includes any sanitary district formed under Part 1 (commencing at Section 6400), Division 6 of the Health and Safety Code.

(b) "District" also includes any institution operated by two or more counties, in one of which there has been adopted an ordinance placing this chapter in operation.

(c) "District" also includes any organization or association authorized by Chapter 26, Statutes of 1935, as amended by Chapter 30, Statutes of 1941, or by Section 50024 of this code, which organization or association is maintained and supported entirely from funds derived from counties, and the

board of any retirement system is authorized to receive the officers and employees of such organization or association into the retirement system managed by the board.

CHAPTER 725

An act to amend the title of Chapter 9.5 (commencing with Section 6890) of Part 1, Division 6 of, and to amend Section 6893 of, the Health and Safety Code, relating to sanitary districts.

In effect September 15, 1961

[Approved by Governor June 7, 1961. Filed with Secretary of State June 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. The title of Chapter 9.5 (commencing with Section 6890) of Part 1, Division 6 of the Health and Safety Code is amended to read:

CHAPTER 9.5. CONSOLIDATION

SEC. 2. Section 6893 of said code is amended to read:

Consolidation of districts

6893. If the boards of two districts each determine after such hearing that the consolidation of the districts would be for the best interests of the respective districts the boards shall in joint meeting declare their respective determinations and each shall either call a special election in its district at which the proposal for the consolidation of the districts shall be submitted to the voters of the district or shall make an order that thereafter the land within its district shall be and become a part of the consolidated district under such name as the boards shall jointly determine.

If each of the boards calls a special election in its district, and a majority of the voters voting at the election in either district vote against the consolidation the proceedings shall terminate. If, however, a majority of the voters voting at the election in each district vote in favor of the consolidation, the respective boards shall in joint meeting each make an order declaring that thereafter the land within its district shall be and become part of the consolidated district under such name as the boards may jointly determine.

Thereafter the consolidated district shall constitute a district under such name, and the joint boards shall present to the county board of supervisors a petition setting forth the proceedings theretofore taken for the consolidation of such districts and requesting the board of supervisors to cause to be entered in its minutes an order setting forth the name and boundaries of the consolidated district.

CHAPTER 726

An act to add Section 6590.5 to the Health and Safety Code, relating to sanitary districts.

[Approved by Governor June 7, 1961. Filed with Secretary of State June 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 6590.5 is added to the Health and Safety Code, to read:

6590.5. Not less than 30 days before the day of the election, the board shall give notice of the names of the candidates for office to be voted upon at the election by posting notices in three public places in the district. The notices shall specify the time and place of the election, the hours during which the polls will be kept open, and the name of each candidate and the office for which he is a candidate.

CHAPTER 727

An act to add Section 472d to the Code of Civil Procedure, relating to demurrers.

[Approved by Governor June 7, 1961. Filed with Secretary of State June 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 472d is added to the Code of Civil Procedure, to read:

472d. Whenever a demurrer in any action or proceeding is sustained, the court shall include in its decision or order a statement of the specific ground or grounds upon which the decision or order is based which may be by reference to appropriate pages and paragraphs of the demurrer.

The party against whom a demurrer has been sustained may waive these requirements.

CHAPTER 728

An act to amend Sections 208, 209, 215, 219 and 220 of the Code of Civil Procedure, relating to selection of juries.

[Approved by Governor June 7, 1961. Filed with Secretary of State June 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 208 of the Code of Civil Procedure is amended to read:

208. A certified list of the persons selected to serve as trial jurors shall at once be placed in the possession of and filed

Certified list

with the clerk of the superior court or the jury commissioner, as a majority of the judges of the court shall decide.

SEC. 2. Section 209 of said code is amended to read:

"Trial jury box"

209. On receiving the list of persons selected by the court, the county clerk or the jury commissioner shall file it in his office, and write down the names contained thereon on separate pieces of paper, of the same size and appearance, and fold each piece so as to conceal the name thereon. He shall deposit the pieces of paper having on them the names of the persons selected to serve as trial jurors in a box to be called the "trial jury box."

SEC. 3. Section 215 of said code is amended to read:

Drawing of jurors

215. Immediately upon the order mentioned in the preceding section being made, the clerk or such attaché ordered by the court shall, in the presence of the court, proceed to draw the jurors from the "trial jury box."

SEC. 4. Section 219 of said code is amended to read:

Conduct of drawing

219. The clerk or such attaché ordered by the court must conduct said drawing as follows:

1. He must shake the box containing the names of the trial jurors so as to mix the slips of paper upon which such names are written as well as possible; he must then draw from said box as many slips of paper as are ordered by the court.

2. A minute of the drawing shall be entered in the minutes of the court, which must show the name on each slip of paper so drawn from said jury box.

3. If the name of any person is drawn from said box who is deceased or insane, or who may have permanently removed from the county, or who is exempt from jury service, and the fact shall be made to appear to the satisfaction of the court, the name of such person shall be omitted from the list, and the slip of paper having such name on it shall be destroyed and another juror drawn in his place, and the fact shall be entered upon the minutes of the court. The same proceeding shall be had as often as may be necessary until the whole number of jurors required be drawn. After the drawing shall be completed, the clerk or such attaché ordered by the court shall make a copy of the list of names of the persons so drawn, and certify the same. In his certificate he shall state the date of the order, and of the drawing, and the number of jurors drawn, and the time when, and the place where such jurors are required to appear. Such certificate and list shall be delivered to the sheriff for service.

SEC. 5. Section 220 of said code is amended to read:

Preservation of ballots

220. After a drawing of persons to serve as jurors, the clerk or such attaché ordered by the court shall preserve the ballots drawn, and at the close of the session or sessions for which the drawing was had, he shall replace in the proper box from which they were taken all ballots which have on them the names of persons who did not serve as jurors for the session or sessions aforesaid, and who were not exempt or incompetent.

CHAPTER 729

An act to amend Section 19577 of the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately.

[Approved by the Governor June 7, 1961 Filed with Secretary of State June 7, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 19577 of the Education Code is amended to read:

19577. Notwithstanding any other provisions of this chapter, a district which applies for an apportionment for the purchase of a site or comprehensive master plan, or for the cost of the preparation of plans and specifications, which is not a part of a construction project, shall make a separate application for such site, comprehensive master plan, or plans and specifications in the same manner as prescribed by Section 19571.

All of the provisions of this chapter apply to such application and apportionment except that:

(a) If the Department of Education determines that within five years in the case of an application for an elementary grade level maintained by the district, or within seven years, in the case of an application for a high school grade level maintained by the district, from the date of the application for the site or comprehensive master plan, or for the plans and specifications, there will be sufficient enrollment in the district to show the need of such site or comprehensive master plan, or for the plans and specifications, it may approve the application. The board may modify a determination respecting future enrollment in connection with an application for an elementary grade level maintained by the district to utilize a period of seven years from the date of the application if it is necessary to meet the emergency conditions existing in that certain district due to a rapid increase in the enrollment of pupils, or due to the scarcity of land within the district, or both. Any application referred to the board pursuant to this section may be either approved in whole or in part, not exceeding the amount applied for, as the board may deem appropriate, pursuant to Sections 19571 and 19576, except that the board may approve additional portions of an application and make an additional apportionment or apportionments within five years of the original approval without requiring a district to issue additional bonds. No additional approval pursuant to the original application or apportionment thereunder may be made unless the board first has investigated and determined the necessity of such additional approval or apportionment, and has received a report thereon from the Department of Education. Any provision of Section 19571 inconsistent with this section shall not apply to such application. As used in this

section, and "elementary grade level maintained by the district" is a grade level composed of the grades and maintained by the districts specified in (1) of subdivision (e) of Section 19553. As used in this section a "high school grade level maintained by the district" is a grade level composed of the grades and maintained by the districts specified in (2) of subdivision (e) of Section 19553.

(b) Section 19556 does not apply.

(c) An application for a site pursuant to this section may include an amount for the preparation of plans and specifications for school facilities and for the development of the site, which will conform to those eligible for construction under this chapter.

(d) If the application is approved and an apportionment granted therefor the district shall repay the full amount of such apportionment and the interest thereon. The repayment of the apportionment for a site or comprehensive master plan, and the interest thereon, may be over a period of years, not to exceed 30 years from the first day of January of the fiscal year next succeeding the fiscal year in which such apportionment became final. The repayment of the apportionment for plans and specifications, and the interest thereon, may be over a period of years, not to exceed 30 years from the first day of January of the second fiscal year succeeding the fiscal year in which such apportionment became final. The number of years allowed for repayment shall be determined by the board at the time it fixes interest on the apportionment. Such repayment is in addition to any other repayment required under this chapter. If an apportionment is granted pursuant to this section for a site and such site is subsequently used in a construction project for which an apportionment is received under other provisions of this chapter, or if an apportionment is granted pursuant to this section for plans and specifications and such plans and specifications are subsequently used in a construction project for which an apportionment is received under other provisions of this chapter, the district shall not be required to make any further repayments for the site, or the plans and specifications, as the case may be, pursuant to this section and the unpaid balance of the apportionment and interest owing on the apportionment for the site, or the plans and specifications, as the case may be, pursuant to this section shall be added to the principal amount of the apportionment and accrued interest thereon for the construction project. Such site shall be deemed to be "subsequently used in a construction project" within the meaning of the preceding sentence, if it is used in connection with a construction project at the same grade level by any district receiving a construction apportionment therefor, this being not intended as a change in the present law, but as a statement of the existing law. In addition, such site shall be deemed to be "subsequently used in a construction project" within the meaning of such reference, if it is used in connection with such construction project

by any district receiving a construction apportionment therefor at a different grade level, providing that in such latter instance the board in its discretion consents by resolution to the combination of such site and construction apportionments.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public health within the meaning of Article IV of the Constitution and shall go into effect immediately. The facts constituting such necessity are: Urgency

It is felt that there is an inequity in the present law inasmuch as it has been held that successor districts may combine "site only" apportionments made to a former district, with construction apportionments made to such successor districts for use on said site at the same grade level, but may not combine the same where the construction apportionments are made for such use at a different grade level, thereby in the latter case requiring such successor districts to repay the "site only" apportionments in full. To grant financial relief to hard-pressed school districts from this inequity at the earliest possible moment it is necessary that this act take effect immediately.

CHAPTER 730

An act to amend Sections 1700, 1701 and 1702 of the Streets and Highways Code, relating to extension of county highways through cities.

[Approved by Governor June 7, 1961. Filed with Secretary of State June 7, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1700 of the Streets and Highways Code is amended to read:

1700. The board of supervisors of any county may, by a resolution adopted by a four-fifths vote of its members, declare any highway in the county lying in whole or in part within a city to be a county highway for one or more of the following purposes: acquisition of rights-of-way, construction, maintenance, improvement, or repair. Declaration of county highway

SEC. 2. Section 1701 of said code is amended to read:

1701. A copy of such resolution shall be forwarded to the governing body of the city within which is included any portion of the highway. Such governing body may consent to the establishment of such included portion as a part of the county highway. Upon the taking effect of an ordinance containing such consent, such portion of such highway shall become a county highway for one or more of the following purposes: acquisition of rights-of-way, construction, maintenance, improvement, or repair. Consent of city

SEC. 3. Section 1702 of said code is amended to read:

1702. Thereafter the board of supervisors of the county may acquire rights-of-way for, construct, maintain, improve, or Rights-of-way, etc

repair such highway in the same manner as other county highways, and may pay for such work out of one or more of the following:

(a) The county general fund.

(b) The county road fund.

(c) The proceeds of any county bond issue voted for the purpose of laying out, constructing, maintaining, improving or repairing county highways.

(d) Any other fund available for such purposes.

CHAPTER 731

An act to amend Section 1428 of, and to repeal Section 1428a of, the Penal Code, relating to the keeping of records of justice and municipal courts.

In effect September 15, 1961

[Approved by Governor June 7, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1428 of the Penal Code is amended to read:

Docket

1428 A docket must be kept by the judge or clerk of each justice court and by the clerk of each municipal court having jurisdiction of criminal actions or proceedings, in which must be entered the title of each criminal action or proceeding and under each title all the orders and proceedings in such action or proceeding. Wherever by any other section of this code made applicable to such courts an entry of any judgment, order or other proceeding in the minutes is required, an entry thereof in the docket shall be made and shall be deemed a sufficient entry in the minutes for all purposes.

Repeal

SEC. 2. Section 1428a of said code is repealed.

CHAPTER 732

An act to amend Section 31520.1 of the Government Code, relating to membership of the board of retirement in certain counties.

In effect September 15, 1961

[Approved by Governor June 7, 1961 Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 31520.1 of the Government Code is amended to read:

31520.1. In any county subject to the provisions of Articles 6.8 and 7.5, the board of retirement shall consist of seven members and one alternate, one of whom shall be the county

treasurer. The second and third members of the board shall be members of the association, other than safety members, elected by such members within 30 days after the retirement system becomes operative in a manner determined by the board of supervisors. The fourth, fifth and sixth members shall be qualified electors of the county who are not connected with the county government in any capacity, except one may be a supervisor, and shall be appointed by the board of supervisors. The seventh member shall be a safety member of the association elected by the safety members. The alternate member shall be that candidate, if any, for the seventh member from the group under Section 31470.2 or 31470.4, which is not represented by a board member who received the highest number of votes of all candidates in that group. If there is no such candidate there shall be no alternate member. The first persons chosen as the second and fourth members shall serve for a term of two years beginning with the date the system becomes operative, the third and fifth members shall serve for a term of three years beginning with that date, and the sixth, seventh, and alternate members shall serve for a term of two years beginning January 1, 1952, or the date on which a retirement system established by this chapter becomes operative, whichever is the later. Thereafter the terms of office of the six elected members and alternate are three years.

The alternate member provided for by this section shall vote as a member of the board only in the event the second, third or seventh member is absent from a board meeting for any cause. The alternate shall sit on the board in place of the seventh member when a member of the same service is before the board for determination of his retirement.

CHAPTER 733

An act to add Section 53210 to the Government Code, relating to insurance and other benefits for persons performing voluntary services in county hospitals.

[Approved by Governor June 7, 1961. Filed with Secretary of State June 9, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 53210 is added to the Government Code, to read:

53210. The legislative body of a county may authorize payment from funds under its jurisdiction of all or such portion as it may elect of the premiums or other charges for hospital, medical, surgical, disability, death benefits, or related benefits whether provided on an insurance or a service basis for persons who on a voluntary basis and without compen-

sation perform services in connection with the care of patients in county hospitals.

Any dividends paid, premiums refunded or other rebates or refunds received under insurance or other benefits provided pursuant to this section shall be the property of the county.

CHAPTER 734

An act to add Section 114.1 to the Welfare and Institutions Code, relating to the administration of public assistance.

In effect September 15, 1961

[Approved by Governor June 7, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 114.1 is added to the Welfare and Institutions Code, to read:

114.1. Any report published by the county in written or graphic form of expenditures for public assistance shall show clearly the amount and proportion of costs borne by local taxes and the amount and proportion of costs borne by the state and federal governments.

CHAPTER 735

An act to add Article 10.4 (commencing with Section 69995) to Chapter 5 of Title 8 of the Government Code, relating to superior court official reporters.

In effect September 15, 1961

[Approved by Governor June 7, 1961 Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Article 10.4 (commencing with Section 69995) is added to Chapter 5 of Title 8 of the Government Code, to read:

Article 10.4. Official Reporters in Counties With a Population of 110,000 to 120,000

69995. In each county with a population of more than 110,000 and less than 120,000, as determined by the 1950 federal census, as full compensation for reporting the proceedings in criminal cases in the superior court, proceedings before the juvenile court, proceedings held under the provisions of Part 1 (commencing with Section 5000) of Division 6 of the Welfare and Institutions Code and proceedings held under the provisions of Chapter 4 (commencing with Section 7050) of

Part 4 of Division 6 of the Welfare and Institutions Code, each regular official court reporter shall receive a monthly salary of five hundred dollars ($500). All other fees of such reporters shall be as elsewhere provided by law. In cases where a pro tempore official reporter is appointed, he shall receive the fees elsewhere provided by law.

CHAPTER 736

An act to amend Section 31676 55 of the Government Code, relating to county employees retirement.

[Approved by Governor June 7, 1961. Filed with Secretary of State June 9, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 31676.55 of the Government Code is amended to read:

31676.55. This section shall apply only to counties coming under the provisions of Section 31676.1 prior to January 1, 1953. If a member has filed, or shall file, a written election with the board not to come under Section 31676.1 he may, at any time prior to January 1, 1962, file a written rescission of such election with the board. When such a rescission is filed, Sections 31676.1, 31676.2, 31676.3, 31676.4, 31676.5, and 31676.6 shall apply to such member and he may not again file an election not to come under Section 31676.1.

CHAPTER 737

An act to amend Sections 27330, 27331 and 27332 of the Government Code, relating to federal tax liens.

[Approved by Governor June 7, 1961. Filed with Secretary of State June 9, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 27330 of the Government Code is amended to read:

27330. Notices of liens for internal revenue taxes payable to the United States and certificates discharging such liens shall be filed in the office of the county recorder of the county within which the property subject to the lien is situated. Filing

SEC. 2. Section 27331 of said code is amended to read:

27331. When a notice of the tax lien is filed, the recorder shall forthwith enter it in an alphabetical federal tax lien index provided by the board of supervisors, showing on one line the name of the taxpayer named in the notice, the district director's serial number of the notice, the date of filing, and Index

the total amount of the lien (including the tax assessed, interest, penalties and costs) as shown on the notice. He shall file and keep all original notices so filed in numerical order in a file provided by the board of supervisors and designated federal tax lien notices.

SEC. 3. Section 27332 of said code is amended to read:

Same, discharged lien

27332. When a certificate of discharge of any tax lien, issued by the District Director of Internal Revenue or other proper officer, is filed in the office of the county recorder where the original notice of lien is filed, the recorder shall enter it with date of filing in the federal tax lien index on the line where the notice of the discharged lien is entered and permanently attach the original certificate of discharge to the original notice of lien.

CHAPTER 738

An act to add Section 16727 to the Business and Professions Code, relating to restraints of trade.

In effect September 15, 1961

[Approved by Governor June 7, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 16727 is added to the Business and Professions Code, to read:

16727. It shall be unlawful for any person to lease or make a sale or contract for the sale of goods, merchandise, machinery, supplies, commodities for use within the State, or to fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement or understanding that the lessee or purchaser thereof shall not use or deal in the goods, merchandise, machinery, supplies, commodities, or services of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale or such condition, agreement or understanding may be to substantially lessen competition or tend to create a monopoly in any line of trade or commerce in any section of the State.

CHAPTER 739

An act to amend Section 1640 of the Labor Code, relating to employment agencies.

In effect September 15, 1961

[Approved by Governor June 7, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1640 of the Labor Code is amended to read:

1640. No employment agency shall, when such employment would be in violation of Part 4 (commencing with Section

1171) of this division or Division 9 (commencing with Section 10501) of the Education Code, accept any application for employment made by, or on behalf of, any minor, or place or assist in placing any minor in any such employment.

CHAPTER 740

An act to amend Sections 12071, 12102, 12676, 12801, 12802, 12803, 12977, 12978, 12979, 12980, 12981, 12982 and 12983 of, to amend the titles of Article 2 (commencing with Section 12101), Chapter 2, of Article 1 (commencing with Section 12251), Chapter 3, of Chapter 4 (commencing with Section 12402), of Chapter 7 (commencing with Section 12951), of Article 1 (commencing with Section 12951), Chapter 7, and of Article 2 (commencing with Section 12977), Chapter 7 of Part 7 of Division 2 of, to amend and renumber Sections 12251, 12256, 12263, 12264, 12623, 12681, 12682, 12683, 12952 and 13113 of, to amend and renumber the title of Article 2 (commencing with Section 12676), Chapter 5 of Part 7 of Division 2 of, to add Sections 12005, 12006, 12007, 12008, 12103, 12104, 12105, 12106, 12952, 12984, 13101, 13102, 13103, 13104, 13105, 13106 and 13107 to, to add Article 2 (commencing with Section 12221), Article 3 (commencing with Section 12231) and Article 4 (consisting of Section 12241) to Chapter 3 of, Article 1 (commencing with Section 12301), Article 2 (commencing with Section 12411) and Article 3 (commencing with Section 12421) to Chapter 4 of, and Article 2 (commencing with Section 12631) and Article 4 (consisting of Section 12691) to Chapter 5 of, Part 7 of Division 2 of, to add Chapter 9 (commencing with Section 13151) to Part 7 of Division 2 of, to add in the alternative a second Chapter 9 (commencing with Section 13161) to Part 7 of Division 2 of, to repeal Sections 12252, 12252.5, 12253, 12254, 12255, 12258, 12621, 12622, 12624, 12626, 12680, 12951, 13101, 13102, 13103, 13104, 13105, 13106, 13107, 13108, 13109, 13110, 13111 and 13112 of, to repeal Article 3 (consisting of Section 12126) and Article 4 (commencing with Section 12151) of Chapter 2 of, Article 2 (commencing with Section 12276) of Chapter 3 of, to repeal Article 1 (commencing with Section 12402), Article 2 (commencing with Section 12431) and Article 3 (commencing with Section 12462) of Chapter 4 of, and to repeal Article 3 (commencing with Section 12996) of Chapter 7 of, Part 7 of Division 2 of, the Revenue and Taxation Code, and to amend Section 1530 of the Insurance Code, relating to the taxation of insurers, and making an appropriation.

[Approved by Governor June 7, 1961. Filed with Secretary of State June 9, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 12005 is added to the Revenue and Taxation Code, to read:

"Taxes" 12005. "Taxes" means the taxes assessed and levied, or which may be assessed and levied, under the provisions of Section 14⅘ of Article XIII of the State Constitution and of this part.

SEC. 2. Section 12006 is added to said code, to read:

"Board" 12006. "Board" means the State Board of Equalization.

SEC. 3. Section 12007 is added to said code, to read:

"Commissioner" 12007. "Commissioner" means the State Insurance Commissioner.

SEC. 4. Section 12008 is added to said code, to read:

"Controller" 12008. "Controller" means the State Controller.

SEC. 5. Section 12071 of said code is amended to read:

Application 12071. The definitions contained in this article apply with respect to ocean marine insurance.

SEC. 6. The title of Article 2 (commencing with Section 12101), Chapter 2, Part 7 of Division 2 of said code is amended to read:

Article 2. Basis of Tax for Ocean Marine Insurance

SEC. 7. Section 12102 of said code is amended to read:

In lieu of other taxes, exceptions 12102. The tax is in lieu of all other state, county and municipal taxes and licenses upon the marine insurer, except taxes upon real estate, any retaliatory exactions imposed by the Legislature pursuant to paragraph (3) of subdivision (f) of Section 14⅘ of Article XIII of the Constitution, motor vehicle and other vehicle registration license fees and any other tax or license fee imposed by the State upon vehicles, motor vehicles or the operation thereof, and taxes assessed or levied against the insurer on account of any other class of insurance written by it.

SEC. 8. Section 12103 is added to said code, to read:

Computation of tax 12103. Except as otherwise provided in Section 12105, the tax shall be computed each year upon the average annual underwriting profit of the insurer from ocean marine insurance during the preceding three calendar years.

SEC. 9. Section 12104 is added to said code, to read:

Same 12104. If the insurer has transacted ocean marine insurance in this State in each of the three calendar years immediately preceding the year in which a tax return is required to be filed, the tax shall be computed as follows:

(a) Divide the average annual premiums of the insurer from ocean marine insurance written by it in this State during the preceding three calendar years by the average annual premiums of the insurer from all ocean marine insurance written in the United States during such calendar years.

(b) Multiply the insurer's average annual underwriting profit from ocean marine insurance written within the United

States during the preceding three calendar years by the figure derived in (a).

(c) Multiply the amount derived in (b) by 5 percent.

SEC. 10. Section 12105 is added to said code, to read:

12105. If the insurer has not transacted ocean marine insurance in this State in each of the three calendar years immediately preceding the year in which a tax return is required to be filed, its tax shall be computed on the basis of its premiums and underwriting profits in the last completed calendar year. As soon as the insurer comes within the terms of Section 12104, the taxes computed under the provisions of this section for the two preceding calendar years shall be adjusted to equal the amount of the first tax computed under Section 12104. The adjustment shall be shown as an addition to, or a credit against, the tax computed upon business done in the third calendar year or as soon thereafter as possible. Same

SEC. 11. Section 12106 is added to said code, to read:

12106. In computing the tax of a marine insurer issuing participating policies, there shall not be included in underwriting profit the amounts refunded by the insurer on account of premiums previously paid by its policyholders. Same

SEC. 12. Article 3 (consisting of Section 12126), Chapter 2, Part 7 of Division 2 of said code is repealed. Repeal

SEC. 13. Article 4 (commencing with Section 12151), Chapter 2, Part 7 of Division 2 of said code is repealed. Repeal

SEC. 14. The title of Article 1 (commencing with Section 12251), Chapter 3, Part 7 of Division 2 of said code is amended to read:

Article 1. General

SEC. 15. Section 12251 of said code is amended and renumbered to read:

12201. Every insurer doing business in this State shall annually pay to the State a tax on the bases, at the rates, and subject to the deductions from the tax hereinafter specified. Annual tax

SEC. 16. Section 12252 of said code is repealed. Repeal

SEC. 17. Section 12252.5 of said code is repealed. Repeal

SEC. 18. Section 12253 of said code is repealed. Repeal

SEC. 19. Section 12254 of said code is repealed. Repeal

SEC. 20. Section 12255 of said code is repealed. Repeal

SEC. 21. Section 12256 of said code is amended and renumbered to read:

12202. The rate of tax to be applied to the basis of the annual tax in respect to each year is 2.35 percent except that as to gross premiums received upon policies or contracts issued in connection with a pension plan or profit-sharing plan exempt or qualified under Sections 401(a), 404, or 501(a) of the United States Internal Revenue Code as amended or re- Rate of tax

numbered from time to time, the rate of tax shall be the percentage set forth below opposite each year:

Year	Percentage
1960	2.15
1961	1.95
1962	1.75
1963	1.55
1964	1.35
1965 and each year thereafter	1.00

Repeal

SEC. 22. Section 12258 of said code is repealed.

SEC. 23. Section 12264 of said code is amended and renumbered to read:

State Compensation Insurance Fund

12203. The State Compensation Insurance Fund shall annually pay a tax computed on the same bases, at the same rates, and subject to the same deductions specified in this chapter, as those applicable to private insurers.

SEC. 24. Section 12263 of said code is amended and renumbered to read:

In lieu of other taxes; exceptions

12204. The tax imposed on insurers by this chapter is in lieu of all other taxes and licenses, state, county, and municipal, upon such insurers and their property, except:

(a) Taxes upon their real estate.

(b) That an insurer transacting title insurance in this State which has a trust department or does a trust business under the banking laws of this State is subject to taxation with respect to such trust department or trust business to the same extent and in the same manner as trust companies and the trust departments of banks doing business in this State.

(c) Any retaliatory exactions imposed by the Legislature pursuant to paragraph (3) of subdivision (f) of Section $14\frac{1}{5}$ of Article XIII of the Constitution.

(d) The tax on ocean marine insurance.

(e) Motor vehicle and other vehicle registration license fees and any other tax or license fee imposed by the State upon vehicles, motor vehicles or the operation thereof.

Repeal

SEC. 25. Article 2 (commencing with Section 12276), Chapter 3, Part 7 of Division 2 of said code is repealed.

SEC. 26. Article 2 (commencing with Section 12221), is added to Chapter 3, Part 7, Division 2 of said code, to read:

Article 2. Basis of Tax for Other Than Title Insurers

Insurer not transacting title insurance in State

12221. In the case of an insurer not transacting title insurance in this State, the basis of the tax is, in respect to each year, the amount of gross premiums, less return premiums, received in such year by such insurer upon its business done in this State. "Gross premiums" do not include premiums received for reinsurance and for ocean marine insurance. Gross premiums of reciprocal or interinsurance exchanges shall be determined as provided in Section 1530 of the Insurance Code.

Life insurer Funds for future purchase of annuities

12222. Funds accepted by a life insurer under an agreement which provides for an accumulation of funds to purchase annuities at future dates may be considered as "gross premiums received" either upon receipt or upon the actual application of such funds to the purchase of annuities. However, any interest credited to funds accumulated while under the latter alternative shall also be included in "gross premiums received," and any funds taxed upon receipt, including any interest later credited thereto, shall not be subject to taxation upon the purchase of annuities. Each life insurer shall signify on its premium tax return covering premiums for the calendar year 1957 its election between such two alternatives. Thereafter an insurer shall not change such election without the consent of the commissioner. Any such funds taxed as "gross premiums" shall, in the event of withdrawal of the funds before their actual application to the purchase of annuities, be eligible to be included as "return premiums" if eligible therefor under the provisions of Section 14⅘ of Article XIII of the Constitution.

SEC. 27. Article 3 (commencing with Section 12231) is added to Chapter 3, Part 7, Division 2 of said code, to read:

Article 3. Basis of Tax for Title Insurers

Basis of tax. Title insurers

12231. In the case of an insurer transacting title insurance in this State, the basis of the tax is, in respect to each year, all income upon business done in this State, except:

(a) Interest and dividends.

(b) Rents from real property.

(c) Profits from the sale or other disposition of investments.

(d) Income from investments.

"Investments"

12232. "Investments," as used in Section 12231, includes property acquired by an insurer in the settlement or adjustment of claims against it but excludes investments in title plants and title records. Income derived directly or indirectly from the use of title plants and title records is included in the basis of the tax.

Trust business

12233. In the case of an insurer transacting title insurance in this State which has a trust department and does a trust business under the banking laws of this State, there shall be excluded from the basis of the tax imposed by this chapter the income of, and from the assets of, such trust department and such trust business, if such income is taxed by this State or included in the measure of any tax imposed by this State.

SEC. 28. Article 4 (consisting of Section 12241) is added to Chapter 3, Part 7, Division 2 of said code, to read:

Article 4. Principal Office Deduction

Principal office deduction

12241. Each insurer shall have the right to deduct from the tax imposed by this chapter upon an insurer in respect to a particular year the amount of real estate taxes paid by

it, in that year, before, or within 30 days after, becoming delinquent, on real property owned by it at the time of payment, and in which was located, in that year, its home office or principal office in this State. Such real property may consist of one building or of two or more adjacent buildings in which such an office is located, the land on which they stand, and so much of the adjacent land as may be required for the convenient use and occupation thereof.

SEC. 29. The title of Chapter 4 (commencing with Section 12402) of Part 7, Division 2 of said code is amended to read:

CHAPTER 4. ASSESSMENT AND EFFECT OF TAX

Repeal

SEC. 30. Article 1 (commencing with Section 12402) of Chapter 4, Part 7, Division 2 of said code is repealed.

SEC. 31. Article 1 (commencing with Section 12301) is added to Chapter 4, Part 7, Division 2 of said code, to read:

Article 1. Tax Returns and Initial Payments

When payable

12301. The taxes imposed upon insurers by the provisions of Section $14\frac{4}{5}$ of Article XIII of the Constitution and of this part are due and payable annually on or before June 15 of the year following the calendar year in which the insurer engaged in the business of insurance or transacted insurance in this State.

Filing of tax return

12302. On or before June 15 every person who is subject to any tax imposed by the provisions of Section $14\frac{4}{5}$ of Article XIII of the Constitution or of this part, in respect to the preceding calendar year shall file, in duplicate, an insurance tax return with the commissioner in such form as the commissioner may prescribe. The return shall show such information pertaining to its insurance business in this State as will reflect the basis of its tax as set forth in Chapters 2 (commencing with Section 12071) and 3 (commencing with Section 12201) of this part, the computation of the amount of tax for the period covered by the return and such other information as the commissioner may require to carry out the purposes of this part. Separate returns shall be filed with respect to the following kinds of insurance:

(a) Life insurance (or life insurance and disability insurance).

(b) Ocean marine insurance.

(c) Title insurance.

(d) Insurance other than life insurance (or life insurance and disability insurance), ocean marine insurance or title insurance.

Signature

12303. Every return required by this article to be filed with the commissioner shall be signed by the insurer or an executive officer of the insurer and shall be made under oath or contain a written declaration that it is made under the penalties of perjury. A return of a foreign insurer may be

signed and verified by its manager residing within this State. A return of an alien insurer may be signed and verified by the United States manager of such insurer.

Blank forms

12304. Blank forms of returns shall be furnished by the commissioner on application, but failure to secure such a form shall not relieve any insurer from making or filing a timely return.

Delivery to Controller

12305. The insurer required to file a return shall deliver the return in duplicate, together with a remittance payable to the Controller for the amount of tax computed and shown thereon, to the office of the commissioner.

Extending time for filing

12306. The commissioner, for good cause shown, may extend for not to exceed 10 days the time for filing a tax return or paying any amount required to be paid with the return. The extension may be granted at any time, provided that a request therefor is filed with the commissioner within or prior to the period for which the extension may be granted.

Interest

12307. Any insurer to whom an extension is granted shall pay, in addition to the tax, interest at the rate of one-half of 1 percent per month, or fraction thereof, from June 15th until the date of payment.

Repeal

SEC. 32. Article 2 (commencing with Section 12431) of Chapter 4, Part 7, Division 2 of said code is repealed.

SEC. 33. Article 2 (commencing with Section 12411) is added to Chapter 4, Part 7, Division 2 of said code, to read:

Article 2. Initial Assessments

Copy to board

12411. A duplicate copy of each tax return received by the commissioner shall be promptly forwarded to the board.

Initial assessment

12412. Upon receipt of the duplicate copy of the return of an insurer the board shall initially assess the tax in accordance with the data as reported by the insurer on the return.

Notice

12413. The board shall promptly transmit notice of its initial assessment to the commissioner and the Controller, and if the initial assessment differs from the amount computed by the insurer, notice shall also be given to the insurer.

Overpayments, etc

12414. In making an initial assessment the board may offset an overpayment for one calendar year against an underpayment for another calendar year, against penalties, and against any interest on an underpayment.

Repeal

SEC. 34. Article 3 (commencing with Section 12462) of Chapter 4, Part 7, Division 2 of said code is repealed.

SEC. 35. Article 3 (commencing with Section 12421) is added to Chapter 4, Part 7, Division 2 of said code, to read:

Article 3. Deficiency Assessments

Examination of return

12421. As soon as practicable after the return is filed, the commissioner shall examine it, together with any information within his possession or that may come into his possession, and he shall determine the correct amount of tax of the insurer.

Proposed deficiency assessment

12422. If the commissioner determines that the amount of tax disclosed by the return and assessed by the board is less than the amount of tax disclosed by his examination, he shall propose in writing to the board a deficiency assessment for the difference. The proposal shall set forth the basis for the deficiency assessment and the details of its computation.

Failure to file return

12423. If an insurer fails to file a return, the commissioner may require a return by mailing notice to the insurer to file a return by a specified date or he may without requiring a return, or upon no return having been filed pursuant to the demand therefor, make an estimate of the amount of tax due for the calendar year or years in respect to which the insurer failed to file the return. The estimate shall be made from any available information which is in the commissioner's possession or may come into his possession, and the commissioner shall propose in writing to the board a deficiency assessment for the amount of the estimated tax. The proposal shall set forth the basis of the estimate and the details of the computation of the tax.

Deficiency assessment

12424. The board shall make a deficiency assessment on the basis of a proposal submitted to it by the commissioner pursuant to Section 12422 or 12423.

Same

12425. One or more deficiency assessments may be proposed or made for the amount of tax due for one or for more than one calendar year.

Overpayments, etc.

12426. In making a deficiency assessment the board may offset an overpayment for one calendar year against an underpayment for another calendar year, against penalties and against any interest on an underpayment.

Notice

12427. The board shall promptly notify the insurer of a deficiency assessment made against the insurer.

Petition for redetermination

12428. An insurer against whom a deficiency assessment is made under Section 12424 or 12425 may petition for redetermination of the deficiency assessment within 30 days after service upon the insurer of the notice thereof, by filing with the board a written petition setting forth the grounds of objection to the deficiency assessment and the correction sought. At the time the petition is filed with the board a copy of the petition shall be filed with the commissioner.

If a petition for redetermination is not filed within the period prescribed by this section, the deficiency assessment becomes final and due and payable at the expiration of that period.

Reconsideration and hearing

12429. If a petition for redetermination of a deficiency assessment is filed within the time allowed under Section 12428, the board shall reconsider the deficiency assessment and, if the insurer has so requested in the petition, shall grant an oral hearing for the presentation of evidence and argument before the board or its authorized representative. The board shall give the petitioner and the commissioner at least 20 days' notice of the time and place of hearing. The hearing may be continued from time to time as may be necessary.

12430. The board may decrease or increase the amount of the deficiency assessment before the deficiency assessment becomes final, but the amount may be increased only if a claim for the increase is asserted by the commissioner or the board at or before the hearing. Change in assessment

12431. The order or decision of the board upon a petition for redetermination of a deficiency assessment becomes final 30 days after service on the insurer of a notice thereof, and any resulting deficiency assessment is due and payable at the time the order or decision becomes final. Decision

12432. Except for a notice given pursuant to Section 12430 or 12431, or in the case of fraud or the failure to file a return, every notice of a deficiency assessment shall be given within four years after June 15th of the year following the year for which the amount of tax is assessed or within four years after the return is filed, whichever period expires the later. In the case of failure to file a return the notice shall be given within eight years after June 15th of the year following the year for which the amount of tax is assessed. Time limitation

12433. If before the expiration of the time prescribed in Section 12432 for giving of a notice of deficiency assessment the insurer has consented in writing to the giving of the notice after such time, the notice may be given at any time prior to the expiration of the time agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. Same

12434. Any notice required by this article may be served personally or by mail. Service by mail shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the insurer at his address as it appears in the records of the commissioner or the board. The service shall be deemed complete at the time of deposit of the notice in the United States mail without extension of time for any reason. Service

12435. A copy of each notice of a deficiency assessment made by the board shall be transmitted to the commissioner and the Controller. The Controller shall keep an appropriate record of all such assessments and any payments thereon. Copy to Controller

SEC. 36. Section 12621 of said code is repealed. Repeal

SEC. 37. Section 12622 of said code is repealed. Repeal

SEC. 38. Section 12623 of said code is amended and renumbered to read:

12601. Amounts of taxes, interest and penalties not remitted to the commissioner with the original return of the insurer shall be payable to the Controller. Payment

SEC. 39. Section 12624 of said code is repealed. Repeal

SEC. 40. Section 12626 of said code is repealed. Repeal

SEC. 41. The title of Article 2 (commencing with Section 12676) of Chapter 5, Part 7, Division 2 of said code is amended and renumbered to read:

Article 3. Suits for Taxes

SEC. 42. Article 2 (commencing with Section 12631) is added to Chapter 5, Part 7, Division 2 of said code, to read:

Article 2. Interest and Penalties

Penalty

12631. Any insurer who fails to pay any tax, except a tax determined as a deficiency assessment by the board under Article 3 of Chapter 4 of this part, within the time required shall pay a penalty of 10 percent of the amount of the tax in addition to the tax, plus interest at the rate of one-half of 1 percent per month, or fraction thereof, from June 15th of the year in which the tax became due and payable until the date of payment.

Same

12632. An insurer who fails to pay any deficiency assessment when it becomes due and payable shall, in addition to the deficiency assessment, pay a penalty of 10 percent of the amount of the deficiency assessment, exclusive of interest and penalties. The amount of any deficiency assessment, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from June 15th of the year in which the amount, or any portion thereof, would have been payable if properly reported and assessed until the date of payment.

Same

12633. When a deficiency assessment is made on the basis of a proposal submitted by the commissioner pursuant to Section 12423 a penalty of 10 percent of the amount of the deficiency assessment shall be added thereto.

Same

12634. When a deficiency assessment is made on the basis of a proposal submitted by the commissioner pursuant to Section 12422 and any part of the deficiency is due to negligence or intentional disregard of this part or rules and regulation adopted to implement this part but without intent to defraud, a penalty of 10 percent of the amount of the deficiency assessment shall be added thereto.

Same

12635. If any part of a deficiency for which a deficiency assessment is made is due to fraud, a penalty of 25 percent of the amount of the deficiency assessment in addition to any other penalties shall be added thereto.

SEC. 43. Section 12676 of said code is amended to read:

Action to collect delinquent taxes

12676. At any time within four years after any amount of tax becomes due and payable, and at any time within two years after any deficiency assessment of tax becomes due and payable, the Controller may bring an action in the name of the State in a court of competent jurisdiction in any county or city and county in this State in which the Attorney General has an office to collect the delinquent taxes, together with interest, and penalties.

SEC. 44. Section 12680 of said code is repealed. Repeal

SEC. 45. Section 12681 of said code is amended and renumbered to read:

12680. A writ of attachment may be issued in the action, and no bond or affidavit previous to the issuing of the attachment is required. Attachment

SEC. 46. Section 12682 of said code is amended and renumbered to read:

12681. In the action, a certificate of the Controller or of the secretary of the board, showing unpaid taxes against an insurer is prima facie evidence of: Prima facie evidence

(a) The assessment of the taxes.

(b) The delinquency.

(c) The amount of the taxes, interest, and penalties due and unpaid to the State.

(d) That the insurer is indebted to the State in the amount of taxes, interest, and penalties appearing unpaid.

(e) That there has been compliance with all the requirements of law in relation to the assessment of the taxes.

SEC. 47. Section 12683 of said code is amended and renumbered to read:

12682. Payment of the amount of the judgment recovered in the action shall be made to the Controller. Payment

SEC. 48. Article 4 (consisting of Section 12691) is added to Chapter 5, Part 7, Division 2 of said code, to read:

Article 4. Recovery of Erroneous Refunds

12691. The Controller may recover any refund or part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in any county or city and county in this State in which the Attorney General has an office. The action shall be brought in the name of the State and the Attorney General shall prosecute the action. Recovery of erroneous refund

SEC. 49. Section 12801 of said code is amended to read:

12801. Annually, between December 10th and 15th, the Controller shall transmit to the commissioner a statement showing the names of all insurers that failed to pay on or before December 10th the whole or any portion of the tax that became delinquent in the preceding June or which has been unpaid for more than 30 days from the date it became due and payable as a deficiency assessment under this part or the whole or any part of the interest or penalties due with respect to the tax. The statement shall show the amount of the tax, interest, and penalties due from each insurer. Annual statement

SEC. 50. Section 12802 of said code is amended to read:

12802. The commissioner shall give at least 10 days' notice in writing to each insurer of the time and place of a hearing to show cause why its certificate of authority shall not be revoked. Upon hearing, the commissioner shall revoke the certificate of authority of each insurer which does not establish to Notice of hearing

his satisfaction at or before the hearing that the tax, interest, and penalties due from it have been paid.

SEC. 51 Section 12803 of said code is amended to read:

Restoring of certificate

12803. An insurer whose certificate of authority has been revoked pursuant to this article may have the certificate restored by the commissioner during the period for which it was issued upon the payment by the insurer of all taxes, interest, and penalties due from it and the payment to the commissioner of a fee of ten dollars ($10).

SEC. 52. The title of Chapter 7 (commencing with Section 12951) of Part 7, Division 2 of said code is amended to read:

CHAPTER 7. CANCELLATIONS AND REFUNDS

SEC. 53. The title of Article 1 (commencing with Section 12951) of Chapter 7, Part 7, Division 2 of said code is amended to read:

Article 1. Cancellations

Repeal

SEC. 54. Section 12951 of said code is repealed.

SEC. 55. Section 12952 of said code is amended and renumbered to read:

Illegal assessment

12951. If an amount in excess of one hundred dollars ($100) has been illegally assessed, the board shall set forth in its records and certify to the State Board of Control the amount assessed in excess of the amount legally assessed and the insurer against whom the assessment was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the Controller and the board. If an amount not exceeding one hundred dollars ($100) has been illegally assessed, the board, without certifying this fact to the State Board of Control, shall authorize the cancellation of the amount upon the records of the Controller and the board. The board shall mail a notice to the insurer of any cancellation authorized.

SEC. 56. Section 12952 is added to said code, to read:

Notice to board

12952. If the commissioner discovers an amount assessed by the board which he believes to have been illegally assessed, he shall notify the board in writing of such fact, together with a statement of any information he may have concerning the correctness of the assessment.

SEC. 57. The title of Article 2 (commencing with Section 12977) of Chapter 7, Part 7, Division 2 is amended to read:

Article 2. Refund or Credit for Collected Taxes

SEC. 58. Section 12977 of said code is amended to read:

Tax, interest or penalty erroneously collected

12977. If the board determines that any tax, interest, or penalty has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify to the

Board of Control the amount of the taxes, interest, or penalties collected in excess of what was legally due, and from whom they were collected or by whom paid. If approved by the Board of Control, the excess shall be certified to the Controller for credit or refund. In the case, however, of a determination by the board that an amount not exceeding one hundred dollars ($100) was not required to be paid under this part, the board without obtaining approval of the State Board of Control may certify the amount to the Controller for credit or refund. The Controller upon receipt of a certification for credit or refund shall credit the excess on any amounts then due and payable from the insurer under this part and refund the balance.

SEC. 59. Section 12978 of said code is amended to read:

Credit or refund Time limitation

12978. No credit or refund shall be allowed or approved after four years after June 15th of the year following the year for which the overpayment was made, or with respect to a deficiency assessment made under Article 3 of Chapter 4 of this part after six months from the date the deficiency assessment becomes final, or after six months from the date of the overpayment, whichever period expires the later, unless claim therefor is filed with the commissioner or the board within such period.

SEC. 60. Section 12979 of said code is amended to read:

Written claim

12979. Every claim for refund or credit shall be in writing and shall state the specific grounds upon which it is founded.

SEC. 61. Section 12980 of said code is amended to read:

Waiver

12980. Failure to file a claim for refund or credit within the time prescribed in this article constitutes a waiver of any demand against the State on account of overpayment.

SEC. 62. Section 12981 of said code is amended to read:

Notice

12981. Within 30 days after disallowing any claim for refund or credit in whole or in part the board shall mail notice of its action to the claimant at its address as it appears in the records of the board.

SEC. 63. Section 12982 of said code is amended to read:

Transmit to board

12982. If the claim for refund or credit is presented to the commissioner he shall forthwith transmit it to the board, together with a statement of any information he may have concerning the subject of the claim.

SEC 64. Section 12983 of said code is amended to read:

Interest

12983. Interest shall be allowed upon the amount of any overpayment of tax pursuant to this part at the rate of 6 percent per annum from the due date of the tax for the year for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited. The interest shall be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the claimant is notified in writing that a claim may be filed or the date upon which

the claim is approved by the board, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 65. Section 12984 is added to said code, to read:

No interest

12984. If the board determines that any overpayment has been made intentionally or made not incident to a bona fide and orderly discharge of a liability reasonably assumed by the insurer to be imposed by law, no interest shall be allowed on the overpayment.

Repeal

SEC. 66. Article 3 (commencing with Section 12996) of Chapter 7, Part 7, Division 2 of said code is repealed.

Repeal

SEC. 67. Section 13101 of said code is repealed.

SEC. 68. Section 13101 is added to said code, to read:

No injunction, etc., against State

13101. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against this State or against any officer of the State to prevent or enjoin the assessment or collection under this part of any tax or any amount of tax required to be collected.

Repeal

SEC. 69. Section 13102 of said code is repealed.

SEC. 70. Section 13102 is added to said code, to read:

Claim prerequisite to suit

13102. No suit or proceeding shall be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally assessed or collected unless a claim for refund or credit has been duly filed in accordance with Article 2 of Chapter 7 of this part.

Repeal

SEC. 71. Section 13103 of said code is repealed.

SEC. 72. Section 13103 is added to said code, to read:

Action to recover refund

13103. Within 90 days after the mailing of the notice of the board's action upon a claim for refund or credit, the claimant may bring an action against the board on the grounds set forth in the claim in a court of competent jurisdiction in any county or city and county in the State in which the Attorney General has an office for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed. The Attorney General shall defend the action.

Repeal

SEC. 73. Section 13104 of said code is repealed

SEC. 74. Section 13104 is added to said code, to read:

Failure to mail notice

13104. If the board fails to mail notice of its action on a claim for refund or credit within six months after the claim is filed with the board, the claimant may, prior to mailing of notice by the board of its action on the claim, consider the claim disallowed and bring an action against the board on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

Repeal

SEC. 75. Section 13105 of said code is repealed.

SEC. 76. Section 13105 is added to said code, to read:

Waiver

13105. Failure to bring a suit or an action within the time specified constitutes a waiver of all demands against the State on account of an alleged overpayment.

SEC. 77. Section 13106 of said code is repealed. Repeal

SEC. 78. Section 13106 is added to said code, to read:

13106. If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any taxes due and payable from the plaintiff. The balance of the judgment shall be refunded to the plaintiff. Judgment

SEC. 79. Section 13107 of said code is repealed. Repeal

SEC. 80. Section 13107 is added to said code, to read:

13107. In any judgment, interest shall be allowed, subject to the same limitations as are prescribed by Section 12984, at the rate of 6 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Controller. Interest

SEC. 81. Section 13108 of said code is repealed. Repeal

SEC. 82. Section 13109 of said code is repealed. Repeal

SEC. 83. Section 13110 of said code is repealed. Repeal

SEC. 84. Section 13111 of said code is repealed. Repeal

SEC. 85. Section 13112 of said code is repealed. Repeal

SEC. 86. Section 13113 of said code is amended and renumbered to read:

13108. A judgment shall not be rendered in favor of the plaintiff when the action is brought by or in the name of an assignee of the insurer paying the tax, interest, or penalties, or by any person other than the insurer that has paid the tax, interest, or penalties. Action by assignee

SEC. 87. Chapter 9 (commencing with Section 13151) is added to Part 7, Division 2 of said code, to read:

CHAPTER 9. DISPOSITION OF PROCEEDS

13151. All taxes, interest, and penalties collected under this part shall be revenue of the fiscal year in which received and shall be transmitted to the State Treasurer to be deposited in the State Treasury to the credit of the Insurance Tax Fund, which is hereby created. Upon transmitting moneys to the State Treasurer, the commissioner shall furnish the Controller with a record of the amounts transmitted and the insurers from whom the moneys have been received. Insurance Tax Fund

13152. The money in the Insurance Tax Fund shall, upon order of the Controller, be drawn therefrom for refunds under this part or be transferred to the General Fund of the State. Available for refunds

13153. On or before the 15th day of June, the State Compensation Insurance Fund shall pay into the State Treasury to the credit of the Insurance Tax Fund the sum required under the provisions of Section 12203 of this code. State Compensation Insurance Fund

SEC. 88. Section 1530 of the Insurance Code is amended to read:

1530. In lieu of all other taxes, licenses or fees whatever, State or local, each exchange shall pay annually on account Payment of fees

of the transaction of such business in this State, the same fees as are paid by mutual insurers transacting the same kind of business, and the annual tax imposed by Section 14¼ of Article XIII of the Constitution of the State of California and by the applicable provisions of the Revenue and Taxation Code. For the purposes of Section 12221 of the Revenue and Taxation Code, the term gross premiums, as applied to reciprocal or interinsurance exchanges, includes all sums paid by subscribers in this State by reason of the insurance exchange, whether termed premium deposit, membership fee, or otherwise, after deducting therefrom premium deposit returns or cancellations, and all amounts returned to subscribers or credited to their accounts as savings, but does not include such sums received for reinsurance and for ocean marine insurance.

Construction of act

SEC. 89. The provisions of this act amending the Revenue and Taxation Code, insofar as they are substantially the same as existing provisions of law relating to the same subject matter, shall be construed as restatements and continuations thereof, and not as new enactments.

Effect of repeals

SEC. 90. The repeal by this act of any provisions of the Revenue and Taxation Code shall not affect any act done or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause, before such repeal; but all rights and liabilities under such law shall continue, and may be enforced in the same manner, as if such repeal had not occurred.

SEC. 91. Chapter 9 (commencing with Section 13161) is added to Part 7, Division 2 of said code, to read:

CHAPTER 9. DISPOSITION OF PROCEEDS

Deposit in General Fund

13161. All taxes, interest and penalties collected under this part shall be revenue of the fiscal year in which received and shall be transmitted to the State Treasurer to be deposited in the State Treasury to the credit of the General Fund. Upon transmitting moneys to the State Treasurer, the commissioner shall furnish the Controller with a record of the amounts transmitted and the insurers from whom the moneys have been received.

Refunds

13162. Refunds under this part shall be paid out of such money as may be appropriated by the Legislature for that purpose.

State Compensation Insurance Fund

13163. On or before the 15th day of June, the State Compensation Insurance Fund shall pay into the State Treasury to the credit of the General Fund the sum required under the provisions of Section 12203 of this code.

Operative date

SEC. 92 This act shall become operative January 1, 1962; however, Section 91 of this act shall become effective only if Assembly Bill No. 1885 is enacted by the Legislature at its 1961 Regular Session and becomes effective, and in such case Section 87 of this act shall not become effective.

Effect Assembly Bill No 1885

CHAPTER 741

An act to amend and renumber Sections 25701 and 25702, and to add Section 25734.5 to, the Health and Safety Code, relating to co-ordination of radiation and atomic energy activities.

[Approved by Governor June 7, 1961. Filed with Secretary of State June 9, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 25701 of the Health and Safety Code is amended and renumbered to read:

25895. "Toy," as used in this chapter, means an article designed and made for the amusement of a child or for his use in play. "Toy"

SEC. 2. Section 25702 of said code is amended and renumbered to read:

25896 Any person is guilty of a misdemeanor who manufactures, sells, or exchanges, has in his possession with intent to sell or exchange, or exposes or offers for sale or exchange to any retailer, any toy which either (1) is coated with paints and lacquers containing compounds of lead of which the lead content (calculated as Pb) is in excess of 1 percent of the total weight of the contained solids (including pigments and drier), or soluble compounds of antimony, arsenic, cadmium, mercury, selenium or barium, introduced as such; compounds are considered soluble if quantities in excess of 0.1 percent are dissolved by 5 percent hydrochloric acid after stirring for 10 minutes at room temperature; (2) consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance; or (3) has been produced, prepared, packed or held under insanitary conditions. Misdemeanor

SEC. 3. Section 25734.5 is added to said code, to read:

25734.5. Whenever the co-ordinator determines that an existing or proposed rule or regulation is inconsistent with any rule or regulation of another agency of the State, he shall consult with the Advisory Council on Atomic Energy Development and Radiation Protection in an effort to resolve the inconsistency. Upon notification by the council that the inconsistency has not been resolved, the Governor may, after consultation with the agencies involved, find that the proposed rule or regulation is inconsistent with a rule or regulation of the other agency and shall issue an order to that effect, in which event the proposed rule or regulation shall not become effective. The Governor may, in the alternative, upon a similar determination, direct the appropriate agency to amend or repeal the existing rule or regulation to achieve consistency with the proposed rule or regulation. Inconsistent rule

CHAPTER 742

An act to amend Sections 73822, 73823, 73824, and 73825 of the Government Code, relating to municipal courts.

In effect September 15, 1961

[Approved by Governor June 7, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 73822 of the Government Code is amended to read:

Clerk

73822. There shall be one clerk who shall receive a minimum salary of five hundred five dollars ($505) monthly, with annual increments of twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), and twenty-nine dollars ($29) to a maximum of six hundred thirteen dollars ($613) monthly.

SEC. 2. Section 73823 of said code is amended to read:

73823. The clerk may appoint:

Assistant clerk

(a) One assistant clerk who shall receive a minimum salary of four hundred fifteen dollars ($415) monthly, with annual increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) to a maximum of five hundred five dollars ($505) monthly.

Deputy clerks

(b) Three deputy clerks who shall be court clerks and each of whom shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly, with annual increments of twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of four hundred eighty-one dollars ($481) monthly.

Same

(c) Two deputy clerks each of whom shall receive a minimum salary of three hundred forty-one dollars ($341) monthly, with annual increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20) to a maximum of four hundred fifteen dollars ($415) monthly.

Same

(d) Seven deputy clerks each of whom shall receive a minimum salary of two hundred eighty-one dollars ($281) monthly, with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred forty-one dollars ($341) monthly.

Incumbents

Upon the effective date of this section, the incumbent officers and attachés shall each retain the same salary step in the salary range made applicable to his position by this section as he occupied under the superseded salary range. For the purpose of determining the right to subsequent annual increments, however, the anniversary date shall be the date the officer or attaché was first appointed to the position in which the increment is sought.

SEC. 4 Section 73824 of said code is amended to read:

Marshal

73824. There shall be one marshal who shall receive a salary of four hundred fifteen dollars ($415) monthly, with annual

increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) to a maximum of five hundred five dollars ($505) monthly.

SEC. 5. Section 73825 of said code is amended to read:

73825. The marshal may appoint the following:

(a) Two deputy marshals who shall be court bailiffs, and who shall receive a minimum salary of three hundred seventy-six dollars ($376) monthly with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21) and twenty-two dollars ($22) to a maximum of four hundred fifty-eight dollars ($458) monthly. Deputy marshals

(b) One deputy marshal clerk who shall receive a minimum salary of two hundred eighty-one dollars ($281) monthly with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred forty-one dollars ($341) monthly. Deputy marshal clerk

(c) Two deputies who shall be custodians at the fee allowed by law for keeping property. Custodian deputies

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CHAPTER 743

An act to add Section 32137 to the Health and Safety Code, relating to local hospital districts

[Approved by Governor June 7, 1961. Filed with Secretary of State June 9, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 32137 is added to the Health and Safety Code, to read:

32137. The board of directors may, by resolution, change the name of the district. The change in the name of the district shall be effective upon the filing of a verified copy of the resolution with the Secretary of State.

CHAPTER 744

An act to amend Sections 24826, 24827, 24908, 25056, 25301, 25305, 25332, 25336, 25361, and 25841 of, to add Sections 24932.5, 25333, 26511, 26512, 27472, and 27473 to, and to repeal Sections 25333 and 26511 of, the Public Utilities Code, relating to transit districts.

[Approved by Governor June 7, 1961. Filed with Secretary of State June 9, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 24826 of the Public Utilities Code is amended to read:

24826. The nomination paper, for those directors elected by wards, shall contain the name of the candidate, with such Nomination paper

other information as may be required herein, and shall be signed by 50 voters of the respective ward. The nomination paper for directors elected at large shall contain the name of the candidate, with such other information as may be required herein, and shall be signed by 50 voters of the district.

SEC. 2. Section 24827 of said code is amended to read:

Circulation

24827. Nomination papers may be circulated throughout the district for those directors elected at large and throughout each respective ward for those directors elected by wards.

SEC. 3. Section 24908 of said code is amended to read:

Rules

24908. The board shall establish rules for its proceedings and may provide by ordinance or resolution that each member shall receive for each attendance at the meetings of the board and for each day any member is engaged in authorized district business other than attendance at meetings of the board the sum of fifty dollars ($50) but not to exceed one hundred fifty dollars ($150) in any calendar month and shall be allowed such necessary traveling and personal expenses incurred in the performance of his duties as authorized by the board.

SEC. 4. Section 24932.5 is added to said code, to read:

Oaths

24932.5. The secretary, and such assistants as the board may determine, shall have the power to administer all oaths or affirmations required by this part, including the oath of office.

SEC. 5. Section 25056 of said code is amended to read:

Pensions

25056. All persons receiving pension benefits from such acquired public utility and all persons entitled to pension benefits under any pension plan of such acquired public utility may become members or receive pensions under the retirement system established by the district as provided for in Chapter 5 (commencing with Section 25301) of this part, or participated in by the district as provided for in Section 25305 of this part, by mutual agreement of such persons and the district. Such agreement may provide for the waiver of all rights, privileges, benefits and status, with respect to the pension plan of such acquired public utility.

SEC. 6. Section 25301 of said code is amended to read:

Retirement system

25301. The board may establish a retirement system for the officers and employees of the district and provide for the payment of annuities, pensions, retirement allowances, disability payments, and death benefits or any of them, provided that the adoption, terms and conditions of any retirement system covering employees of the district, a majority of who are represented by a labor organization in accordance with Chapter 4 (commencing with Section 25051) of this part, shall be pursuant to a collective bargaining agreement between such labor organization and the district.

SEC. 7. Section 25305 of said code is amended to read:

Contract with State Employees' Retirement System

25305. Nothing in this chapter prevents a district from participating in and making all or part of its employees members of the State Employees' Retirement System by contract

entered into between the district and the board of administration of the system under the State Employees' Retirement Law or from participating in the Federal Social Security Act, or from participating in the retirement system of any other public agency for which it is eligible, and the district may perform all acts necessary or convenient for such participation. Such participation shall not be considered as establishing a retirement system subject to the provisions of this chapter.

SEC. 8. Section 25332 of said code is amended to read:

25332. The retirement allowance may be predicated in part upon service rendered the district or any predecessor public utility, whether publicly or privately owned, acquired by the district in proceedings in eminent domain or otherwise, by a member prior to the establishment of the retirement system, which service is known as "prior service." Retirement allowance

SEC. 9. Section 25333 of said code is repealed Repeal

SEC. 10. Section 25333 is added to said code, to read:

25333. The board may provide that the district shall contribute the entire cost of the retirement system or may require that an officer or employee of the district, upon becoming a member of the retirement system, shall contribute a portion of the cost. The amount of said officer or employee contribution shall be determined by the board. Cost of system

SEC. 11. Section 25336 of said code is amended to read:

25336. If any member withdraws from the retirement system prior to retirement the total amount contributed by him with such interest as may be credited thereto shall be returned to him; provided, however, that the board may prescribe the terms and conditions upon which a member, whose district service is terminated except by death or retirement, may elect to leave his contributions and interest thereon in the retirement fund, and the terms and conditions upon which a retirement allowance may be made to him after such termination. Withdrawal of member

SEC. 12. Section 25361 of said code is amended to read:

25361. The board, upon establishing a retirement system pursuant to this chapter, shall create a retirement board of not more than five members, at least two members of which shall be the elected representatives of the employees, to administer the retirement system, and shall define its powers and duties and the tenure of the members. Retirement board

SEC. 13. Section 25841 of said code is amended to read:

25841. A district may borrow money and incur indebtedness, and may issue bonds or other evidences of indebtedness. No indebtedness shall be incurred exceeding the ordinary annual income and revenue of the district without the approval of a two-thirds vote of the voters voting on the proposition to incur such indebtedness; except that a further vote of the voters is not required for any indebtedness incurred within the purposes and not exceeding the available amount of any previously authorized bond issue, and as to such indebtedness the proceeds of any of the bonds unexpended in the treasury Incurring of indebtedness

of the district, or the par value of any of the bonds which are unsold shall be deemed a part of the ordinary annual income and revenue of the district.

Repeal

SEC. 14. Section 26511 of said code is repealed.

SEC. 15. Section 26511 is added to said code, to read:

Annexation to city in the district

26511. Upon the completion of the annexation of any territory in accordance with law to any city included or partially included in the district, the city clerk shall file with the secretary of the district a certified copy of the ordinance, resolution or other document completing said annexation, containing a description of the territory so annexed. Unless the district within 90 days after such filing shall file with the city clerk the district's written objections to the annexation to the district of said territory or portion thereof, such territory, or portion thereof, not objected to by the district shall, upon the termination of such period be deemed incorporated into and annexed to the district, and thereafter is subject to taxation, along with the entire territory of the district in accordance with the assessable valuation of the property thereof, for general district purposes, and for the payment of any indebtedness theretofore or thereafter incurred by the district.

SEC. 16. Section 26512 is added to said code, to read:

Objections

26512. If the district shall file its objections in the manner aforesaid to the annexation to the district of such territory or portion thereof, the territory, or portion thereof, shall not be annexed to the district except in the manner provided in Articles 1 (commencing with Section 26401), 2 (commencing with Section 26421), 3 (commencing with Section 26451) and 4 (commencing with Section 26486) of this chapter. The district may withdraw such objections by filing with the city clerk a certified copy of a resolution of the board stating that such objections are withdrawn. Thereupon said territory, or portion thereof, shall be deemed incorporated into and annexed to the district as provided in Section 26511.

SEC. 17. Section 27472 is added to said code, to read:

Annexation to city in special transit service district

27472. Upon the completion of the annexation of any territory in accordance with law to any city included, or partially included, in a special transit service district, the city clerk shall file with the secretary of the district a certified copy of the ordinance, resolution or other document completing said annexation, containing a description of the territory so annexed. Unless the district within 90 days after such filing shall file with the city clerk the district's written objections to the annexation to the special transit service district of said territory or portion thereof, such territory, or portion thereof, shall, upon the termination of such period be deemed incorporated into and annexed to the special transit service district, and thereafter is subject to taxation, along with the entire territory of the special transit service district in accordance with the assessable valuation of the property thereof, for special transit service district purposes, and for the payment of

any indebtedness theretofore or thereafter incurred by the special transit service district.

SEC. 18. Section 27473 is added to said code, to read:

27473. If the district shall file its objections in the manner aforesaid to the annexation to a special transit service district of such territory or portion thereof, the territory, or portion thereof, shall not be annexed to the special transit service district except in the manner provided in Article 6 (commencing with Section 27461) of this chapter. The district may withdraw such objections by filing with the city clerk a certified copy of a resolution of the board stating that such objections are withdrawn. Thereupon such territory, or portion thereof, shall be deemed incorporated into and annexed to the special transit service district as provided in Section 27472. Objections

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CHAPTER 745

An act to amend Section 17205 of the Education Code, relating to school districts.

[Approved by Governor June 7, 1961 Filed with Secretary of State June 9, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1 Section 17205 of the Education Code is amended to read:

17205. The governing board of any school district which maintains clearing accounts, cafeteria accounts, and other accounts in a bank or banks, pursuant to Section 17204 or 17053 of this code, or pursuant to any other provisions of law, may contract and pay for the expenses of transporting money to and from such bank or banks.

CHAPTER 746

An act to amend Sections 14875 of, and to add Section 14462.5 to, the Health and Safety Code, relating to abatement of weeds and fire hazards.

[Approved by Governor June 7, 1961 Filed with Secretary of State June 9, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 14875 of the Health and Safety Code is amended to read:

14875. "Weeds," as used in this part, means all weeds growing upon streets, sidewalks, or private property in any "Weeds"

county, including any fire protection district and includes any of the following:

(a) Weeds which bear seeds of a downy or wingy nature.

(b) Sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property.

(c) Weeds which are otherwise noxious or dangerous.

(d) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.

(e) Dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard in an urbanized portion of an unincorporated area which has been zoned for single and multiple residence purposes.

SEC. 2. Section 14462.5 is added to said code, to read:

Law applicable

14462.5. The provisions of Part 5 (commencing with Section 14875), Division 12, of this code are made applicable to the districts organized and existing pursuant to this chapter, including but not limited to, the provisions with respect to the assessment of property owners for the expense of abatement, and the procedure set forth therein shall apply to dry grass, stubble, brush, rubbish, litter or other flammable material which endangers the public safety by creating a fire hazard. In the application of the provision of said Part 5 (commencing with Section 14875), Division 12, to proceedings under this chapter, the terms "board of supervisors," or "board" when used in Part 5, shall mean the board of supervisors of the county in which the district is situated acting under this chapter; and the officers designated in Section 14890, of Part 5, shall mean the employees of the fire department designated by the board.

CHAPTER 747

An act to amend Section 15010.5 of the Corporations Code, relating to statements of partnership.

In effect September 15, 1961

[Approved by Governor June 7, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 15010.5 of the Corporations Code is amended to read:

15010.5. (1) A statement of partnership, in the name of the partnership, signed, acknowledged and verified by two or more of the partners, or such a statement signed by two or more of the partners as individuals, acknowledged and verified by each signing partner, may be recorded in the office of the county recorder of any county. Such recorded statement, or a copy thereof certified by any recorder in whose office it or

a copy thereof so certified is recorded, may be recorded in any other county or counties. The statement shall set forth the name of the partnership and the name of each of the partners, and shall state that the partners named are all of the partners.

It shall be conclusively presumed, in favor of any bona fide purchaser for value of the partnership real property located in a county in which such statement or such certified copy thereof has been recorded, that the persons named as partners therein are members of the partnership named and that they are all of the members of the partnership, unless there is recorded by anyone claiming to be a partner a statement of partnership, verified and acknowledged by the person executing it, which shall set forth the name of the partnership, a statement that such person claims to be a member of such partnership or a statement that any of the persons named in a previously recorded statement of partnership are not members of such partnership.

(2) As used in this section and in Section 15010, "conveyance" includes every instrument in writing by which any estate or interest in real estate is created, aliened, mortgaged, or encumbered, or by which the title to any real property may be affected, except wills; "convey" includes the execution of any such instrument; and "purchaser" includes any person acquiring an interest under any such instrument.

CHAPTER 748

An act to add Section 23758.1 to the Education Code, relating to students at state colleges.

[Approved by Governor June 7, 1961. Filed with Secretary of State June 9, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 23758.1 is added to the Education Code, to read:

23758.1. The resident status of a California resident shall not, for the purposes of any state college admission fee or rate of tuition, be affected by the marriage of such person to a nonresident.

CHAPTER 749

An act to amend Sections 74642, 74643, 74644 and 74644.1 of the Government Code, relating to municipal courts.

[Approved by Governor June 7, 1961. Filed with Secretary of State June 9, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 74642 of the Government Code is amended to read:

74642. There shall be one clerk, one assistant clerk, two deputy court clerks, one deputy clerk III, four deputy clerks

Clerks

II and three deputy clerks I, each of whom shall receive a salary in accordance with Section 74644 and Section 74644.1 when operative.

SEC. 2. Section 74643 of said code is amended to read:

Marshals

74643. There shall be one marshal, five deputy marshals, and one marshal's clerk, each of whom shall receive a salary in accordance with Section 74644 and Section 74644.1 when operative.

SEC. 3. Section 74644 of said code is amended to read:

Salaries

74644. The monthly salaries for the following classes of positions shall be, and shall be increased in accordance with the schedule set forth below:

	A	B	C	D	E
Clerk of the municipal court	$527	$553	$581	$610	$641
Assistant clerk	412	433	455	478	502
Deputy court clerk	373	392	412	433	455
Deputy clerk III	338	355	373	392	412
Deputy clerk II	322	338	355	373	392
Deputy clerk I	292	307	322	338	355
Marshal	527	553	581	610	641
Deputy marshal	373	392	412	433	455
Marshal's clerk	292	307	322	338	355

All figures in columns A, B, C, D, and E represent dollars per calendar month.

On and after the effective date of this section, the following regulations will govern the administration of the classification and compensation schedules contained herein:

(1) All new employees shall be hired at the first step of the appropriate salary range.

(2) A one-year service period shall be required for each normal salary step increase.

(3) The salary anniversary date for present employees shall be the date of their last salary increase.

(4) The salary anniversary date for new employees shall be the date hired.

(5) An employee promoted to a higher class shall receive a one-step increase over his salary before promotion, or the first step of the salary range of the new class, whichever is greater.

(6) An employee demoted to a lower class shall retain his present salary rate, or shall be paid at step "E" of the lower class, whichever is smaller.

(7) On the effective date of this section, as amended at the 1961 Regular Session of the Legislature, the present employees shall be paid at the step in the appropriate salary range which is nearest to equaling the compensation of each employee immediately prior to such effective date, and such employees shall retain their regular salary anniversary date.

SEC. 4. Section 74644.1 of said code is amended to read:

74644.1. To each monthly salary rate set forth in columns A, B, C, D and E of Section 74644, there is added the following amounts to the classes of positions set forth below: Same

Clerk of municipal court and marshal	$30 per calendar month
Assistant clerk	25 per calendar month
Deputy court clerk and deputy marshal	20 per calendar month
Deputy court clerk III, deputy court clerk II, deputy clerk I, marshal's clerk	15 per calendar month

The additional compensation authorized by this section shall be paid only for services rendered on or after the operative date of this section. After the effective date of this section, it shall become operative on the same date as a general salary increase is effective for other permanent county monthly salaried employees. If a general salary increase is effective for other permanent, county monthly salaried employees between December 1, 1960, and the effective date of this section, it shall become operative on its effective date. For the purpose of determining the operative date of this section, a "general salary increase" shall be considered to have been granted when seventy-five percent (75%), or more, of the permanent, monthly salaried employees of the county have been granted a salary increase of approximately five percent (5%), or more, in addition to any regular annual increase for length of service. This section shall remain in effect until the 91st day after final adjournment of the 1963 Regular Session of the Legislature.

CHAPTER 750

An act to amend Sections 69991 and 73829 of the Government Code, relating to official reporters.

[Approved by Governor June 7, 1961. Filed with Secretary of State June 9, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 69991 of the Government Code is amended to read:

69991. The duties of official reporters appointed pursuant to Section 69990 shall be performed as elsewhere provided by law. As full compensation for taking notes in criminal cases in the superior court each reporter shall receive a monthly salary of six hundred dollars ($600), and for the purposes of retirement, the compensation of each reporter shall be deemed to be the total of all per diem and transcription fees paid by the county to all of the reporters of the superior court for all phonographic reporting services, divided by the number of superior court official reporters, plus his salary; except that Duties

in each county with a population of more than 70,000, and less than 73,000, as determined by the 1940 federal census, the monthly salary shall be five hundred dollars ($500). All other fees of such reporters shall be as elsewhere provided by law. In cases where it is necessary to appoint a pro tempore reporter, he shall be allowed the fees elsewhere provided by law.

SEC. 2. Section 73829 of said code is amended to read:

Retirement

73829. Official reporters of the court shall be members of any retirement system maintained by the county in which they are employed. For the purpose of such retirement system the compensation of each reporter shall be deemed to be the total of all per diem and transcription fees paid by the county to all of the reporters of the municipal court for all phonographic reporting services, divided by the number of municipal court official reporters, plus his salary.

CHAPTER 751

An act to amend Section 73096 of the Government Code, relating to official court reporters.

In effect September 15, 1961

[Approved by Governor June 7, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 73096 of the Government Code is amended to read:

73096. Official reporters of municipal courts in Alameda County, in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive thirty-five dollars ($35) a day for the days they actually are on duty under order of the court.

CHAPTER 752

An act to amend Sections 74049 and 74558 of the Government Code, relating to municipal courts.

In effect September 15, 1961

[Approved by Governor June 7, 1961 Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 74049 of the Government Code is amended to read:

Fees

74049. In any civil action or proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300), in addition to a fee or fees re-

quired by Sections 72054 to 72073, inclusive, a fee of eight dollars and fifty cents ($8 50) shall be paid to the clerk of the municipal court, by each party, or jointly by parties appearing jointly, once only in any such action or proceeding in the following instances:

(a) Upon the filing of a complaint or complaint in intervention where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(b) Upon the filing of an answer where the principal amount of the prayer of the complaint being answered, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

SEC. 2. Section 74558 of said code is amended to read:

74558. In any civil action or proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300), in addition to a fee or fees required by Sections 72054 to 72073, inclusive, a fee of eight dollars and fifty cents ($8.50) shall be paid to the clerk of the municipal court, by each party, or jointly by parties appearing jointly, once only in any such action or proceeding in the following instances: Same

(a) Upon the filing of a complaint or complaint in intervention where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(b) Upon the filing of an answer where the principal amount of the prayer of the complaint being answered, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

CHAPTER 753

An act to amend Section 28142 of the Government Code, relating to compensation for public service in Del Norte County

[Approved by Governor June 8, 1961. Filed with Secretary of State June 9, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 28142 of the Government Code is amended to read:

28142. In a county of the 42d class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

(a) The auditor two thousand five hundred twenty dollars ($2,520) a year and in addition two hundred dollars ($200) annually for preparing the county budget when prepared by him. If the office of recorder is consolidated with that of auditor, the auditor as such shall receive no compensation.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year and such fees as are paid to that officer.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year and eight cents ($0.08) a mile for mileage and expenses in traveling from his residence to the county seat, but only one mileage shall be allowed for any regular or special session of the board. Actual expense outside the county shall be allowed and paid.

(d) Grand jurors and trial jurors in the superior courts, three dollars and fifty cents ($3.50) for each day's attendance and seven cents ($0.07) for each mile necessarily traveled each way in attending court. In criminal cases the fees and mileage of the trial jurors in the superior court shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer of the county shall pay the warrants. The fees of jurors in justice courts shall be two dollars and fifty cents ($2.50) for each day's attendance and mileage at the rate of seven cents ($0.07) a mile each way traveled in attending court.

CHAPTER 754

An act to amend Sections 5474, 5474.1, 5474.6, 5474.7, 5474.8, 5474.9, and 5474.10 of the Health and Safety Code, relating to fees for sanitation and sewerage facilities.

In effect September 15, 1961

[Approved by Governor June 8, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 5474 of the Health and Safety Code is amended to read:

Fees and charges

5474. An entity shall have the power by ordinance approved by two-thirds vote of the members of the legislative body thereof to fix fees or charges for the privilege of connecting to its sanitation or sewerage facilities, to fix the time or times at which such fees or charges shall become due, to provide for the payment of said fees or charges prior to connection or in installments over a period of not to exceed 15 years, to provide the rate of interest, not to exceed

6 percent per annum, to be charged on the unpaid balance of such fees or charges, and to provide that the amount of such fees or charges and the interest thereon shall constitute a lien against the respective lots or parcels of land to which said facilities are connected. Prior to making such fees or charges a lien against the land, the legislative body shall give notice to the owners of the lots or parcels of land affected, which notice shall set forth the following:

1. The schedule of fees or charges to be imposed by the entity.

2. A description of the property subject to such fees or charges, which description may be by reference to a plat or diagram on file in the office of the clerk of the legislative body, or to maps prepared in accordance with Section 327, Revenue and Taxation Code, and on file in the office of the county assessor.

3. The time or times at which such fees or charges shall become due.

4. The number of installments in which such fees or charges shall be payable.

5. The rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of such fees or charges.

6. That it is proposed that the fees or charges and interest thereon shall constitute a lien against the lots or parcels of land to which the facilities are furnished.

7. The time and place at which the legislative body will hold a hearing at which persons may appear and present any and all objections they may have to the imposition of the fees or charges as a lien against the land.

SEC. 2. Section 5474.1 of said code is amended to read:

5474.1. The notice shall be published pursuant to Section 6063 of the Government Code prior to the date set for hearing. At least 10 days prior to the date of hearing written notice thereof shall be mailed to all persons owning land subject to such fees or charges, whose names and addresses appear on the last equalized assessment roll. Notice

SEC. 3. Section 5474.6 of said code is amended to read:

5474.6. The tax collector shall include the amounts of the installments of fees or charges and the interest on bills for taxes levied against the respective lots and parcels of land. Thereafter, all laws applicable to the levy, collection and enforcement of taxes of the entity, including penalties and interest thereon and cancellation or refund thereof, shall be applicable to such installments of fees or charges and interest. Billing

SEC. 4. Section 5474.7 of said code is amended to read:

5474.7. The tax collector may, in his discretion, issue separate bills for such installments of fees or charges and interest. The county shall be compensated for services, if any, rendered in connection with the levy, collection and enforcement of such installments of fees or charges and interest in an amount to be fixed by agreement between the board of supervisors and the Separate bills

legislative body of the entity. The compensation shall not exceed 1 percent of all money collected for the entity.

SEC. 5. Section 5474.8 of said code is amended to read:

Fees

5474.8. Fees or charges imposed by an entity by ordinance adopted pursuant to Section 5474 may differ in amount or method of computation from fees or charges imposed by any other ordinance of such entity adopted pursuant to said Section 5474.

SEC. 6. Section 5474.9 of said code is amended to read:

Use of revenues

5474.9. Revenues derived from fees or charges imposed pursuant to Section 5474 shall be used only for the acquisition, construction, reconstruction, maintenance and operation of sanitation or sewerage facilities, to pay municipalities for sewer service collection charges, to repay principal and interest on bonds issued for construction or reconstruction of such sanitation or sewerage facilities and to repay federal or state loans or advances made to entities for the construction or reconstruction of sanitation or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

SEC. 7. Section 5474.10 of said code is amended to read:

Authority to impose fees

5474.10. The authority for the imposition of fees or charges by entities pursuant to Section 5474 shall be in addition to the authority granted to such entities by any other law authorizing such entities to establish fees, tolls, rates, rentals or other charges.

CHAPTER 755

An act to amend Section 28115 of the Government Code, and to amend Section 28118 of the Government Code as proposed by Assembly Bill No. 640, relating to compensation for public service.

In effect September 15, 1961

[Approved by Governor June 8, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 28115 of the Government Code is amended to read:

Fifteenth class county-Tulare

28115. In a county of the 15th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The county auditor, nine thousand dollars ($9,000) a year.

(b) The district attorney, thirteen thousand dollars ($13,000) a year. He shall devote his entire time to the duties of his office and shall not engage in the private practice of law during his term in office.

(c) Each supervisor, six thousand dollars ($6,000) a year for all personal services performed by him as supervisor and member of the board of equalization, and his actual and necessary traveling expenses incurred in performing any of the duties of his office, the claim for which shall be allowed and paid out of the county general fund in the same manner as other claims are allowed and paid. The traveling expenses exclusive of meals and hotel accommodations shall not exceed seven cents ($0.07) a mile.

(d) Each member of the grand jury shall be allowed four dollars ($4) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of five cents ($0.05) a mile for each mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county. For attending as a trial juror in a criminal action in the superior court, three dollars ($3) per day if called but not sworn to try the cause, and four dollars ($4) per day if called and sworn to try the cause. For attending as a trial juror in a civil action in the superior court, four dollars ($4) per day if called but not sworn to try the cause and five dollars ($5) per day if called and sworn to try the cause. For attending as a trial juror in the justice court for each juror sworn to try the cause, two dollars ($2) a day. For each mile actually traveled in attending court as a juror, seven cents ($0.07) a mile each way from the place of residence to the court.

SEC. 2. Section 28118 of the Government Code as proposed by Assembly Bill No. 640 is amended to read:

28118. In a county of the 18th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Eighteenth class county Tulare

(a) The county auditor, nine thousand dollars ($9,000) a year.

(b) The district attorney, thirteen thousand dollars ($13,000) a year. He shall devote his entire time to the duties of his office and shall not engage in the private practice of law during his term in office.

(c) Each supervisor, six thousand dollars ($6,000) a year for all personal services performed by him as supervisor and member of the board of equalization, and his actual and necessary traveling expenses incurred in performing any of the duties of his office, the claim for which shall be allowed and paid out of the county general fund in the same manner as other claims are allowed and paid. The traveling expenses exclusive of meals and hotel accommodations shall not exceed seven cents ($0.07) a mile.

(d) Each member of the grand jury shall be allowed four dollars ($4) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of five cents ($0.05) a mile for each mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county. For attending as a trial juror in a criminal action in the superior court, three dollars ($3) per day if called but not sworn to try the cause, and four dollars ($4) per day if called and sworn to try the cause. For attending as a trial juror in a civil action in the superior court, four dollars ($4) per day if called but not sworn to try the cause and five dollars ($5) per day if called and sworn to try the cause. For attending as a trial juror in the justice court for each juror sworn to try the cause, two dollars ($2) a day. For each mile actually traveled in attending court as a juror, seven cents ($0.07) a mile each way from the place of residence to the court.

Effect Stats 1961, Ch 43

SEC. 3. Section 2 of this act shall become operative only if Section 28118 of the Government Code as proposed by Assembly Bill No. 640 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 640 takes effect; at which time Section 28115 of the Government Code as amended by Section 1 of this act is repealed.

CHAPTER 756

An act to amend Section 28143 of the Government Code, relating to compensation for public service in a county of the 43d class.

In effect September 15, 1961

[Approved by Governor June 8, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 28143 of the Government Code is amended to read:

28143. In a county of the 43d class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand six hundred dollars ($6,600) a year.

(b) The district attorney, six thousand six hundred dollars ($6,600) a year.

(c) Each supervisor, four hundred dollars ($400) a month and mileage at the rate of twenty cents ($0.20) for each mile actually traveled in the discharge of his duties as supervisor,

not to exceed six hundred dollars ($600) a year. Each supervisor shall also receive his necessary expenses when the performance of his duty as supervisor takes him out of the county.

(d) Grand jurors and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance, and fifteen cents ($0 15) for each mile actually and necessarily traveled from their residence to the county seat, to be allowed but once during each session the jurors are required to attend.

CHAPTER 757

An act to amend Section 16754 of the Business and Professions Code, relating to penalties and venue of actions pertaining to combinations in restraint of trade.

[Approved by Governor June 8, 1961. Filed with Secretary of State June 9, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 16754 of the Business and Professions Code is amended to read:

16754. The Attorney General, or the district attorney of any county on the order of the Attorney General, shall initiate civil actions or criminal proceedings for violation of this chapter. Civil actions and criminal proceedings for violation of this chapter initiated by the Attorney General or on his order may be brought in the superior court in and for any county where the offense or any part thereof is committed or where any of the offenders reside or where any corporate defendant does business.

CHAPTER 758

An act to amend Section 19483 of the Education Code, relating to state school building aid.

[Approved by Governor June 8, 1961 Filed with Secretary of State June 9, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 19483 of the Education Code is amended to read:

19483. Whenever, subsequent to the date on which a conditional apportionment becomes final, territory is withdrawn from a state-aided district and no portion of the apportionment was expended for school property acquired by the acquiring district:

(1) If the acquiring district is a state-aided district, the assessed valuation in the territory acquired shall be included in determining assessed valuation of the property in the ac-

quiring district, and shall thereafter be excluded in determining assessed valuation of the property in the state-aided district, for purposes of the computations under Sections 19430 to 19434, inclusive;

(2) If the acquiring district is not a state-aided district, the State Controller shall determine the percentage relationship, at the time of the withdrawal, between (a) the assessed valuation in the territory acquired, together with the current assessed valuation in all other territory theretofore acquired by the acquiring district from the state-aided district since the date of its first conditional apportionment under this chapter, and (b) the current assessed valuation of the state-aided district as it was territorially constituted on such latter date.

If the percentage of assessed valuation in acquired territory is, in the aggregate, less than 10 percent, the assessed valuation in all such acquired territory shall be excluded, until the next withdrawal of territory from the state-aided district to the acquiring district, in determining the assessed valuation of the state-aided district for the purposes of the computations under Sections 19430 to 19434, inclusive.

If the percentage of assessed valuation in acquired territory is, in the aggregate, a percentage equal to or greater than 10 percent, the State Controller shall, by deducting such percentage from 100 percent, obtain the "complement percentage." Until the next withdrawal of territory from the state-aided district to the acquiring district, the assessed valuation of the state-aided district for purposes of the computations under Sections 19430 to 19434, inclusive, shall be determined by dividing the current assessed valuation of the state-aided district, as territorially constituted immediately subsequent to the last withdrawal, by the complement percentage.

Whenever, pursuant to this section, the assessed valuation of the state-aided district is adjusted for repayment computation purposes by use of the complement percentage, liability for the annual repayment computed shall be apportioned between the state-aided district and the acquiring district by multiplying such annual repayment by the complement percentage, the product representing the liability of the state-aided district, and the remainder of the computed repayment representing the liability of the acquiring district.

(3) In the event that two or more non-state-aided districts acquire territory from the aforesaid state-aided district the controller shall determine the formulae for apportioning liability for such annual repayment between the districts affected (including the formulae for determining what assessed valuations shall be used within the affected districts or territories withdrawn, and the dates of determination thereof) as will in his opinion best comply with the principles set forth above, irrespective of whether such formulae are in literal compliance therewith.

CHAPTER 759

An act to amend Section 3 of an initiative act entitled "An act providing for daylight saving time in the State of California," approved by electors November 8, 1949, relating to daylight saving time, said amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors.

[Approved by Governor June 8, 1961. Filed with Secretary of State June 9, 1961.]

For effective date, see Sec. 2

The people of the State of California do enact as follows:

SECTION 1. Section 3 of the act cited in the title hereof is amended to read:

Daylight saving time

SEC. 3. From 1 o'clock antemeridian on the last Sunday of April, until 2 o'clock antemeridian on the last Sunday of October, the standard time in this State so established shall be one hour in advance of the standard time now known as United States Standard Pacific time.

Effect: Approval by electors

SEC. 2. Section 1 of this act shall become effective only when submitted to and approved by the electors, pursuant to Section 1b of Article IV of the Constitution of the State.

Submission to electors

SEC. 3. Section 1 of this act shall be submitted to the electors for their approval or rejection at the next succeeding general election occurring at any time subsequent to 130 days after this section takes effect, or at any statewide special election which may be called by the Governor, in his discretion, prior to such general election, in the same manner that a constitutional amendment proposed by the Legislature would be submitted, and all of the provisions of law relative to submission of such constitutional amendments to the electors and to matters incidental thereto shall apply to the submission of Section 1 of this act, except as otherwise provided in this section or as such provisions may be clearly inapplicable for the submission of an amendment to an initiative measure pursuant to Section 1b of Article IV of the State Constitution.

CHAPTER 760

An act to repeal Section 2509.1 of the Revenue and Taxation Code, relating to collection of property taxes.

[Approved by Governor June 8, 1961. Filed with Secretary of State June 9, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 2509.1 of the Revenue and Taxation Code is repealed.

CHAPTER 761

An act to amend Section 28124 of the Government Code, and Section 28123 of the Government Code, as proposed by Assembly Bill No. 640, relating to compensation for public services in counties.

In effect September 15, 1961

[Approved by Governor June 9, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 28124 of the Government Code is amended to read:

Twenty-fourth class county Glenn

28124. In a county of the 24th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand dollars ($9,000) a year.

(b) The district attorney, twelve thousand dollars ($12,000) a year. He shall be disqualified from engaging in private law practice.

(c) Each supervisor, nine thousand six hundred dollars ($9,600) a year, necessary traveling expenses incurred in the performance of his official duties, and mileage at ten cents ($0.10) a mile for all distances traveled by him as supervisor, mileage not to exceed in any one year one thousand five hundred dollars ($1,500) for each supervisor.

(d) The fees of grand jurors are five dollars ($5) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending courts, in going only. The fees of trial jurors in the superior courts are five dollars ($5) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court, in going only. The fees of jurors in justice courts are three dollars ($3) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending the court, in going only.

In criminal cases the fees and mileage of all trial jurors shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the jury was in attendance.

The fees of jurors on coroner's juries are two dollars ($2) for each day's attendance, to be paid out of the general fund of the county upon the presentation and filing with the board of supervisors of a duly verified claim, proper allowance of the claim by the board, and the approval of the coroner.

SEC. 2. Section 28123 of said code, as proposed by Assembly Bill No. 640, is amended to read:

Twenty-third class county Humboldt

28123. In a county of the 23d class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand dollars ($9,000) a year.

(b) The district attorney, twelve thousand dollars ($12,000)

a year. He shall be disqualified from engaging in private law practice.

(c) Each supervisor, nine thousand six hundred dollars ($9,600) a year, necessary traveling expenses incurred in the performance of his official duties, and mileage at ten cents ($0.10) a mile for all distances traveled by him as supervisor, mileage not to exceed in any one year one thousand five hundred dollars ($1,500) for each supervisor.

(d) The fees of grand jurors are five dollars ($5) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court, in going only. The fees of trial jurors in the superior courts are five dollars ($5) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court, in going only. The fees of jurors in justice courts are three dollars ($3) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending the court, in going only.

In criminal cases the fees and mileage of all trial jurors shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the jury was in attendance.

The fees of jurors on coroner's juries are two dollars ($2) for each day's attendance, to be paid out of the general fund of the county upon the presentation and filing with the board of supervisors of a duly verified claim, proper allowance of the claim by the board, and the approval of the coroner.

SEC. 3. Section 2 of this act shall become operative only if Section 28123 of the Government Code as proposed by Assembly Bill No. 640 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 640 takes effect; at which time Section 28124 of the Government Code as amended by Section 1 of this act is repealed. Effect Stats 1961, Ch 43

CHAPTER 762

An act to amend Section 69748 of the Government Code, relating to sessions of the superior courts.

[Approved by Governor June 9, 1961. Filed with Secretary of State June 9, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 69748 of the Government Code is amended to read:

69748. At least one session of the superior court shall be held in each city to which all of the following conditions apply:

(a) The city hall is not less than 18 miles from the site of the county courthouse.

(b) The city has a population of not less than 10,000.

(c) Within the 10-mile radius from the city hall there is a population of not less than 50,000.

(d) There are residing in the county at least 18 miles from the county courthouse not less than 15,000 persons, some of whom would be required to travel 50 miles to attend court at such city and at least 10 miles farther in order to attend the superior court at the county courthouse, or any other place where sessions of the superior court have been established.

(e) Other than subdivision (c) of this section, the distances provided for in this section shall be measured by following the shortest road or roads connecting the points in question.

CHAPTER 763

An act to add Section 1724.5 to, and to amend Section 1821 of, the Insurance Code, relating to the true and fictitious names and corporate names of licensees and bail licensees and disciplinary actions against bail licensees.

In effect September 15, 1961

[Approved by Governor June 9, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1724.5 is added to the Insurance Code, to read:

Filing of true and fictitious names

1724.5. Every individual and organization licensee and every applicant for such a license shall file with the commissioner in writing the true name of the individual or organization and also all fictitious names under which he conducts or intends to conduct his business and after licensing shall file with the commissioner any change in or discontinuance of such names. The commissioner may in writing disapprove the use of any true or fictitious name (other than the bona fide natural name of an individual) by any licensee on any of the following grounds:

Grounds for disapproval

(a) Such name is an interference with or is too similar to a name already filed and in use by another licensee;

(b) The use of the name may mislead the public in any respect;

(c) The name states, infers or implies that the licensee is an insurer, motor club, hospital service plan or entitled to engage in insurance activities not permitted under licenses held or applied for;

(d) The name states or implies that the licensee is an underwriter. This subdivision shall not prevent a natural person who is a life licensee from describing himself as an "underwriter" or from using the designation "Chartered Life Underwriter" if entitled thereto nor shall it prevent a natural person who is

a fire and casualty licensee from using the designation "Chartered Property and Casualty Underwriter" if entitled thereto nor a producers trade association each member of which is also separately licensed from having a name containing the word underwriter; or

(e) The licensee has already filed and not discontinued the use of more than two names including the true name. This subdivision shall not prevent a licensee who has lawfully purchased or succeeded to the business or businesses of other licensees from using for each such business not more than two additional names, true or fictitious, consisting of names used by his predecessors in the conduct of such businesses.

A licensee may not use a true or fictitious name after being notified by the commissioner in writing that such use is contrary to this section. If the commissioner determines that there are facts in mitigation in connection with the continued use of such name he may permit its use for a specified reasonable period of time if in connection therewith he imposes such conditions as will protect the public and achieve the purposes of this section. Any such permission and any such conditions shall be written.

The grounds specified in subdivisions (a), (c), and (d) shall not be applicable to the true name of any organization licensee which on October 1, 1961, holds under such name any type of license issued under this chapter (commencing with Section 1621) or Chapter 8 (commencing with Section 1831) of this part nor to any fictitious name in use on October 1, 1961, by any individual or organization holding any type of license issued under this chapter or Chapter 8 of this part on such date, provided such fictitious name is filed with the commissioner on or before January 2, 1962.

The ground specified in subdivisions (b) and (e) shall not be applicable to any licensee who, or which, on October 1, 1961, holds a license issued under this chapter or Chapter 8 of this part until on and after January 2, 1964.

SEC. 2. Section 1821 of said code is amended to read:

1821. A license shall not be refused by the commissioner without proceedings in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, being initiated within 60 days from the date of filing the completed application. Procedure

The provisions of 1724.5, 1733, 1734, 1735 and Articles 6 and 13 of Chapter 5 of this part are applicable to persons licensed under this chapter and the words "insurance agent" or "licensee" used in those provisions include persons licensed under this chapter.

CHAPTER 764

An act to amend Section 172a of the Penal Code, relating to alcoholic beverages.

In effect September 15, 1961

[Approved by Governor June 9, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 172a of the Penal Code is amended to read:

172a. Every person who, upon or within 1½ miles of the university grounds or campus, upon which are located the principal administrative offices of any university having an enrollment of more than 1,000 students, more than 500 of whom reside or lodge upon such university grounds or campus, sells, gives away or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor; except that the provisions of this sentence shall not apply to the sale, giving away, exposing for sale or serving of alcoholic beverages by any licensee under the Alcoholic Beverage Control Act in any premises for which a license is issued and in effect at the time when the number of students enrolled increases to exceed 1,000 and the number of students residing or lodging upon the grounds or campus of any university increases to exceed 500, and this section first becomes operative as to such university grounds or campus, and the provisions of this sentence do not prohibit the transfer of any such retail package offsale beer and wine license or any such onsale beer and wine license from one premises to another within the prescribed area; provided, however, that the provisions of this section shall not apply to nor prohibit the sale of any of said liquors by any regularly licensed pharmacist who shall maintain a fixed place of business in said territory, upon the written prescription of a physician regularly licensed to practice medicine under the laws of the State of California when such prescription is dated by the physician issuing it, contains the name of the person for whom the prescription is written, and is filled for such person only and within 48 hours of its date; provided further, that the provisions of this section shall not apply to nor prohibit the sale of any of said liquors for chemical or mechanical purposes; provided further, that the provisions of this section shall not apply to nor prohibit the sale, gift, or exposing, or offering for sale of ale, porter, wine, similar fermented malt, or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale, gift, or exposing, or offering for sale of beer.

In measuring distances from the university grounds or campus of the University of Southern California in the City of Los Angeles, the University of the Pacific at Stockton, and the University of Santa Clara, such distances shall

not be measured by airline but by following the shortest road or roads connecting the points in question.

With respect to Leland Stanford Junior University, the provisions of this section shall not apply to the sale, giving away, exposing for sale or serving of alcoholic beverages by any licensee under the Alcoholic Beverage Control Act (commencing at Section 23000, Business and Professions Code) in any premises for which a license is issued and in effect on September 15, 1959.

With respect to the University of the Pacific, the University of San Francisco, and the University of California Medical Center in San Francisco, the provisions of this section shall not apply to any license or the transfer thereof to any location which is issued and in effect at the time the number of students enrolled increases to exceed 1,000 and the number of students residing or lodging upon the grounds or campus increases to exceed 500.

CHAPTER 765

An act to amend Section 1908 of the Harbors and Navigation Code, relating to San Francisco Harbor.

[Approved by Governor June 9, 1961. Filed with Secretary of State June 9, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1908 of the Harbors and Navigation Code is amended to read:

1908. The board may own, operate or maintain fireboats for the protection from fire of property under the control and jurisdiction of the board, or the board may contract with the City of San Francisco or any other governmental agency for all or any part of the fireboat service, but in the latter case, the amount payable by the board under the contract shall not exceed the sum of three hundred thousand dollars ($300,000) in any year.

The board may also pay the city for furnishing to the board such services of firemen of the city as may be requested by the board and furnished by the city in the performance of fire prevention work in co-operation with the San Francisco Fire Department, on the property of the State under the control and jurisdiction of the board. The amount to be paid for such services shall not exceed the amount of salary or wages paid by the city to such firemen on account of the performance of such services for the board, including its contributions to any retirement fund.

In addition to the amounts which may be collected for the purposes specified in this part by the board, there shall be collected an amount sufficient to carry out the provisions of this section.

CHAPTER 766

An act to amend Section 4574 of the Penal Code, relating to possession of firearms, deadly weapons and explosives within local correctional institutions.

In effect September 15, 1961

[Approved by Governor June 9, 1961 Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 4574 of the Penal Code is amended to read:

4574. Except when otherwise authorized by law, or when authorized by the person in charge of the prison or other institution referred to in this section or by an officer of the institution empowered by the person in charge of the institution to give such authorization, any person, who knowingly brings or sends into, or knowingly assists in bringing into, or sending into, any state prison or prison road camp or prison forestry camp, or other prison camp or prison farm or any other place where prisoners of the state prison are located under the custody of prison officials, officers or employees, or any jail or any county road camp in this State, or within the grounds belonging or adjacent to any such institution, any firearms, deadly weapons or explosives, and any person who, while lawfully confined in a jail or county road camp possesses therein any firearm, deadly weapon, or explosive, is guilty of a felony and punishable by imprisonment in the state prison for not less than one year.

CHAPTER 767

An act to add Section 19615.5 to the Education Code, relating to State School Building Aid.

In effect September 15, 1961

[Approved by Governor June 9, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 19615.5 is added to the Education Code, to read:

19615.5. The provisions of this section shall apply to any school district which has succeeded to and become vested with all duties, powers, purposes, jurisdiction, and responsibility with respect to a portion of an apportionment determined or redetermined to have been expended, or to be expendable, for property acquired or to be acquired by it, and which has become liable for a portion of the annual repayment of a portion of an apportionment, as provided in Section 19662.

If, on or before June 30th of any fiscal year, the governing board of any such school district files a request with the State Controller for a deferment of the annual repayment due from such district during the next succeeding fiscal year for an apportionment received by the district pursuant to this chapter, and it is determined, in accordance with this section, that the district is entitled to a deferment of all or part of such annual repayment, the deferment shall be made in accordance with such determination. The request for deferment, once filed with the State Controller, shall remain in effect in each ensuing year, and the State Controller shall continue to compute and allow the deferment in accordance with this section each year, until such time as the governing board of the school district files a written request with the State Controller to discontinue the deferment.

The portion of the annual repayment to be deferred under this section shall be determined as follows:

There shall be computed the amount required to be raised by taxes on property within the district during the fiscal year in which the annual repayment is to be deducted pursuant to Section 19611, for the payment of principal and interest on: (a) that portion of the annual repayment and all other payments due the State under Section 19604 and other provisions of this chapter with respect to the portion of the apportionment for which the district has been determined to be liable under Section 19662; (b) any bonded indebtedness incurred for school purposes prior to the first conditional apportionment to the school district under this chapter; (c) any bonded indebtedness which was incurred as a condition to any apportionment under this chapter; and (d) any bonded indebtedness incurred, the proceeds of which were required to be contributed for the purposes for which an apportionment was made under this chapter. To this amount shall be added the amount required during such fiscal year, for the annual repayment of school building apportionments under this chapter. The total of these amounts shall constitute the "basic tax amount."

If the applicant district is a unified district, the amount to be deferred shall be separately considered for each grade level thereof. For this purpose, the basic tax amount shall only include the amounts specified in the preceding paragraph required to be raised for the repayment of principal and interest on bonded indebtedness which was incurred for, or as a condition to receiving an apportionment for, or required by the board to be contributed for the purposes of, the grade level being considered, plus those amounts required for the annual repayment of apportionments made under this chapter for such grade level.

There shall be computed the amount which would be produced by a tax of forty cents ($0.40) on each one hundred dollars ($100) of assessed valuation of the district during such

year, to be known as the "forty-cent tax amount." The amount of the annual repayment to be deferred during the fiscal year in which the annual repayment is due shall be the amount, if any, by which the basic tax amount exceeds the forty-cent tax amount. The amount deferred shall be added to the annual repayment for the next succeeding fiscal year.

On or before the last day of July of each fiscal year, the State Controller shall request the Director of Finance to, and the Director of Finance shall, determine and certify to the State Controller the amount of bonded debt service included in the "basic tax amount." On or before the third Monday in August of each fiscal year, the State Controller shall request the county auditor of each county to, and the county auditor of each county shall, determine and certify to the State Controller the current assessed valuation of property within each district which has filed a request for a deferment under this section.

Before the date on which the board of supervisors makes the levy of taxes for county purposes, the State Controller shall make the deferment determination required by this section for each district requesting a deferment, and, for each district which is entitled to a deferment, shall notify, in writing, the board of supervisors of the county, the governing board of the district, the county auditor, and the county superintendent of schools having jurisdiction over the district of the amount of the repayment of the district which is to be deferred under this section.

For the purposes of this section the "annual repayment" means the amount of the annual repayment of the district due in a fiscal year as determined pursuant to Section 19604, plus the then unpaid deferred amount of any annual repayment due in any previous fiscal years.

Notwithstanding any other provision of this chapter, if, at the end of the 30-year period provided in Section 19614 there are any deferred amounts due in any previous fiscal year remaining unpaid, repayments shall continue to be made in the manner provided by this section during each fiscal year thereafter until the amounts are paid, or for an additional period of 10 years, whichever first occurs. At the expiration of the additional 10-year period the unpaid portion of the deferred amounts shall be canceled on the books of the State Controller, and the provisions of Section 19614 shall thereupon become applicable thereto and the board shall execute a conveyance to the district as provided in Section 19616.

CHAPTER 768

An act to amend Section 539 of the Code of Civil Procedure, relating to attachments.

[Approved by Governor June 9, 1961. Filed with Secretary of State June 9, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 539 of the Code of Civil Procedure is amended to read:

539. Before issuing the writ, the plaintiff must file with the clerk or judge a written undertaking with two or more sufficient sureties, to the effect that if the defendant recovers judgment, the plaintiff will pay all costs that may be awarded to the defendant and all damages which he may sustain by reason of the attachment, not exceeding the sum specified in the undertaking, and that if the attachment is discharged on the ground that the plaintiff was not entitled thereto under Section 537, the plaintiff will pay all damages which the defendant may have sustained by reason of the attachment, not exceeding the sum specified in the undertaking. The sum specified in the undertaking shall be one-half ($\frac{1}{2}$) of the principal for which the writ is to be issued, excluding attorneys' fees, but not less than fifty dollars ($50). Nothing herein shall be construed to preclude the acceptance of an undertaking in which a larger sum is specified, if such undertaking be offered. The court on ex parte application of the plaintiff, may by written order, direct the issuance of the writ on the filing of an undertaking in a lesser sum, but not less than fifty dollars ($50).

At any time after the issuing of the attachment, but not later than five days after actual notice of the levy thereof, the defendant may except to the sufficiency of the sureties. If he fails to do so, he is deemed to have waived all objection to them. When excepted to, the plaintiff's sureties, within five days from service of written notice of exception, upon notice to the defendant of not less than two nor more than five days, must justify before the judge or clerk of the court in which the action is pending, in the same manner as upon bail on arrest; and upon failure to justify, or if others in their place fail to justify, at the time and place appointed, the writ of attachment must be vacated.

The court, at any time after issuance of the writ, on motion of the defendant, after notice to the plaintiff, may order the amount of the undertaking increased, but in no event to an amount exceeding the amount for which the writ has been issued.

CHAPTER 769

An act to add Section 69894.5 to the Government Code, relating to officers and employees of the superior court in counties over 2,000,000 population.

In effect September 15, 1961

[Approved by Governor June 9, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 69894.5 is added to the Government Code, to read:

69894.5. The court may by rule employ and assign officers or attachés to perform the duties outlined in Section 26806 of the Government Code.

CHAPTER 770

An act to amend Section 34606 of the Health and Safety Code, relating to community redevelopment and housing.

In effect September 15, 1961

[Approved by Governor June 9, 1961 Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 34606 of the Health and Safety Code is amended to read:

34606. This part shall remain in effect until the 91st day after final adjournment of the 1963 Regular Session of the Legislature. While this part is in effect, it supersedes any existing provisions of law which are in conflict with this part, but such provisions will not be repealed by this part and after this part is no longer effective, they shall have the same force as though this part had not been enacted; and this part shall not constitute a precedent.

CHAPTER 771

An act to amend Section 72602 of the Government Code, relating to municipal courts of Los Angeles County.

In effect September 15, 1961

[Approved by Governor June 9, 1961 Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 72602 of the Government Code is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of

judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	2
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District	3
Inglewood Municipal Court District	2
South Bay Municipal Court District	3
Compton Municipal Court District	3
Downey Municipal Court District	2
Los Angeles Municipal Court District	42
Santa Anita Municipal Court District	1
Alhambra Municipal Court District	2
Los Cerritos Municipal Court District	2
Long Beach Municipal Court District	5
Beverly Hills Municipal Court District	2
Santa Monica Municipal Court District	2
Burbank Municipal Court District	2
Glendale Municipal Court District	2
Pasadena Municipal Court District	3
El Monte Municipal Court District	2
Pomona Municipal Court District	2
South Gate Municipal Court District	1
Citrus Judicial District	3
Antelope Municipal Court District	1
Culver Municipal Court District	1

CHAPTER 772

An act to amend Section 69892.1 of the Government Code, relating to officers and employees of superior courts.

[Approved by Governor June 9, 1961 Filed with Secretary of State June 9, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 69892.1 of the Government Code is amended to read:

69892.1. The superior court in any county with a population of over 4,000,000 as determined by the 1960 federal census shall appoint an executive officer who shall hold office at the pleasure of the court and shall exercise such administrative powers and perform such other duties as may be required of him by the court. The court shall fix the qualifications of such executive officer and may delegate to him any administrative powers and duties as are now or may hereafter by law be vested in or required to be exercised by such court. The executive officer shall prepare an annual report and such other reports as may be directed by the court. The annual salary of the executive officer shall be as provided in Section 69894.1. He shall be allowed actual traveling and other necessary expenses while engaged in the discharge of the duties of his office.

CHAPTER 773

An act to amend Section 74551 of the Government Code, relating to the San Jose-Alviso Judicial District.

In effect September 15, 1961

[Approved by Governor June 9, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 74551 of the Government Code is amended to read:

74551. There shall be six judges.

CHAPTER 774

An act to amend Sections 72702, 72702.5, 72703, 72704, 72704.5, 72705, 72705.5, 72712, 72751, 72752, 72753, 72754 and 72760, and to repeal Section 72708.5 of the Government Code, relating to municipal courts in Los Angeles County.

In effect September 15, 1961

[Approved by Governor June 9, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 72702 of the Government Code is amended to read:

Clerk

72702. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 56 of the salary schedule provided in Section 72705.

SEC. 2. Section 72702.5 of said code is amended to read:

Chief deputy clerk

72702.5. The clerk may appoint one chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 51 of the salary schedule provided in Section 72705.

SEC. 3. Section 72703 of said code is amended to read:

Clerk's appointees

72703. The clerk may appoint:

(a) One deputy clerk who shall be chief, traffic division, and who shall receive a monthly salary at a rate specified in Schedule 48.

(b) One deputy clerk who shall be chief, civil division, and who shall receive a monthly salary at a rate specified in Schedule 48.

(c) One deputy clerk who shall be chief, criminal division, and who shall receive a monthly salary at a rate specified in Schedule 48.

(d) One deputy clerk who shall be chief accountant, and who shall receive a monthly salary at a rate specified in Schedule 47.

(e) Three deputy clerks, assistant division chiefs, each of whom shall receive a monthly salary at a rate specified in Schedule 45.

(f) One deputy clerk who shall be assistant chief accountant, and who shall receive a monthly salary at a rate specified in Schedule 43.

(g) One deputy clerk who shall be chief, administrative services, and who shall receive a monthly salary at a rate specified in Schedule 47.

(h) One deputy clerk who shall be administrative jury commissioner, and who shall receive a monthly salary at a rate specified in Schedule 45.

(i) One deputy clerk who shall be assistant secretary and jury commissioner, who shall receive a monthly salary at a rate specified in Schedule 47.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 72705.

SEC. 4. Section 72704 of said code is amended to read:

72704. The clerk may also appoint: Same

(a) Five deputy clerks grade V, each of whom shall receive a monthly salary at a rate specified in Schedule 45. Initial appointments to said position shall be exempt from the provisions of Section 72002.1 of the Government Code.

(b) Four deputy clerks, principal clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 43.

(c) Forty-nine deputy clerks grade IV, plus one additional such deputy clerk for each judge in excess of 42 to which the court is or may become entitled by law, each of whom shall receive a monthly salary at a rate specified in Schedule 42.

(d) One deputy clerk, secretary to the presiding judge, who shall receive a monthly salary at a rate specified in Schedule 39. Appointments to said positions shall be at step C of said schedule.

(e) Nine deputy clerks, judicial secretary, each of whom shall receive a monthly salary at a rate specified in Schedule 38. Appointments to said positions shall be at step C of said schedule.

(f) Forty-nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 36.

(g) Six deputy clerks, bookkeeping machine operator, each of whom shall receive a monthly salary at a rate specified in Schedule 33

(h) Eighty-six deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 33.

(i) One hundred twenty-five deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 31. Appointments to such positions shall be at step C of the schedule.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 72705.

SEC. 5. Section 72704.5 of said code said code is amended to read:

Same

72704.5. The clerk may also appoint the following deputy clerks as needed:

(a) One chief tabulating machine operator who shall receive a monthly salary at a rate specified in Schedule 44.

(b) One head tabulating machine operator who shall receive a monthly salary at a rate specified in Schedule 43.

(c) One supervising tabulating machine operator who shall receive a monthly salary at a rate specified in Schedule 41.

(d) Two intermediate tabulating machine operators, each of whom shall receive a monthly salary at a rate specified in Schedule 38.

(e) Four tabulating machine operators, each of whom shall receive a monthly salary at a rate specified in Schedule 36.

(f) Two supervising key punch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 35.

(g) Thirty-five key punch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 33.

SEC. 6. Section 72705 of said code is amended to read:

Salary schedule

72705. Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply:

Schedule number	Step A	Step B	Step C	Step D	Step E
27	$246	$259	$273	$288	$303
28	259	273	288	303	319
29	273	288	303	319	337
30	288	303	319	337	355
31	303	319	337	355	375
32	319	337	355	375	395
33	337	355	375	395	417
34	355	375	395	417	440
35	375	395	417	440	464
36	395	417	440	464	489
37	417	440	464	489	516
38	440	464	489	516	545
39	464	489	516	545	575
40	489	516	545	575	608
41	516	545	575	608	641
42	545	575	608	641	677
43	575	608	641	677	715
44	608	641	677	715	755
45	641	677	715	755	797
46	677	715	755	797	842
47	715	755	797	842	889
48	755	797	842	889	940
49	797	842	889	940	992
50	842	889	940	992	1,048

Schedule number	Step A	Step B	Step C	Step D	Step E
51	$889	$940	$992	$1,048	$1,107
52	940	992	1,048	1,107	1,170
53	992	1,048	1,107	1,170	1,236
54	1,048	1,107	1,170	1,236	1,306
55	1,107	1,170	1,236	1,306	1,380
56	1,170	1,236	1,306	1,380	1,458
57	1,236	1,306	1,380	1,458	1,540
58	1,306	1,380	1,458	1,540	1,627

Deputy clerk, grade I

(a) Any deputy clerk of grade I classification who is regularly required to work on Saturdays and Sundays, during the period of such service, shall draw the compensation of the step in the next higher numbered schedule which will increase his basic compensation by one step; any deputy clerk of grade III classification who in addition to the above is required to work a night shift shall receive a two-step increase in basic compensation. A night shift is a tour of duty which commences after 2 p.m. and prior to 6 a.m.

Deputy clerks, grade IV

(b) Not more than seven deputy clerks grade IV, while assigned to supervisory duties in other divisions of the court, and, at each branch court of three or more divisions, one deputy clerk grade III assigned as office supervisor shall receive compensation at the rate of the next higher numbered salary schedule which will increase such basic compensation by one step.

First six months service

(c) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first six months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in step E of such schedule.

Promotion

(d) When any person in the service of the court is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation.

Demotion

(e) When any person in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

SEC. 7. Section 72705.5 of said code is amended to read:

Salary increases

72705.5. Effective July 1, 1962, each respective salary schedule number attached to a position mentioned in Sections 72702 to 72704.5, inclusive, except those attached to the positions listed in subsection (a) of Section 72704, shall be increased by one number and the basic compensation of each such position shall become that specified for such higher schedule number in the salary schedule set forth in Section 72705.

Repeal

SEC. 8. Section 72708.5 of said code is repealed

SEC. 9. Section 72712 of said code is amended to read:

Reporters' salary fund

72712. There shall be set aside from the revenue of the court a revolving fund in the amount of thirty-eight thousand dollars ($38,000). The fund shall be known as the reporters' salary fund.

At the time of each monthly distribution of the revenue of the court to the cities within the judicial district and to the county within which the court is established, the clerk of the court shall deduct proportionately from their respective total shares such sum as will, when added to the sum then remaining in the fund, equal thirty-eight thousand dollars ($38,000), and deposit it in the fund

Deductions from the county's share of the revenue shall be made from that portion of it distributable to the salary fund of the county, and deductions from each city's share shall be made from that portion of it distributable to the general fund of each city.

For the purposes of this section the "revenue" of the court includes all fines, forfeitures, and fees accruing to the cities or the county, except law library fees.

SEC. 10. Section 72751 of said code is amended to read:

Five-judge municipal courts

72751. In each municipal court district having five judges authorized by law the officers and attaches shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 49.

The clerk may appoint:

(a) Seven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 31. Appointments to said positions shall be at step C of said schedule.

(b) Eight deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 33.

(c) Eight deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 36.

(d) Seven deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 42.

(e) One chief cashier-bookkeeper who shall receive a monthly salary at a rate specified in Schedule 43.

(f) One jury secretary who shall receive a monthly salary at a rate specified in Schedule 44.

(g) One chief clerk—civil who shall receive a monthly salary at a rate specified in Schedule 44.

(h) One chief clerk—criminal who shall receive a monthly salary at a rate specified in Schedule 44

(i) One chief clerk—traffic who shall receive a monthly salary at a rate specified in Schedule 44.

SEC. 11. Section 72752 of said code is amended to read:

Three-judge municipal courts

72752. In each municipal court district having three judges authorized by law the officers and attaches shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 48.

The clerk may appoint.

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 31. Appointments to said positions shall be at step C of said schedule.

(b) Six deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 33.

(c) Five deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 36.

(d) Five deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 42.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 44.

SEC. 12. Section 72753 of said code is amended to read:

Two-judge municipal courts

72753. In each municipal court district having two judges authorized by law the officers and attaches shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 48.

The clerk may appoint:

(a) Eight deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 31. Appointments to said positions shall be at step C of said schedule.

(b) Four deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 33.

(c) Five deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 36.

(d) Three deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 42.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 44.

SEC. 13. Section 72754 of said code is amended to read:

One-judge municipal courts

72754. In each municipal court district having one judge authorized by law the officers and attaches shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judge of the court, who shall receive a monthly salary at a rate specified in Schedule 46.

The clerk may appoint:

(a) Three deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 31. Appointments to said positions shall be at step C of said schedule.

(b) Two deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 33.

(c) Two deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 36.

(d) Two deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 42; provided, however, that one of such deputy clerks grade IV whose regular duties shall include the supervision of clerical personnel shall, for the duration of such assignment, receive compensation at the rate of the next higher numbered salary schedule which will increase his basic compensation by one step.

SEC. 14. Section 72760 of said code is amended to read:

Salary increases

72760. Effective July 1, 1962, each respective salary schedule number attached to a position mentioned in Sections 72751, 72752, 72753, and 72754 shall be increased by one number and the basic compensation of each such position shall become that specified for such higher schedule number in the salary schedule set forth in Section 72756.

Operative date

SEC. 15. This act shall become operative on October 1, 1961.

CHAPTER 775

An act to amend Section 23097 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 15, 1961

[Approved by Governor June 9, 1961 Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 23097 of the Business and Professions Code is amended to read:

23097. In connection with any such petition, the authority of the department is limited to the granting of such stays as are necessary for it to complete its investigation and make its findings and, if it makes such findings, to the granting of

an order permanently staying the imposition of the entire suspension or of that portion of the suspension not otherwise conditionally stayed by the decision of the department. If the suspension was imposed as a result of an accusation filed by another public officer acting in his official capacity, the department shall not order such permanent stay of suspension without the written concurrence of such other public officer.

CHAPTER 776

An act to amend Section 25550.5 of, and to add Section 25550.6 to, the Government Code, relating to parks and recreation.

[Approved by Governor June 9, 1961. Filed with Secretary of State June 9, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 25550.5 of the Government Code is amended to read:

Conveyance by county to city

25550.5. By unanimous vote, the board of supervisors of any county owning any property situated in any city, which real property has been improved for use as a public park, amusement or recreational purposes, may, upon a finding that the park, amusement or recreational area is local in character, convey such park, amusement or recreational area to the city for public park, amusement or recreational purposes without consideration other than the agreement of the city to maintain such area as a public park, amusement or recreational area for the benefit and use of all residents of the county.

By unanimous vote, the board of supervisors of any county, upon transferring a park, amusement or recreational area pursuant to the provisions of this section, may convey to the city for continued use on that park, amusement or recreational area only such personal property as is at the time of transfer located on said park, amusement or recreational area. Such transfer may also be without consideration other than the agreement of the city to maintain such personal property for use on that park, amusement or recreational facility.

SEC. 2. Section 25550.6 is added to said code, to read:

Ownership by county

25550.6. Whenever property owned by any county and which is devoted to or held for ultimate use for park, amusement or recreational purposes is included within a city by annexation, the ownership and control of such property shall remain in the county unless the board of supervisors shall convey such property to the city as provided in Section 25550.5.

CHAPTER 777

An act to amend Sections 69894.1, 69894.2, and 69894.3 of the Government Code, relating to officers and employees of the superior court in counties of over 2,000,000 population.

In effect September 15, 1961

[Approved by Governor June 9, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1 Section 69894.1 of the Government Code is amended to read:

Judges' appointees, salaries

69894.1. In each county with a population of over 2,000,000 a majority of the judges of the superior court may appoint the following officers and employees whose salaries shall be:

	Schedule
(a) Twenty-two clerks I	31
(b) Forty-five clerks II	33
(c) Nine accounting clerks	35
(d) Thirty clerks III	36
(e) One financial investigator	40
(f) Six probate checkers	39
(g) One master calendar assistant	41
(h) One probate investigator	41
(i) One jury qualification supervisor	42
(j) One chief clerk	43
(k) One court accountant	44
(*l*) Twenty-seven legal secretaries	37
(m) Twenty judicial secretaries	38
(n) Seventeen senior judicial secretaries	39
(o) Two supervising judicial secretaries	40
(p) One executive secretary	43
(q) One administrative assistant	40
(r) One property control assistant	40
(s) One court reporter assignment clerk	39
(t) One hundred seventy court reporters	47
(u) Ten legal research assistants	39
(v) Six law clerks	42
(w) One court statistician	43
(x) One executive assistant	45
(y) One executive assistant, mental health	44
(z) One jury interviewer	44
(aa) One personnel assistant	44
(aaa) Twenty-five juvenile traffic hearing officers	44
(aab) One supervising juvenile traffic hearing officer	46
(bb) One criminal courts co-ordinator	45
(cc) One chief, jury division	49
(dd) One assistant executive officer	53
(ee) Twenty-eight counselors	42
(ff) Eight senior counselors	44
(gg) Two principal counselors	45

	Schedule
(hh) Ten conciliation counselors	45
(ii) One supervising mental health counselor	48
(jj) One supervising conciliation counselor	50
(kk) Ten probate examiners	50
(*ll*) Twelve referees	53
(mm) One supervising referee	54
(nn) Twenty-five court commissioners	57
(oo) One executive officer	58

Whenever a reference to a numbered salary schedule is made in this section that found in Section 72705 shall apply. Reduction of the schedule applicable to a class by reason of the adoption of this salary plan or subsequent reclassification of positions for organizational purposes shall not result in a lower salary rate to incumbents of such positions. The court is authorized to regulate by rule the status of employees so affected.

Effective July 1, 1962 each respective salary schedule number attached to classes designated (a), (b), (c), (d), (f), (g), (h), (i), (j), (r), (s), (t), (y), (z), (aa) and (kk) of this section shall be increased by one number and the basic compensations of each such class shall become that specified for such higher schedule number in the salary schedule set forth in Section 72705.

Service at pleasure of court

All personnel appointed pursuant to this article shall serve at the pleasure of the court and may at any time be removed by the court in its discretion.

SEC. 2. Section 69894.2 of said code is amended to read:

Additional titles and pay rates

69894.2. With the approval of the board of supervisors the court may establish such additional titles and pay rates as are required and with the approval of the board of supervisors may appoint and employ such additional commissioners, officers, assistants and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon it and its members. Rates of compensation of all officers, assistants and other employees, except those of court commissioners, may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court.

Such appointments or changes in compensation made pursuant to this section shall be on an interim basis and shall expire 90 days after the adjournment of the next regular session of the Legislature unless ratified at such session.

SEC. 3. Section 69894.3 of said code is amended to read:

Advancement, vacation, etc

69894.3. Employees of the superior court in each county having a population of over 2,000,000 shall be entitled to such step advancement, vacation, sick leave, holiday benefits and other leaves of absence and other benefits as may be directed by rules of the court.

Such benefits shall also include the same lump sum payments for sick leave and vacation for the superior court employees when they are separated from the service as are made to county employees of such county.

Rules of the court may include other matters pertaining to the general administration of the court, including conditions of employment of court personnel. When such rules are adopted by a majority of the judges and filed with the Judicial Council they shall have the same status as other rules of court adopted pursuant to Section 68070 of this code.

When requested to do so by the court the county shall through the county civil service commission furnish to the court such services as may be required in connection with the recruitment and employment of court officers and employees.

CHAPTER 778

An act to add Section 6414 to the Financial Code, relating to savings and loan associations, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 9, 1961. Filed with Secretary of State June 9, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 6414 is added to the Financial Code, to read:

6414. The commissioner may by regulation restrict or prohibit, in whole or in part, the use of drawings, contests, services not provided on the premises of the association, gifts and premiums in connection with, but not limited to, the opening of any association or branch of any association or establishing, maintaining or increasing any share account or investment certificate account if the commissioner determines that a restriction or prohibition is in the interest of investors and associations generally, and is in the public interest, if, during the period of any restriction or prohibition, federal savings and loan associations doing business in this State are not permitted to use drawings, contests, services not provided on the premises of the association, gifts or premiums to a greater extent than domestic associations are permitted to do pursuant to the commissioner's regulations.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The recent rapid increase in the use of drawings, contests, services not provided on the premises of the association, gifts and premiums by savings and loan associations as an inducement to establish, maintain or increase the amount of share accounts and investment certificate accounts has created a situation potentially detrimental to savings and loan associations, investors in savings and loan associations and the public in

general. This act would grant the Savings and Loan Commissioner the authority to regulate the use of drawings, contests, services not provided on the premises of the association, gifts and premiums in this regard in the best interests of the associations, investors and the public.

CHAPTER 779

An act to amend Sections 8560 and 8562 of the Business and Professions Code, relating to structural pest control.

[Became law without Governor's signature (Section 16, Article IV, Constitution). Filed with Secretary of State June 10, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 8560 of the Business and Professions Code is amended to read:

8560. (a) Licenses issued to operators or field representatives shall be limited to the branch or branches of pest control for which the applicant has qualified by application and examination. For the purpose of delimiting the type and character of work authorized by the various branch licenses hereinafter set forth, the practice of pest control is classified into the following branches, namely, Licenses for branches of pest control

Branch 1. Fumigation. The practice relating to the control of household and wood destroying pests or organisms by fumigation with poisonous or lethal gases.

Branch 2. General Pest. The practice relating to the control of household pests, excluding fumigation with poisonous or lethal gases.

Branch 3. Termite. The practice relating to the control of wood destroying pests or organisms by the use of insecticides, or structural repairs and corrections, excluding fumigation with poisonous or lethal gases.

The board may issue a license for a combination of two or more branches for which an applicant qualifies under the provisions of this chapter, and such combination license shall be considered one license for the purpose of determining the fee to be charged under Section 8674.

Each person holding a license under former subdivision (a) of this section, upon applying for a renewal thereof, shall be issued a license according to the following:

(a) Each person holding a Group A license shall be issued a license in Branches 1, 2, and 3.

(b) Each person holding a Group B license shall be issued a license in Branches 2 and 3.

(c) Each person holding a Group C license shall be issued a license in Branches 1 and 2.

(d) Each person holding a Group D license shall be issued a license in Branch 3.

(e) Each person holding a Group D Special License shall be issued a license in Branches 1 and 3.

(f) Each person holding a license in Groups E, F, G, H, and I, shall be issued a license in Branch 2.

(b) Unless otherwise authorized by the board, all written examinations shall be in ink in books supplied by the board. All examination papers shall be kept for a period of one year, upon the expiration of which such papers may be destroyed on order of the board. Each applicant for license shall be designated by a number instead of by name, and the identity thereof shall not be disclosed until the examination papers are graded. No person shall be admitted to the examination room except members of the board, the examining personnel, and the applicants for license.

(c) The board shall make rules and regulations for the purpose of securing fair, impartial, and proper examinations.

(d) Licensees of any branch may be licensed in other branches upon complying with the requirements for qualification and by examination in such other branches. No failure of the licensee to pass examination in such other branch or branches shall have any effect on existing licenses.

(e) Such examinations shall be in each of the subjects specified in the branch or branches relating to the respective applications. License according to such applications shall be granted to any applicant who shall make a general average of not less than 70 percent on each of the subjects of such branch or branches.

SEC. 2. Section 8562 of said code is amended to read:

Original operator's license

8562. To obtain an original operator's license, an applicant shall submit to the registrar an application in writing containing the statement that the applicant desires the issuance of an operator's license under the terms of this chapter.

Application

The application shall be made on forms prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board, and shall contain the following:

(a) The name of the applicant.

(b) If a partnership, the names of all partners and the name of the partner or responsible natural person qualifying for the applicant.

(c) If an association or corporation, the names of all officers and the name of the officer or responsible natural person qualifying for the association or corporation.

(d) The proposed location of place of business and the proposed location of branch offices, if any.

(e) Proof satisfactory to the board that the applicant has had actual experience for a period of not less than the time specified opposite the branches listed below in the employ of a licensed operator in the State of California in the particular

branch or branches of pest control for which the applicant desires to be licensed, or the equivalent of such experience:

Branch 1 ..... 2 years
Branch 2 ..... 2 years
Branch 3 ..... 4 years

For the purpose of this subdivision one year shall equal 1,600 hours of actual experience in the field.

(f) A designation of the branch or branches for which the application is made.

(g) The fees prescribed by this chapter.

(h) No operator's license shall be issued to a person under 21 years of age or to any copartnership in which such person is a partner or to any corporation of which he is an officer or responsible natural person; provided, however, that if he shall first have had a guardian appointed by a court of competent jurisdiction he can become a partner in a licensed partnership, or an officer or other responsible official in a corporation or association, other than the qualified partner, qualified officer, or qualified responsible natural person.

CHAPTER 780

An act to amend Section 28129 of the Government Code, and to amend Section 28134 of the Government Code, as proposed by Assembly Bill No 640, relating to compensation for public service in counties of the 29th class.

[Became law without Governor's signature (Section 16, Article IV, Constitution). Filed with Secretary of State June 10, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 28129 of the Government Code is amended to read:

28129. In a county of the 29th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Twenty-ninth class county Kings

(a) The auditor seven thousand two hundred dollars ($7,200) a year.

(b) The district attorney, eleven thousand dollars ($11,000) a year. The district attorney shall devote his entire time during office hours to the work of the county and State and is prohibited from engaging in private work within such office hours; however, this shall not be construed to preclude the district attorney from continuing or concluding any matter in which he has appeared of record prior to October 1, 1949

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year in full for all services performed by him as supervisor, member of the board of equalization, and in any other capacity, and all actual and necessary traveling expenses when traveling on county business The traveling expenses,

exclusive of meals and hotel accommodations, shall not exceed eight cents ($0.08) per mile.

(d) Trial jurors in the superior court, for each day's attendance, six dollars ($6). In justice courts, the jurors sworn to try the case shall receive for each day's attendance three dollars ($3). Each trial juror shall receive mileage at the rate of seven cents ($0.07) each way for each mile actually traveled in attending court, except that in justice courts mileage shall be allowed only to those jurors sworn to try the case.

(e) Grand jurors, for each day's attendance at regular sessions of the grand jury or of any regularly constituted committee or subcommittee thereof, or when appointed in writing by the foreman of the grand jury to make individual investigations, six dollars ($6). A juror excused at his own request is not entitled to a per diem fee. Each juror driving his own automobile upon jury business, or in attendance upon meetings of the jury or committees thereof, shall receive mileage at the rate of seven cents ($0.07) each way for every mile actually and necessarily traveled. Said claims for per diem, for mileage and any incidental expenses incurred by jurors pursuant to the exercise of their official duties (excluding meal expenses) shall be paid out of the general fund of the county by the county treasurer upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

SEC. 2. Section 28134 of said code, as proposed by Assembly Bill No. 640, is amended to read:

Thirty-fourth class county: Kings

28134. In a county of the 34th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand two hundred dollars ($7,200) a year.

(b) The district attorney, eleven thousand dollars ($11,000) a year. The district attorney shall devote his entire time during office hours to the work of the county and State and is prohibited from engaging in private work within such office hours; however, this shall not be construed to preclude the district attorney from continuing or concluding any matter in which he has appeared of record prior to October 1, 1949.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year in full for all services performed by him as supervisor, member of the board of equalization, and in any other capacity, and all actual and necessary traveling expenses when traveling on county business. The traveling expenses, exclusive of meals and hotel accommodations, shall not exceed eight cents ($0.08) per mile.

(d) Trial jurors in the superior court, for each day's attendance, six dollars ($6). In justice courts, the jurors sworn to try the case shall receive for each day's attendance three dollars ($3). Each trial juror shall receive mileage at the rate of seven cents ($0.07) each way for each mile actually

traveled in attending court, except that in justice courts mileage shall be allowed only to those jurors sworn to try the case.

(e) Grand jurors, for each day's attendance at regular sessions of the grand jury or of any regularly constituted committee or subcommittee thereof, or when appointed in writing by the foreman of the grand jury to make individual investigations, six dollars ($6). A juror excused at his own request is not entitled to a per diem fee. Each juror driving his own automobile upon jury business, or in attendance upon meetings of the jury or committees thereof, shall receive mileage at the rate of seven cents ($0.07) each way for every mile actually and necessarily traveled. Said claims for per diem, for mileage and any incidental expenses incurred by jurors pursuant to the exercise of their official duties (excluding meal expense) shall be paid out of the general fund of the county by the county treasurer upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

SEC. 3. Section 2 of this act shall become operative only if Section 28134 of the Government Code as proposed by Assembly Bill No 640 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 640 takes effect; at which time Section 28129 of the Government Code as amended by Section 1 of this act is repealed.

Effect: Stats. 1961, Ch 43

CHAPTER 781

An act to amend Section 148.1 of the Penal Code, relating to false reports of bombs and other explosives.

[Approved by Governor June 9, 1961. Filed with Secretary of State June 10, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 148.1 of the Penal Code is amended to read:

148.1. Any person who reports to any police officer, sheriff, employee of a fire department or fire service, district attorney, newspaper, radio station, television station, deputy sheriff, deputy district attorney, member of the California Highway Patrol, employees of an airline, employees of an airport, employees of a railroad or busline, an employee of a telephone company, occupants of a building or a news reporter in the employ of a newspaper or radio or television station, that a bomb or other explosive has been secreted in any public or private place knowing that such report is false, is guilty of a crime punishable by imprisonment in the state prison not to exceed three years, or imprisonment in the county jail not to exceed one year.

CHAPTER 782

An act to amend Section 1161 of the Code of Civil Procedure and to repeal Sections 3344 and 3345 of the Civil Code, relating to holding over by tenants.

In effect September 15, 1961

[Approved by Governor June 9, 1961. Filed with Secretary of State June 10, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1161 of the Code of Civil Procedure is amended to read:

Unlawful detainer by tenant, etc

1161. A tenant of real property, for a term less than life, or the executor or administrator of his estate heretofore qualified and now acting or hereafter to be qualified and act, is guilty of unlawful detainer:

1. When he continues in possession, in person or by subtenant, of the property, or any part thereof, after the expiration of the term for which it is let to him; provided such expiration is of a nondefault nature however brought about without the permission of his landlord, or the successor in estate of his landlord, if any there be; including the case where the person to be removed became the occupant of the premises as a servant, employee, agent, or licensee and the relation of master and servant or employer and employee or principal and agent or licensor and licensee has been lawfully terminated or the time fixed for such occupancy by the agreement between the parties has expired; but nothing in this subdivision contained shall be construed as preventing the removal of such occupant in any other lawful manner; but in case of a tenancy at will, it must first be terminated by notice, as prescribed in the Civil Code.

2. When he continues in possession, in person or by subtenant, without the permission of his landlord, or the successor in estate of his landlord, if any there be, after default in the payment of rent, pursuant to the lease or agreement under which the property is held, and three days' notice, in writing, requiring its payment, stating the amount which is due, or possession of the property, shall have been served upon him and if there is a subtenant in actual occupation of the premises, also upon such subtenant.

Such notice may be served at any time within one year after the rent becomes due. In all cases of tenancy upon agricultural lands, where the tenant has held over and retained possession for more than 60 days after the expiration of the term without any demand of possession or notice to quit by the landlord or the successor in estate of his landlord, if any there be, he shall be deemed to be holding by permission of the landlord or successor in estate of his landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during said year, and such holding over for the period aforesaid shall

be taken and construed as a consent on the part of a tenant to hold for another year.

3. When he continues in possession, in person or by subtenant, after a neglect or failure to perform other conditions or covenants of the lease or agreement under which the property is held, including any covenant not to assign or sublet, than the one for the payment of rent, and three days' notice, in writing, requiring the performance of such conditions or covenants, or the possession of the property, shall have been served upon him, and if there is a subtenant in actual occupation of the premises, also, upon such subtenant. Within three days after the service of the notice, the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform the conditions or covenants of the lease or pay the stipulated rent, as the case may be, and thereby save the lease from forfeiture; provided, if the conditions and covenants of the lease, violated by the lessee, cannot afterward be performed, then no notice, as last prescribed herein, need be given to said lessee or his subtenant, demanding the performance of the violated conditions or covenants of the lease.

A tenant may take proceedings, similar to those prescribed in this chapter, to obtain possession of the premises let to a subtenant or held by a servant, employee, agent, or licensee, in case of his unlawful detention of the premises underlet to him or held by him.

4. Any tenant, subtenant, or executor or administrator of his estate heretofore qualified and now acting, or hereafter to be qualified and act, assigning or subletting or committing waste upon the demised premises, contrary to the conditions or covenants of his lease, or maintaining, committing, or permitting the maintenance or commission of a nuisance upon the demised premises or using such premises for an unlawful purpose, thereby terminates the lease, and the landlord, or his successor in estate, shall upon service of three days' notice to quit upon the person or persons in possession, be entitled to restitution of possession of such demised premises under the provision of this chapter.

5. When he gives written notice as provided in Section 1946 of the Civil Code of his intention to terminate the hiring of the real property, or makes a written offer to surrender which is accepted in writing by the landlord, but fails to deliver up possession at the time specified in said written notice, without the permission of his landlord, or the successor in estate of the landlord, if any there be.

SEC. 2. Section 3344 of the Civil Code is repealed. Repeal

SEC 3. Section 3345 of said code is repealed. Repeal

CHAPTER 783

An act to amend Sections 23816, 23817, 23821, and 23954.5 of, to repeal Sections 23822, 23823, 24070, and 24072 of, and to add Sections 23793, 23961, 24070, 24072, and 24077 to, the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 9, 1961. Filed with Secretary of State June 10, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 23793 is added to the Business and Professions Code, to read:

Issuance, transfer from premises to premises

23793. On and after the effective date of this section, no license shall be issued or transferred from premises to premises for premises to be operated under a retail license within 200 feet of existing premises operated under a license of the same type, except when the proposed premises are to be a bona fide public eating place, or a hotel or motel of 75 rooms or more where the sale of alcoholic beverages would be incidental to the main purpose of providing hotel or motel and restaurant facilities, or where the applicant can show that the licensing of his particular business would serve a public demand not otherwise satisfied by existing licensed premises.

No new original public premises licenses shall be issued, and no public premises licenses shall be transferred from county to county, unless the applicant can show that substantial public demand cannot otherwise be satisfied.

SEC. 2. Section 23816 of said code is amended to read:

Number of onsale licenses

23816. The number of premises for which an onsale general license is issued shall be limited to one for each 2,000, or fraction thereof, inhabitants of the county in which the premises are situated. No additional onsale general licenses, other than a renewal or transfer or as permitted by Section 23821, shall be issued in any county where the number of all premises for which onsale general licenses are issued is more than one for each 2,000, or fraction thereof, inhabitants of the county. No onsale general license shall be issued in lieu of or upon the cancellation or surrender of an onsale beer and wine license.

SEC. 3. Section 23817 of said code is amended to read:

Number of offsale licenses

23817. Until July 1, 1963, the number of premises for which an offsale general license is issued shall be limited to one for each 2,000, or fraction thereof, inhabitants of the county in which the premises are situated; and no additional offsale general license, other than a renewal or transfer or as permitted by Section 23821, shall be issued in any county where the number of premises for which all offsale general licenses are issued is more than one for each 2,000, or fraction thereof, inhabitants of the county.

On and after July 1, 1963, the number of premises for which an offsale general license is issued shall be limited to one for each 2,500, or fraction thereof, inhabitants of the county in which the premises are situated; and no additional offsale general license, other than a renewal or transfer or as permitted by Section 23821, shall be issued in any county where the number of premises for which all offsale general licenses are issued is more than one for each 2,500, or fraction thereof, inhabitants of the county. Same. Beginning July 1, 1963

SEC. 4. Section 23821 of said code is amended to read:

23821. Whenever it is made to appear to the department by satisfactory evidence that the population in any county has increased by more than 2,000 or multiples of 2,000 inhabitants since the most recent United States decennial or special census, and it appears to the department that by reason thereof the inhabitants of the county are unjustly and unfairly discriminated against, and if the total number of licenses in such county do not then exceed the maximum specified in Sections 23816 and 23817, the department, subject to the limitation contained in Section 24070, may issue not to exceed one onsale general license and one offsale general license for each increase of 2,000 inhabitants in the county since the taking of the census. Population increases

Notwithstanding the preceding paragraph, on and after July 1, 1963, whenever it is made to appear to the department by satisfactory evidence that the population in any county has increased by more than 2,500 or multiples of 2,500 inhabitants since the most recent United States decennial or special census and it appears to the department that by reason thereof the inhabitants of the county are unjustly and unfairly discriminated against, and if the total number of offsale general licenses in such county do not then exceed the maximum specified in Section 23817, the department may issue not to exceed one offsale general license for each increase of 2,500 inhabitants in the county since the taking of the census.

Before any applications are accepted, the department shall publish pursuant to Section 6061 of the Government Code in the county where such licenses may be issued notice of the department's intention to receive applications for the issuance of such licenses setting forth the date, time, manner and place of acceptance of such applications within the county. In all other respects the limitation hereinbefore provided for shall continue in effect. Publication of notice

SEC. 5. Section 23822 of said code is repealed. Repeal

SEC. 6. Section 23823 of said code is repealed. Repeal

SEC. 7. Section 23954.5 of said code is amended to read:

23954.5. An applicant for an original onsale general license shall, at the time of filing the application for the license, accompany the application with a fee of six thousand dollars ($6,000). At the time of filing an application for a license, an applicant for an original onsale general license for seasonal business shall accompany the application with a fee of two thousand dollars Original license application fees

($2,000). An applicant for an original onsale beer and wine license shall accompany the application with a fee of one hundred fifty dollars ($150). An applicant for an original onsale beer license shall accompany the application with a fee of one hundred dollars ($100). An applicant for an original offsale beer and wine license shall accompany the application with a fee of twenty-five dollars ($25). An applicant for an original offsale general license shall, at the time of filing the application for the license, accompany the application with a fee of six thousand dollars ($6,000).

Definitions

"Original onsale general license," "original onsale general license for seasonal business," "original onsale beer and wine license," "original onsale beer license," "original offsale general license," and "original offsale beer and wine license." as used in this division, does not include a license issued upon renewal or transfer of a license.

General Fund deposit

All money collected from the fees provided for in this section shall be deposited directly in the General Fund in the State Treasury, rather than in the Alcohol Beverage Control Fund as provided in Section 25761.

SEC. 7.5. Section 23961 is added to said code, to read:

Drawings for licenses

23961. (a) If, at the conclusion of the period prescribed by the department for the filing of applications for issuance or transfer of onsale general licenses or offsale general licenses in any county in its notice of intention to receive applications therefor published pursuant to Sections 23821 and 24070, the department finds that there are more applicants for the particular type of license than there are licenses available for issuance or transfer under Sections 23821 and 24070, the department shall, within 60 days following the conclusion of said period, conduct a drawing to determine the priority in which all of such applications filed with it shall be considered. No more than one such drawing shall be made in any county in any one year, and no person will be entitled to more than one opportunity to participate in such a drawing in any county with respect to an application for issuance or transfer of any one type of license. The number drawn by any applicant shall indicate the priority to be given to the consideration of his application but shall not insure the issuance of a license by the department.

(b) If a drawing is not conducted as provided in subdivision (a) of this section, applications for issuance of original onsale general licenses and offsale general licenses in a county or transfer of such licenses into such county shall be made and considered as otherwise provided in this article.

Repeal

SEC. 8. Section 24070 of said code is repealed.

SEC. 9. Section 24070 is added to said code, to read:

Transfer of licenses

24070. Each license is separate and distinct and is transferable upon approval by the department from the licensee to another person and from one premises to another premises. All retail licenses may be transferred from one county to another county, except that the number of onsale general licenses

and offsale general licenses in existence in any county on June 1st of any year shall not be increased by more than 5 percent by such transfers or by more than 10 percent by any combination of transfers and issuance of original licenses during the following 12-month period but in no event to exceed 25 licenses during said 12-month period; provided, however, that in any county where original offsale general licenses are issued during any 12-month period following the effective date of this section, no offsale general licenses shall be transferred into that county from another county during said 12-month period. No transfer of a retail license may be made from one county to another county on and after June 1, 1963 The number of licenses transferred from one county to another county shall not be limited by the provisions of Section 23816 or 23817, but such licenses shall be included in the number of premises used in determining application of such limitations in Sections 23816 and 23817. Before any applications for transfer of licenses are accepted, the department shall publish pursuant to Section 6061 of the Government Code in the county to which such licenses may be transferred notice of the department's intention to receive applications for the transfer of such licenses setting forth the date, time, manner and place of acceptance of such applications within the county.

No retail license subject to the provisions of Section 23816 or 23817, issued on or after the effective date of this section as an original license shall be transferable from the licensee to another person, or if the licensee is a corporation a controlling interest in the stock ownership of the licensee shall not be, directly or indirectly, sold, transferred, or hypothecated unless the licensee be a corporation the stock of which is listed on a stock exchange in this State or in the City of New York, State of New York, or which is required by law to file periodic reports with the Security Exchange Commission, for a period of two years from date of issuance of the license, except as provided in Section 24071, and except when the department determines that the transfer is necessary to prevent undue hardship.

SEC. 10. Section 24072 of said code is repealed. Repeal

SEC. 11. Section 24072 is added to said code, to read:

24072. The following transfer fees shall be charged by the department: (a) the fee for transfer of a license from a licensee to another person is a fee equal to 70 percent of the annual fee for the license, but not including additional fees for gross retail sales, except as provided in Section 24071 and Section 23322 shall not apply to this transfer fee; (b) the fee for transfer of a license from one premises to another premises is twenty-seven dollars and fifty cents ($27.50). Transfer fees

In addition, a fee of three thousand dollars ($3,000) must accompany the application where the onsale general license or offsale general license is transferred from one county to another county. All money collected from this fee shall be deposited directly in the General Fund in the State Treasury,

rather than in the Alcohol Beverage Control Fund as provided in Section 25761.

County of 35,000 or less

SEC. 12. Section 24077 is added to said code, to read:

24077. Notwithstanding any other provision of law, no license shall be transferred into any county having a population of 35,000 or less.

Urgency

SEC 13. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under the existing law, unless amended immediately, the Department of Alcoholic Beverage Control will be forced to issue a huge number of new liquor licenses in view of the population increases in several counties, as shown by the 1960 decennial census, which issuance would result in overconcentration of licensed premises in many counties.

Furthermore, there are in the existing law no meaningful standards for distributing these licenses to meet actual demand, but instead they would merely be issued on a first-come, first-served basis. This act is designed to alleviate the above problems in the interest of the public welfare and morals, and it is therefore necessary that this act go into immediate effect.

CHAPTER 784

An act to add Section 17301.3 to the Education Code, relating to the State School Fund.

In effect September 15, 1961

[Approved by Governor June 9, 1961. Filed with Secretary of State June 10, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 17301.3 is added to the Education Code, to read:

17301.3. (a) The amount to be transferred to the State School Fund under Section 17301 shall in each fiscal year, be adjusted for errors of average daily attendance reported in prior fiscal years. Adjustment of such errors will be subject to the time limitations as provided in Section 17414. Such adjustments with regard to the amount to be transferred to the State School Fund shall be at the State's rate of contribution under Section 17301 in effect in the fiscal year to which the error applied, and shall be applied in accordance with the purposes set forth under Section 17303(f). The amount of any adjustment shall not, however, cause the amount to be transferred to the State School Fund during any fiscal year under Section 17301 to be less than one hundred eighty dollars ($180) per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary,

high school and junior college schools in the State and to county school tuition funds.

(b) If in any fiscal year the amount transferred to the State School Fund under Sections 17305 and 17307 is reported to be in error, the Superintendent of Public Instruction shall notify the Controller of such error and he shall add to or withhold from the next apportionment moneys due the district by transfers from or returns to the General Fund of such erroneous amounts.

CHAPTER 785

An act to amend Section 28136 of the Government Code, relating to compensation for public services in counties.

[Approved by Governor June 9, 1961. Filed with Secretary of State June 10, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 28136 of the Government Code is amended to read:

28136. In a county of the 36th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, five thousand one hundred eighty dollars ($5,180) a year.

(b) The district attorney, nine thousand dollars ($9,000) a year. He may engage in the private practice of law. If the office of district attorney is consolidated with that of public administrator, the holder of the consolidated office shall receive a salary of nine thousand dollars ($9,000) a year, and all fees received by the holder of the consolidated office in performing the duties of public administrator shall be paid into the county treasury.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year.

(d) Grand jurors and trial jurors in the superior court shall receive six and one-half dollars ($6.50) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile actually and necessarily traveled from their residences to the county seat, in going only for each and every day a juror is required by law to attend upon the particular duty assigned to him. Fees and mileage shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

CHAPTER 786

An act to amend Section 28137 of the Government Code, relating to compensation for public services in counties of the 37th class.

In effect September 15, 1961

[Approved by Governor June 9, 1961. Filed with Secretary of State June 10, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 28137 of the Government Code is amended to read:

28137. In a county of the 37th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand dollars ($7,000) a year.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year. Effective January 1, 1963, the salary shall be thirteen thousand dollars ($13,000) a year, and he shall devote his entire time to the duties of his office and shall not engage in private practice of law during his term of office.

(c) Each supervisor shall receive four thousand two hundred dollars ($4,200) a year, and his actual expenses while attending to the business of the county by the order of the board of supervisors and mileage at the rate of fifteen cents ($0.15) a mile one way, for traveling from his residence to the county seat to attend regular, special and adjourned sessions of the board of supervisors.

(d) Grand jurors and jurors in the superior court shall receive five dollars ($5) for each day's attendance and fifteen cents ($0.15) for each mile actually traveled in attending court as a juror, and for attending regularly called grand jury meetings and grand jury committee meetings, one way. Mileage shall be paid for each time a regularly empaneled jury or grand jury is called in separate session.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 787

An act to amend Section 28114 of the Government Code, relating to compensation for public service in counties.

In effect September 15, 1961

[Approved by Governor June 9, 1961. Filed with Secretary of State June 10, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 28114 of the Government Code is amended to read:

28114. In a county of the 14th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, twelve thousand dollars ($12,000) a year.

(b) The district attorney, fifteen thousand six hundred dollars ($15,600) a year.

(c) Each supervisor, eight thousand four hundred dollars ($8,400) a year and actual and necessary expenses, including expenses for meals, incurred in the performance of the duties of his office. In addition, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor shall be paid the sum of eight cents ($0.08) per mile to reimburse him for the use of said automobile. The chairman of the board of supervisors shall receive, as additional compensation, two thousand one hundred dollars ($2,100) a year for services rendered as chairman.

(d) For attendance in the superior court each trial juror shall be allowed five dollars ($5) for each day's attendance, and mileage at the rate of eight cents ($0.08) for each mile actually and necessarily traveled in attending upon and returning from court, mileage to be computed for daily attendance, irrespective of whether the daily attendance covers one or more sessions of court.

Each member of the grand jury shall be allowed five dollars ($5) for each day in attendance upon the sessions of the grand jury or for each day's service as a member of any committee of the grand jury and mileage at the rate of eight cents ($0.08) for each mile actually and necessarily traveled in attendance upon and returning from meetings to the grand jury, or any session of a grand jury committee, duly called by the secretary, or committee chairman.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 788

An act to amend Section 28126 of the Government Code, relating to compensation for public service in counties of the 26th class.

[Approved by Governor June 9, 1961. Filed with Secretary of State June 10, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 28126 of the Government Code is amended to read:

28126. In a county of the 26th class the officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county, except that the following shall receive as compensation for such services the following sums:

(a) The auditor, six thousand six hundred dollars ($6,600) a year.

(b) The district attorney, thirteen thousand two hundred dollars ($13,200) a year. He shall not engage in private prac-

tice of law and shall devote all his time and attention during business hours to the duties of his office.

(c) Each supervisor, four thousand eight hundred dollars ($4,800) a year for all services performed by him as supervisor, member of the board of equalization, or in any other capacity, and shall receive mileage at the rate of six cents ($0.06) for each mile actually traveled within the county in the performance of his official duties, or in going to or from any meeting of said board when traveling by automobile, not to exceed twenty-five dollars ($25) for any one month, and all actual and necessary traveling expenses when traveling on county business outside the county.

(d) Grand jurors in the superior court shall receive seven dollars ($7) for each day's attendance and eight cents ($0.08) for each mile actually traveled in attending court as such jurors. Such per diem and mileage allowance shall be paid to grand jurors for attendance at meetings of committees appointed by the foreman of the grand jury and to grand jurors making individual investigations when such investigations are authorized in writing by the foreman.

Trial jurors in the superior court shall receive three dollars ($3) for the first day's attendance at court and seven dollars ($7) for each succeeding day's attendance, together with fifteen cents ($0.15) for each mile traveled in attending court as such jurors, one way only.

CHAPTER 789

An act to amend Section 6885.9 of, and to add Section 6885.10 to, the Health and Safety Code, relating to sanitary districts.

In effect September 15, 1961

[Approved by Governor June 9, 1961. Filed with Secretary of State June 10, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 6885.9 of the Health and Safety Code is amended to read:

Procedure on proposed annexation

6885.9. Upon the hearing of the petition the board shall determine whether or not it is for the best interests of the district and the territory that the territory be annexed to the district and the board may modify the boundaries of the territory proposed to be annexed as set forth in the petition. Also upon the hearing the board shall determine whether or not the terms and conditions will be approved and shall hear and determine all objections thereto. Failure of any person interested in the district or in the matter of the proposed annexation on the terms and conditions fixed by the board to show cause in writing as aforesaid shall be deemed and taken as an assent on his part to a change in the boundaries of the

district upon the terms and conditions set forth in the order of the board.

SEC. 2. Section 6885 10 is added to said code, to read:

6885.10. The board shall not, however, modify the boundaries of the territory proposed to be annexed as set forth in the petition so as to exclude any land that would be benefited by annexation, nor shall any land that would not be benefited by annexation, be included within the boundaries of the territory proposed to be annexed. Benefited, nonbenefited, territory

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CHAPTER 790

An act to add Section 24206.5 to the Education Code, relating to the tenure of state college employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 9, 1961. Filed with Secretary of State June 10, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 24206.5 is added to the Education Code, to read:

24206.5. Each person holding a four-year term appointment under Section 24206 on June 30, 1961, regardless of when the term commenced, shall on that date be entitled to all personnel benefits and rights under the law which would have attached to his position if he had been appointed and had served throughout his state college employment under the provisions of law applicable to persons serving under appointments made pursuant to Article 3 (commencing with Section 24301) of Chapter 9, Division 18 of this code.

On and after July 1, 1961, each such person shall be entitled to all personnel benefits and rights conferred by Section 22607 of this code upon state employees appointed pursuant to said Article 3 and transferred to the Trustees of the California State Colleges by that section.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

Under the existing law, the academic, nonacademic, and other employees of all state colleges except the California State Polytechnic College are granted tenure and other related personnel rights and benefits. The employees of the California State Polytechnic College are given term appointments and do not have the same personnel rights and benefits granted employees of other state colleges.

Under the Donahoe Higher Education Act (Stats. 1960 (1st Ex. Sess.), Ch. 49) the employees of all state colleges will be transferred to the Trustees of the California State Colleges on

July 1, 1961. The Donahoe Act preserves certain personnel rights and benefits of the transferred employees on the basis of rights and benefits granted by the existing law.

To assure the orderly transfer of the administration of the state colleges to the trustees on July 1, 1961, and to grant equal rights and benefits to all transferred state college employees, it is necessary that this act take effect immediately.

CHAPTER 791

An act to repeal Section 2074 of the Harbors and Navigation Code, relating to free zones in the Port of San Francisco.

In effect September 15, 1961

[Approved by Governor June 9, 1961. Filed with Secretary of State June 10, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 2074 of the Harbors and Navigation Code is repealed.

CHAPTER 792

An act to add Section 3900.5 to the Revenue and Taxation Code, relating to tax and assessment deeds of districts.

In effect September 15, 1961

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 3900.5 is added to the Revenue and Taxation Code, to read:

3900.5. Notwithstanding any other provision of law to the contrary, all tax or assessment deeds executed by or under authority of irrigation districts, reclamation districts, and other districts that annually levy, assess, and collect taxes and assessments upon real property within the State shall convey title subject to all of the following:

(a) Easements constituting servitudes upon or burdens to the real property.

(b) Water rights, the record title to which is held separately from the title to the real property.

(c) Restrictions of record.

SEC. 2. The amendments made by this act do not constitute a change in, but are declaratory of existing law and the amendments shall not be construed to mean that deeds executed prior to the effective date of this act conveyed a title not subject to the interests specified in Section 3900.5 of the Revenue and Taxation Code, as proposed by this act.

CHAPTER 793

An act to amend Section 6840 of the Health and Safety Code, relating to sanitary districts.

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 6840 of the Health and Safety Code is amended to read:

6840. A petition signed by 25 percent of the freeholders residing in the territory proposed to be annexed as shown by the last equalized assessment roll of the county, shall be presented to the board; provided, however, that if the territory proposed to be annexed is included within a city, the petition may instead be signed and presented to the board by the legislative body of the city.

CHAPTER 794

An act to amend Sections 251, 760, 1617, 14621, 14624, 14634, 14660, 14662, 14665, 14666, 14667, 14800 and 18238 of, and to add Section 18201 to, and to repeal Section 18201 of, the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to absent voting.

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

NOTE. The sections of the Elections Code affected by this chapter appear in their proper places in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code

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CHAPTER 795

An act to add Section 17087 to the Business and Professions Code, relating to unfair trade practices.

[Approved by Governor June 12, 1961 Filed with Secretary of State June 12, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 17087 is added to the Business and Professions Code, to read:

17087. In any action or proceeding, civil or criminal, brought by the Attorney General or any district attorney for the violation of this chapter, no person shall be excused from

attending, testifying or producing books, papers, or documents in obedience to subpoena or under order of court on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to any penalty.

No individual shall be prosecuted or subjected to any penalty for or on account of any transaction, matter, or thing concerning which he may so testify or produce evidence in any action or proceeding brought by the Attorney General or district attorney under this chapter.

CHAPTER 796

An act to repeal Section 16723 of the Business and Professions Code, relating to restraints of trade.

In effect September 15, 1961

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 16723 of the Business and Professions Code is repealed.

CHAPTER 797

An act to add Section 16754.5 to the Business and Professions Code, relating to restraints of trade.

In effect September 15, 1961

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 16754.5 is added to said code, to read:

16754.5. In any civil action brought by the State under this chapter, the court may, in addition to granting such prohibitory injunctions and other restraints as it may deem expedient to deter the defendant from, and insure against, his committing a future violation of this chapter, grant such mandatory injunctions as may be reasonably necessary to restore and preserve fair competition in the trade or commerce affected by the violation.

CHAPTER 798

An act to add Section 54910 to the Government Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 54910 is added to the Government Code, to read:

54910. Notwithstanding the provisions of Sections 54902, 54903, and 54903.1, any change of boundaries of a school district pursuant to Article 10 (commencing with Section 2401) of Chapter 6 of Division 5 of the Education Code which was completed prior to the effective date of this section shall be effective for assessment and taxation purposes if the statement and map as required by Sections 54900 and 54903.1 are filed by the district on or before May 1, 1961.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution, and shall go into immediate effect. The facts constituting such necessity are: Urgency

A question has arisen as to the validity of any tax that may be levied for the 1961-62 fiscal year in a school district that has been transferred from one high school district to another. Those directly concerned have been reasonably unaware that as a result of such transfer a change of boundaries may have resulted, requiring the filing of a statement and map or plat with the county assessor and State Board of Equalization as a condition to levying taxes for school purposes for the fiscal year 1961-62.

Unless such failure to file the statement and map or plat is corrected in accordance with this act, the annexing district will be without power to levy taxes or assessments in the area affected and services in said area will be jeopardized or seriously curtailed.

CHAPTER 799

An act to amend Section 1 of Chapter 1064 of the Statutes of 1959, relating to tide and submerged lands in the County of Sonoma.

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1064 of the Statutes of 1959 is amended to read:

Section 1. There is hereby granted to the County of Sonoma, and to its successors all of the right, title, and interest of the State of California, held by said State by virtue of its sovereignty in and to all of the tide and submerged lands bounded and described as follows:

That part of Bodega Harbor, in Sonoma County, California, situated inside and landward of a straight line beginning at the southwesterly end of the South Jetty at the entrance to said Bodega Harbor at its intersection with Bodega Head, running thence north to a point in the North Jetty on the sand spit locally known as "Doran Park"; said tide and submerged lands lie bayward of the ordinary high water mark as meandered and shown on the United States General Land Office Plat for Bodega Ranch, and specifically described on said plat between stations; and by courses numbered 79 to 131, both inclusive, as surveyed by the U. S. Surveyor General for California and dated November 21, 1857.

To be forever held by said county, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said county, and its successors, only for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, and said county, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said county, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases.

Nothing contained in this paragraph (a) shall be deemed to affect the validity or term of any franchise granted by said county under the Broughton Act, and any such franchise shall be effective with respect to said lands when title thereto passes to said county hereunder.

(b) That said lands shall be improved by said county without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said county or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land: provided, that any lease of said land proposed to be made by said county may, with respect to the reservation of mineral rights by the State set forth in this subdivision (e), be submitted by said county to the State Lands Commission. Acting by and through the State Lands Commission, indicated by appropriate endorsement on the proposed lease, the State may agree that, for the term of said lease, the State, its successors or assigns, shall not have the right to enter upon the surface of the lands proposed to be leased for the purpose of extracting or removing said minerals, but shall have the right to extract and remove said minerals by means of slant-drilled wells located on adjacent or nearby land or by any other means that shall not require entry upon the surface of the premises proposed to be leased, and which will not impair the lateral or subjacent support of the demised premises and of any fill or improvements then on the demised premises or which may thereafter be placed thereon. As a condition precedent to such action, the State Lands Commission shall first ascertain that the State has immediate and unimpaired access to lands adjacent or contiguous, or both, to the premises described in the proposed lease for the purpose of carrying out such mineral extractions, without cost to the State, and that such access by the State shall remain unimpaired for the term of the proposed lease. Any interruption of such unimpaired access by the State, during the term of the lease, shall operate to terminate any limitation upon its rights which may have been accepted by the State, pursuant to this subdivision (e), prior to the effective date of the lease.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the per-

son entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

(g) That within 10 years from the effective date of this act said lands shall be substantially improved by said county without expense to the State, and if the State Lands Commission determines that the county has failed to improve said lands as herein required, all right, title, and interest of said county in and to all lands granted by this act shall cease and said lands shall revert and rest in the State.

(h) Within 10 years from the effective date of this act said county may present to the State Lands Commission a plan for the improvement and development of said lands. If the commission determines that the plan and the improvements contemplated therein would, if completed, constitute substantial improvement within the meaning of subdivision (g) of this section, it shall conditionally approve the plan. Completion of the improvements thus conditionally approved, if completed within 10 years of the effective date of this act, and a determination of such completion by the commission, shall constitute a conclusive determination that the lands have been "substantially improved" within the meaning of subdivision (g), and, upon such determination by the commission, subdivision (g) and the conditions expressed therein shall be of no force or effect. Such improvements must be completed within the 10-year period, but such determination of their completion by the commission may be made after the 10-year period has elapsed.

CHAPTER 800

An act to add Sections 1651 and 14218 to the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to procedures at the polls.

In effect September 15, 1961

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961.]

The people of the State of California do enact as follows:

NOTE: The sections of the Elections Code affected by this chapter appear in their proper places in that code, Chapter 23 of the Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 801

An act to amend Sections 761, 950, 968, 969, 1026, 1070, 1170, 1172, 1496, 1622, 1623, 1624, 1683, and 1756 of the Streets and Highways Code, Section 42201 of the Vehicle Code, and Section 16417 of the Government Code, relating to road funds.

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 761 of the Streets and Highways Code is amended to read:

761. The expense of any such acquisition of real property or interest therein, or of any such contribution, or of both, may be charged to the general fund of the county, the road fund of the county, or the district fund of the district benefited. Acquisition of real property

SEC. 2. Section 950 of said code is amended to read:

950. For the purpose of sprinkling county highways with oil or water, the board of supervisors may erect or maintain waterworks, tanks or reservoirs, and may purchase or lease real or personal property therefor. Sprinkling of county highways

The board may charge the cost of erecting or maintaining such waterworks, tanks or reservoirs and of such sprinkling to the county general fund, the road fund, or the district fund of any district benefited.

SEC. 3. Section 968 of said code is amended to read:

968. The board may cause the expense of constructing such fences to be charged to and paid from the county general fund, the road fund of the county or the district fund of each district benefited, but not more than one-half of the expense may be paid from the county general fund. Fences

SEC. 4. Section 969 of said code is amended to read:

969. Whenever a road is of general utility and of public convenience and constitutes the only or principal means of communication between one town or village and another town or village in the same county, the board of supervisors may determine, by a two-thirds vote of its membership, that the public convenience and necessity demand the acquisition and reconstruction of such road. Thereafter, by a resolution passed by a two-thirds vote of its membership, the board may determine to, and after such determination may proceed to, acquire and reconstruct such road although it is not of the width required by Section 906. The board shall charge the expense of such acquisition and reconstruction to the county general fund, the road fund of the county, or the district fund of each district benefited, or to any two or more of such funds in such proportions as the board considers just and equitable. Roads between towns or villages; Resolution; Expense

SEC. 5. Section 1026 of said code is amended to read:

1026. Whenever the board of supervisors finds that any road district in such county is or will be unreasonably bur- County aid to road districts

dened by the expense of constructing or maintaining any county highway, or any bridge or tunnel connecting or forming a part of such highway, or by the expense of the purchase of any toll roads the board may:

(a) Order the whole or any portion of the aggregate expense to be paid out of the road fund of the county.

(b) By a majority vote of the board's membership, order the whole or any portion of the expense of construction or repair of such bridges or tunnels, or a portion of the expense of the purchase of such toll roads, to be paid out of the county general fund.

(c) By unanimous vote of the board's membership, order the whole or any portion of the expense of material for highway construction to be paid out of the county general fund.

(d) By a four-fifths vote of the board's membership, order to be paid out of the county general fund or the road fund, or both, the whole or any portion of the expense of constructing, reconstructing or repairing any bridges or highways destroyed or damaged by storms, floods or calamities.

SEC. 6. Section 1070 of said code is amended to read:

Highway work

1070. Whenever a board of supervisors, by a four-fifths vote of its membership, determines that the public convenience and necessity demand the acquisition or construction of a new county highway or the improvement, repair or maintenance of any existing county highway, and that the expense of such new highway or the expense of improving, repairing or maintaining such existing highway is too great to pay out of the road fund of the district, the board may, by a resolution passed by a four-fifths vote of its membership, determine to make such acquisition or do such work, and charge the expense thereof to the county general fund, the road fund of the county or the district fund of any district benefited.

SEC. 7. Section 1170 of said code is amended to read:

Contents of petition for highway work

1170. Such petition for construction or improvement shall state if appropriate:

(a) The recommendations of the petitioners as to the materials to be used and the manner of constructing or improving such highway.

(b) An estimate of the probable expense of such work.

(c) A request that the board appropriate for such work a specified sum of money from the road fund of the county.

(d) A request that the board appropriate for such work a specified sum of money from the road district funds of the road districts in which any part of the division is located.

(e) A request that, in order to raise the balance necessary for such work, a special tax be levied or bonds of the division be issued.

(f) A request that annually for the period for which maintenance is proposed the board levy a special tax upon the division in amount sufficient for maintenance and annually appropriate such amount for maintenance purposes.

SEC. 8. Section 1172 of said code is amended to read:

Expense apportionment

1172. When it has adopted plans and specifications for such work exclusive of maintenance, the board may set apart therefor from the road fund of the county, and from the funds of any district of which the division is a part, such sums as the board considers equitable.

Limitation

The board shall not set apart from the funds of any such district less than 75 percent of the sum which bears the same ratio to the whole fund of the particular district as the assessed valuation of that part of the division lying in the district bears to the whole assessed valuation of the district. The board may set apart more than this percentage. The board shall cause these sums to be set apart in a fund known as the "permanent road fund of _____ division," specifying the division by name.

SEC. 9. Section 1496 of said code is amended to read:

Recovery of penalties

1496. The road commissioner shall recover all penalties or forfeitures given in this chapter and the recovery of which is not otherwise provided for, by suit in the name of the county. He shall pay such recoveries into the road fund.

Applicability of section

The provisions of this section are applicable to Sections 1484, 1485, 1487, 1492, 1493, 1494, and 1495, and to any other provision in this chapter imposing penalties or forfeitures.

SEC. 10. Section 1622 of said code is amended to read:

"Road fund"

1622. All amounts paid to each county, out of money derived from the Highway Users Tax Fund shall be deposited in a "road fund" which each board of supervisors shall establish for that purpose.

SEC. 11. Section 1623 of said code is amended to read:

Expenditures in cities

1623. The board of supervisors of any county may expend any portion of the amounts thus received by that county in the construction, maintenance, improvement or repair of streets, bridges, and culverts within those cities in the county the governing bodies of which by ordinance or resolution authorize such work of acquisition of any real property or interest therein, or rights-of-way, construction, maintenance, improvement or repair. For this purpose each board of supervisors shall provide by ordinance the basis and conditions upon which allocations will be made from its road fund for expenditure upon streets, bridges, and culverts in cities within the county.

SEC. 12. Section 1624 of said code is amended to read:

Expenditures in other counties

1624. The board of supervisors of any county may, as provided in Section 1625, expend any portion of the amounts paid to that county, and deposited in the road fund, for the acquisition of rights-of-way and the construction of any public highway outside of its county limits, whenever such construction is authorized by ordinance or resolution of the board of supervisors of the county in which the highway is to be constructed or for the acquisition of rights-of-way for, or the con-

struction, improvement or maintenance of, any State highway pursuant to a contract made as provided in Section 130.

SEC. 13. Section 1683 of said code is amended to read:

Expense

1683. The expense of such aid may be paid from one or more of the following:

(a) The county general fund.

(b) The road fund.

(c) The proceeds of any county bond issue voted for the purpose of laying out, constructing, maintaining, improving or repairing county highways or for the acquisition of any real property or interest therein, rights of way or other property necessary for such purposes.

(d) Any other fund available for such purposes.

SEC. 14. Section 1756 of said code is amended to read:

Operation of ferries

1756. If either of the counties refuses to enter into an agreement to establish and operate any such ferry, the other county may:

(a) Establish and operate a ferry across the river.

(b) Acquire landing places for such ferry on the opposite bank of such river.

(c) Pay the expense of establishing and operating such ferry out of the road fund or the county general fund of such county.

SEC. 15. Section 42201 of the Vehicle Code is amended to read:

Fines and forfeitures

42201. Of the total amount of fines and forfeitures received by a county under subsection (a) of subdivision (1) of Section 1463 of the Penal Code, that proportion which is represented by fines and forfeitures collected from any person charged with a misdemeanor under this code following arrest by any officer employed by the State or by the county shall be paid into the treasury of the county and deposited in the road fund.

SEC. 16. Section 16417 of the Government Code is amended to read:

Apportionment of payments

16417. The auditor of any county receiving a payment of money pursuant to this article shall immediately apportion the money by placing 50 percent to the credit of the county school service fund of the county and 50 percent to the credit of the road fund.

CHAPTER 802

An act to amend Section 245 of the Penal Code, relating to assault with a deadly weapon or force likely to produce great bodily injury.

[Approved by Governor June 12, 1961 Filed with Secretary of State June 12, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 245 of the Penal Code is amended to read:

245. (a) Every person who commits an assault upon the person of another with a deadly weapon or instrument or by any means of force likely to produce great bodily injury is punishable by imprisonment in the state prison not exceeding 10 years, or in a county jail not exceeding one year, or by fine not exceeding five thousand dollars ($5,000), or by both such fine and imprisonment. When a person is convicted of a violation of this section, in a case involving use of a deadly weapon or instrument, and such weapon or instrument is owned by such person, the court may, in its discretion, order that the weapon or instrument be deemed a nuisance and shall be confiscated and destroyed in the manner provided by Section 12028.

(b) Every person who commits an assault with a deadly weapon or instrument or by any means likely to produce great bodily injury upon the person of a peace officer, and who knows or reasonably should know that such victim is a peace officer engaged in the performance of his duties, when such peace officer is engaged in the performance of his duties shall be punished by imprisonment in the state prison not exceeding 10 years; provided, that if such person has previously been convicted of a felony under the laws of this State or has previously been convicted of an offense under the laws of any other state or of the United States which, if committed in this State, would have been punishable as a felony, he shall be punished by imprisonment in the state prison for not less than five nor more than 15 years.

As used in this subdivision, "peace officer" refers to any person designated as a peace officer in the first paragraph of Section 817, as well as any inspector or investigator regularly employed as such in the office of a district attorney, any member of the California Highway Patrol, any policeman of the San Francisco Port Authority, each member of an arson investigating unit of an organized fire department, and each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game.

CHAPTER 803

An act to amend Section 6341 of the Business and Professions Code, relating to law libraries.

In effect September 15, 1961

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 6341 of the Business and Professions Code is amended to read:

6341. Any board of law library trustees may establish and maintain a branch of the law library in any city in the county, other than the county seat, in which a session of the superior court or of a municipal court is held, or in which a municipal court has been authorized by statute but has not yet begun to operate. In any city constituting the county seat, any board of law library trustees may establish and maintain a branch of the law library at any location therein where four or more judges of the municipal court are designated to hold sessions more than 10 miles distant from the principal office of the municipal court. In any city and county any board of law library trustees may establish and maintain branches of the law library. A branch is in all respects a part of the law library and is governed accordingly.

CHAPTER 804

An act to amend Sections 1185.1, 1188.2, 1189.1, 1190.1 and 1200.1 of the Code of Civil Procedure, relating to mechanics' liens.

In effect September 15, 1961

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1185.1 of the Code of Civil Procedure is amended to read:

Mechanics' liens

1185.1. (a) The liens provided for by this chapter shall be direct liens and shall not in the case of any claimants other than the contractor be limited, as to amount, by any contract price agreed upon between the contractor and the owner except as hereinafter provided. Such liens shall not in any case exceed in amount the reasonable value of the labor done or the material furnished, or both, for which the lien is claimed, nor the price agreed upon for the same between the claimant and the person by whom he was employed. Such liens shall not, in any case where the claimant was employed by a contractor or subcontractor, extend to any labor or materials not embraced within or covered by the original contract between the contractor and the owner, or any modification thereof made

by or with the consent of such owner, and of which such contract or modification thereof the claimant shall have had actual notice before the performance of such labor or the furnishing of such materials.

(b) The filing of an original contract for a work of improvement or of a modification of such original contract in the office of the county recorder of the county where the property is situated, before the commencement of the work, shall be equivalent to the giving of actual notice of the provisions thereof by the owner to all persons performing work or furnishing materials thereunder.

(c) In case said original contract is so filed and the bond of the contractor is recorded in the office of the county recorder before the work is commenced and that said bond shall have good and sufficient sureties in an amount not less than fifty (50) percent of the contract price named in said contract, which bond shall, in addition to any conditions for the performance of the contract, be also conditioned for the payment in full of the claims of all persons performing labor upon or furnishing materials to be used in, or furnishing appliances, teams, or power contributing to, such work, and shall also by its terms be made to inure to the benefit of any and all persons who perform labor upon or furnish materials to be used in or furnish appliances, teams, or power contributing to, the work described in said contract as to give such persons a right of action to recover upon said bond in any suit brought to foreclose the liens provided for in this chapter or in a separate suit brought on said bond, then the court must, where it would be equitable so to do, restrict the recovery under such liens to an aggregate amount equal to the amount found to be due from the owner to the contractor and render judgment against the contractor and his sureties on said bond for any deficiency or difference there may remain between said amount so found to be due to the contractor and the whole amount found to be due to claimants for such labor or materials or both.

(d) It is the intent and purpose of this section to limit the owner's liability, in all cases, to the measure of the contract price where he shall have filed or caused to be filed in good faith his original contract and to have recorded a valid bond with good and sufficient sureties in the amount and upon the conditions as herein provided. It shall be lawful for the owner to protect himself against any failure of the contractor to perform his contract and make full payment for all work done and materials furnished thereunder by exacting such bond or other security as he may deem necessary.

SEC. 2. Section 1188.2 of the Code of Civil Procedure is amended to read:

1188.2. In the event the holder of any mortgage or deed of trust which otherwise would be inferior to the liens provided for in Articles 1 to 4, inclusive, of Chapter 2, Title 4, Part 3 of the Code of Civil Procedure, which liens arise out of a work

Holder of mortgage, trust deed

of improvement upon the property to which the mortgage or deed of trust attaches, shall procure or cause to be procured a bond with good and sufficient sureties which complies with the requirements of this section and shall record such bond in the office of the county recorder of the county in which the property is situated either concurrently with or after the filing for record of such mortgage or deed of trust, then such mortgage or deed of trust shall be prior and paramount to the liens of all persons arising out of such work of improvement for work done or materials furnished subsequent to the time such bond is recorded as herein provided. Such bond, upon which either the contractor or owner may be the principal, must comply with the following requirements: (1) it must be in an amount not less than 75 percent of the face principal amount of such mortgage or deed of trust, (2) it must refer to the mortgage or deed of trust in connection with which the bond is given, and (3) it must be conditioned for the payment in full of the claims of all persons performing labor upon or furnishing materials to be used in, or furnishing appliances, teams, or power contributing to such work of improvement, and there must be incorporated in such bond a provision by its express terms making it inure to the sole benefit of any and all persons who perform labor upon, or furnish materials to be used in, or furnish appliances, teams, or power contributing to such work of improvement, so as to give such persons a right to recover upon said bond in any suit to foreclose such liens, or in a separate suit brought on said bond.

The provisions of this section shall not apply to liens provided for by Section 1184.1 of the Code of Civil Procedure, the priority of such liens being as provided by Section 1189.1(b) of the Code of Civil Procedure.

The original record of any bond, or a certified copy thereof, which has been filed for record pursuant to this chapter may be read in evidence in an action or proceeding with the like effect as the original instrument, without further proof.

SEC. 3. Section 1189.1 of the Code of Civil Procedure is amended to read:

Separate contracts

1189.1. (a) If the work of improvement of the character referred to in Section 1184.1 is provided for in a separate contract from any contract or agreement with respect to the erection of residential units or other structures upon said lot or tract of land, then the work of improvement of the character referred to in that section shall be deemed a separate work of improvement and the commencement thereof shall not constitute a commencement of the work of improvement consisting of the erection of any residential unit or other structure upon said lot or tract of land.

Preference of liens

(b) The liens provided for in Section 1184.1 are preferred to (1) any mortgage, deed of trust, or other encumbrance which may have attached subsequent to the time when the work of improvement of the character referred to in that sec-

tion in connection with which the lien claimant has done his work or furnished his materials was commenced; or to (2) any mortgage, deed of trust, or other encumbrance of which the lien claimant had no notice and which was unrecorded at the time when such work of improvement was commenced; or to (3) any mortgage, deed of trust, or other encumbrance recorded before the commencement of the work of improvement of the character referred to in that section which was given for the sole or primary purpose of financing such work of improvement unless the loan proceeds are, in good faith, placed in the control of the lender under a binding agreement with the borrower to the effect that such proceeds are to be applied to the payment of claims for labor performed or materials used or consumed in such work of improvement and that no portion of such proceeds will be paid to the borrower in the absence of satisfactory evidence that all claims for such labor or materials have been paid or that the time for filing claims of lien arising out of such work of improvement has expired and no such claims have been filed; provided, however, that in the event the owner of the land or the holder of any mortgage, deed of trust, or other encumbrance thereon shall procure or cause to be procured a bond with good and sufficient sureties which shall be conditioned for the payment in full of the claims of all persons performing labor upon or furnishing materials to be used in, or furnishing appliances, teams, or power contributing to such work of improvement, and shall cause to be incorporated in said bond a provision by its express terms making it inure to the benefit of any and all persons who perform labor upon, or furnish materials to be used in, or furnish appliances, teams, or power contributing to such work of improvement, so as to give such persons a right to recover upon said bond in any suit brought to foreclose the liens provided for in this chapter, or in a separate suit brought on said bond, then such mortgage, deed of trust, or other encumbrance shall be prior and paramount to the liens provided for in that section arising out of such work of improvement irrespective of whether or not such mortgage, deed of trust, or other encumbrance attached before or after the time when the work of improvement commenced and irrespective of the nature or provisions for payment of the consideration of such mortgage, deed of trust, or encumbrance. Such bond given under this section must, in order to comply with its requirements, be either (1) a statutory labor and materials bond, complying with all of the provisions of Section 1185 1 of this code, save and except that said last mentioned bond may instead of being recorded, before the work of improvement is commenced, in the office of the county recorder of the county where the property is situated, be recorded in such office at any time before such work of improvement has been completed, or such bond may be (2) a bond with good and sufficient sureties in an amount not less than fifty (50) percent of the face principal amount of such mortgage, deed of trust, or other encumbrance,

and shall be given for the sole benefit of persons performing labor upon, or furnishing materials to be used in, or furnishing appliances, teams, or power contributing to the work of improvement to which said bond refers, upon which last mentioned bond either the contractor or the owner may be principal, and which last mentioned bond shall be recorded, in order to comply with the requirements of this section, before the work of improvement to which said bond refers is completed.

SEC. 4. Section 1190.1 of the Code of Civil Procedure is amended to read:

Notice of performance

1190.1. (a) Any of the persons mentioned in Sections 1181 and 1184.1, except the contractor, and all persons, firms and corporations, excluding the contractor, performing work or furnishing materials, or both, upon any public improvement, including highways, streets, wagon roads, viaducts or sewers, may at any time, prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by the provisions of Section 1193.1 of this code, give to the owner, a notice that they have performed labor or furnished materials, or both, to the contractor or other person acting by the authority of the owner, or that they have agreed to do so, stating in general terms the kind of labor and materials and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed to be done or furnished, or both, and any of said persons who shall on the written demand of the owner refuse to give such notice shall thereby deprive himself of the right to claim a lien under this chapter.

Verification

(b) Such notice must be verified by the claimant, or by some person acting in his behalf, and may be given by delivering the same to said owner, personally, or by leaving it at his residence or place of business with some person in charge, or by delivering it to his architect, if any; provided, however, that in all cases in which said work is being done under a contract with the State, or with any public board, commission, or officer thereof, or with any political subdivision thereof, such notice must be filed, within said time, in the office of the controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract, or with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council or other body by whom the contract for the improvement was awarded. In the case of any contract of the State by or through the Department of Public Works, such notice must be filed with the Director of Public Works, and not with the State Controller. In the case of any contract of the State by or through any other state department, board, commission, or officer, such notice must be filed within said time with the head of such state department, board, commission, or officer and not with the State Controller. No such notice shall be invalid by reason of any defect in form;

provided, it is sufficient to inform the owner of the substantial matters herein provided for.

Duties of owner

(c) Upon such notice being given it shall be the duty of the person to whom such notice is given to, and he shall withhold from his contractor or from any person acting under his authority and to whom said labor or materials, or both have been furnished, or agreed to be furnished, sufficient money or sufficient bonds, where bonds are to be issued in lieu of money by the political subdivision which contracted for said work, due or that may become due to such contractor to answer such claim and any lien that may be filed therefor, and, if the owner is a public body whose property, by reason of public policy or otherwise, is not subject to the liens in this chapter provided for, also the reasonable cost of any litigation thereunder.

Provided, however, that if in connection with any private work of improvement, any statutory labor and material bond has been furnished under Section 1185 1 of this code complying with the provisions of such last mentioned section and has been recorded in the office of the county recorder, as in said section, provided, then in said event, it shall not be the duty of the person to whom such notice is given to withhold any moneys pursuant to such notice but such moneys may be withheld by such person to whom such notice is given.

Grounds for dispute

If the contractor asserts that the claim upon which any such notice is based, or out of which it arises, is either: (1) not included within the types or classifications of claims referred to in this section, or (2) that the claimant is not one of the persons mentioned in Sections 1181 and 1184.1, or (3) that the amount of the claim as specified in such notice is excessive, or (4) that there is no basis in law for the claim as referred to and set out in such notice, then, on any such ground, or any combination thereof, such contractor may avail himself of the right to prepare and deliver to the department head, board, commission, or officer thereof, to whom such notice was given, an affidavit and a copy thereof alleging any one or more of the grounds hereinabove set out, and claiming that the moneys or bonds withheld by such officer, or any part of either such moneys or bonds, are being withheld improperly or in an excessive amount, and further demanding the release of all or such portion of such moneys or bonds as is alleged to be withheld improperly or in an excessive amount. Such affidavit shall state all of the facts necessary to support the claim of the contractor, and shall also state his address within this State for the purpose of permitting service by mail upon him of any counteraffidavit, notice of motion, or other notice or legal document

Affidavit stating ground

Notice to claimant

The department head, board, commission, or officer thereof, shall serve upon the claimant, either personally or by mail, a copy of the affidavit, together with a written notice stating that the affidavit and demand for release has been received and that such department head, board, commission, or officer thereof will release such moneys or bonds, or such portion of either as

has been demanded, unless the claimant files with such department head, board, commission, or officer thereof, a counter-affidavit on or before a time designated in the notice, which shall be not less than 10 nor more than 20 days after service of the copy of such affidavit. Service by mail shall be complete by placing the notice and copy of the affidavit in a sealed envelope addressed to the last known address of the claimant, registered with return receipt requested, and depositing it in the United States mail with postage fully prepaid. Proof of service, either personally or by mail, shall be made by an affidavit.

Counter-affidavit

If the claimant desires to contest the contractor's affidavit and demand for release, he shall, within the time allowed, file with the department head, board, commission, or officer thereof, a counteraffidavit alleging the details of his claim and shall also set forth in detail the specific basis upon which he contests or rebuts the claim or claims of the contractor, together with proof of service of a copy of such counteraffidavit upon the contractor.

The department head, board, commission, or officer thereof, shall not be responsible for the validity of said affidavit or counteraffidavit.

Filing

If no such counteraffidavit with proof of service is filed with the department head, board, commission, or officer thereof, within the time allowed, then such department head, commission, or officer thereof, shall forthwith release the moneys or bonds, or such portion thereof as has been demanded by such affidavit, without further notice to the claimant and shall not be liable in any manner for making such release.

Action

If such counteraffidavit, together with proof of service, is so filed, either the contractor or the claimant may file an action in the appropriate superior court for a declaration of his rights in and to such moneys or bonds as have been withheld under the original notice, together with such other relief as may be appropriate. After the filing of a suit requesting such a declaration of rights, either the contractor or the claimant shall be entitled to a hearing in the court in which the action is pending for the purpose of determining his rights under the affidavit and demand for release of such moneys or bonds or any portion of either of them and the counteraffidavit. Such hearing must be granted by the court upon motion of either party, and such hearing must be had within 15 days from the date of making of such motion, unless continued by the court for good cause. The party making the motion for hearing must give not less than five days notice in writing of such hearing to the department head, board, commission, or officer thereof, and to the other party, and shall specify in the notice that the hearing is for the purpose of determining the sufficiency of and the issues involved in the demand for release of such moneys or bonds. The notice may be of the motion or of the hearing, and upon the filing of the notice with the clerk of the court, the motion is deemed made.

At such hearing, the contractor who has filed the affidavit and made the demand for the release of such moneys or bonds shall have the burden of proof. The affidavit and counter-affidavits shall be filed with the court by the department head, board, commission, or officer thereof, who received them, and they shall constitute the pleadings, subject to the power of the court to permit an amendment in the interest of justice. The affidavit of the contractor shall be deemed controverted by the counteraffidavit, and both shall be received in evidence. Hearing

Nothing herein contained shall be construed to deprive any party of the right of a jury trial in any case where such right is given by the Constitution, but a jury trial may be waived in any such case in like manner as in the trial of an action. No findings shall be required in a proceeding under this section. When the hearing is before the court sitting without a jury and no evidence other than the affidavit and counter-affidavit is offered, if the court is satisfied that sufficient facts are shown thereby, it may make its determination thereon, otherwise, it shall order the hearing continued for the production of other evidence, oral or documentary, or the filing of other affidavits and counteraffidavits. At the conclusion of the hearing, the court shall make and enter its order determining whether the demand for release of such moneys or bonds shall be allowed or not, which order shall be determinative as to the right of the claimant to have the moneys or bonds further withheld by the department head, board, commission, or officer thereof. No determination in the summary proceedings under this section shall be res adjudicata with respect to any right of action by the claimant against either principal or surety on or under the statutory labor and material bond given under Sections 4200 to 4208, inclusive, of the Government Code, commonly referred to as the California Public Works Bond Act, or with respect to any right of action against any party personally liable to claimant. The contractor shall, either personally or by mail, serve a copy of said order on the appropriate department head, board, commission, or officer thereof. Jury trial

(d) In the event the moneys so withheld or required to be withheld shall be insufficient to pay in full the valid demands of all persons by whom such notices were given, the same shall be distributed among such persons in the same ratio that their respective claims bear to the aggregate of such valid demands. Such pro rata distribution of said moneys shall be made among the persons entitled to share therein, without regard to the order of priority in which their respective notices may have been given or their respective actions, if any, commenced. Pro rata distribution

(e) Any person who shall willfully give a false notice of his claim to the owner or who shall willfully include in his claim work or materials not performed upon or furnished for the property described in such notice shall forfeit all right to participate in the pro rata distribution of such moneys and all right to any lien under this chapter. False notice Penalty

(f) Nothing in this article contained shall be construed to impair in any manner the right of any person by whom such

notice has been given to recover from the contractor or his sureties any deficit that may remain unpaid after such pro rata distribution in an action upon the bond provided for by Section 4200 of the Government Code.

"Owner" (g) The word "owner" as used in this action, includes the State, or any public board, commission, or officer, thereof, or any political subdivision thereof, whether the said work be done by or under the direction of said State, public board, commission, or officer thereof, or any political subdivision thereof.

Notice of claims (h) Any of the persons mentioned in Sections 1181 and 1184.1, except the contractor at any time prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by the provisions of Section 1193.1 of this code, may, in any instance in which the funds with which the cost of the work of improvements are, wholly or in part, to be defrayed from the proceeds of a building loan, give to the mortgagee, beneficiary under deed of trust, or assignee or successor in interest of either, or to any escrow holder or other party holding any funds furnished or to be furnished by the owner or lender or any other person as a fund from which to pay construction costs or arising out of a construction or building loan, a notice similar to the one provided for in subdivision (a) of this section, whereupon the person so given such notice under this subsection may withhold funds to answer such claims and any lien that may be filed therefor, but shall be under no obligation to do so unless a bond is furnished as hereinafter provided.

If such person entitled to file such a claim under this subsection files with the person holding such funds as a fund from which to pay such construction costs, a bond with good and sufficient sureties in a penal sum equal to one and one-quarter times the amount of such claim, undertaking that if the defendant recovers judgment in an action brought on said verified claim or on the lien filed by the claimant, the lien claimant will pay all costs that may be awarded against the owner, contractor, or person holding such funds, or any of them, and all damages that such owner, contractor, or person holding such funds may sustain by reason of the equitable garnishment effected by the claim or by reason of the lien, not exceeding the sum specified in the undertaking, then the person holding such funds must withhold from the borrower or other person to whom said owner may be obligated to make payments or advancements out of said fund sufficient money to answer such claim, and any lien that may be filed therefor. No assignment by the owner or contractor of construction loan funds, whether made before a verified claim is filed, or after such claim is filed shall be held to take priority over claims filed under this subsection (h) and such assignment shall have no binding force insofar as the rights of claimants who file claims hereunder are concerned.

Disputed claims

(i) If the contractor, subcontractor, or any other person against whom any claim is filed under subsection (h) above, or if the owner, mortgagee, beneficiary under deed of trust, escrow holder or any other person, disputes the correctness or validity of any claim so filed on private construction work, the contractor, subcontractor, owner or any such other person disputing such claim, may file with the custodian of such fund a bond executed by good and sufficient sureties in a penal sum equal to one and one-quarter times the amount of such claim, which bond shall guarantee the payment of any sum not exceeding the penal obligation of the bond, which the claimant may recover on the claim, together with his costs of suit in the action, if he recovers therein. Upon the filing of such last mentioned bond the funds withheld to respond to the verified claim shall forthwith be released.

Applicability

(j) Subsections (h) and (i) above shall not apply to public work; nor shall either of such sections be applicable if in connection with a private work of improvement any statutory labor and material bond has been furnished under Section 1185.1 of this code complying with the provisions of such Section 1185.1, and has been recorded in the office of the county recorder at any time prior to the filing of the first verified claim or notice to withhold.

Service of claim or notice

(k) To be effective any verified claim or notice to withhold filed under subsection (h) served upon a banking corporation or association, building and loan association, title insurance company, escrow holder or other person holding such construction funds, and maintaining branch offices must be given to or served upon the manager or other responsible officer or person at the office or branch thereof administering or holding such construction funds.

Same Registered mail

(*l*) Any verified claim or notice to withhold may be served by registered mail with the same effect as by personal service.

Objection to sufficiency of sureties

(m) If the person holding the funds objects to the sufficiency of the sureties on the bond referred to in subsection (h) above, he must give notice in writing to the claimant within 20 days after the service of the notice provided for in subsection (h) that he so objects, in which event the claimant may within 10 days after the receipt of such written objection substitute for the bond so objected to a similar bond in like amount executed by a corporate surety licensed to write such bonds in the State of California, and if the claimant fails to do so the party served with such verified claim or notice to withhold may disregard the same and release all funds withheld in response thereto.

SEC 5. Section 1200.1 of the Code of Civil Procedure is amended to read:

Exoneration of sureties

1200.1. (a) The surety or sureties on any bond given pursuant to any of the provisions of this chapter shall not be exonerated or released from the obligation of the bond by any change, alteration, or modification in or of any contract, plans, specifications, or agreement pertaining or relating to any

scheme or work of improvement or pertaining or relating to the furnishing of labor, materials, or equipment therefor, nor by any change or modification of any terms of payment or extension of the time for any payment relating or pertaining to any scheme or work of improvement, nor by any rescission or attempted rescission of any such contract or agreement, nor by rescission or attempted rescission of the bond, nor by any conditions precedent or subsequent in the bond attempting to limit the right of recovery of laborers or materialmen otherwise entitled to recover under any such contract or agreement or under the bond, nor, where the bond is given for the benefit of laborers, materialmen, or other persons entitled to claim a lien under this chapter, by any fraud practiced by any person other than such laborer, materialman, or like person as is seeking to recover on the bond.

Construction of bond agreements

(b) All bonds given pursuant to the provisions of this chapter will be construed most strongly against the surety and in favor of all persons for whose benefit such a bond is given, and under no circumstances shall a surety be in anywise released from liability to the said laborers or materialmen or persons furnishing appliances, teams, or power, for whose benefit said bond has been written, by reason of any breach of contract between owner and contractor or on the part of any obligee named in said bond, but the sole condition of recovery on the part of such person furnishing labor or material or appliances, teams, or power, as aforesaid, shall be that said labor or material has been used or consumed in or said appliances, teams, or power have contributed to the work of improvement to which said bond refers, and that the said third person for whose benefit said bond has so been made to inure has not been actually paid some part or all of the sums due him for the same.

Invalid bond provisions

(c) No provisions in any of the bonds given pursuant to any of the provisions of this chapter attempting by contract to shorten the period prescribed for the commencement of an action thereon, as laid down in Section 337 of this code, shall be valid if such provision attempts to limit the time for commencement of action thereon to a shorter period than six months from the completion of said structure or work of improvements, as "completion" is defined in Article 3 of this chapter, nor shall any provision in any of said bonds attempting to limit the period for the commencement of actions thereon be valid insofar as actions brought by persons furnishing labor or materials, appliances or teams or power, as aforesaid, are concerned, unless said bond be filed for record, before the work of improvement is commenced, with the county recorder of the county or city and county in which the property referred to therein, or some part thereof, is situated.

Recorded bonds

(d) In case the surety or sureties on any bond given as in this chapter provided shall have caused said bond to be recorded in the office of the county recorder of the county in which the property is situated before the work of improve-

ment is completed, then no action may be maintained thereon unless there shall previously have either been filed a mechanic's lien claim as in this chapter provided or unless written notice shall previously have been given to the surety on said bond before the expiration of the time prescribed in this chapter for filing a lien to enforce such claim, which notice shall state that the person giving such notice has performed labor or furnished materials, or both, or furnished appliances, teams, or power, to the contractor or other person acting by the authority of the owner, or that they have agreed to do so, stating in general terms the kind of labor, materials, appliances, teams, or power and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed to be done or furnished, or both. The filing of an action to foreclose such lien shall not be a condition precedent to a recovery on said bond. If said bond has been so recorded as herein last provided, then any suit brought against such surety or sureties shall be filed within six months after completion of said structure or work of improvement, as "completion" is defined in Article 3 of this chapter.

Notice to sureties

(e) The written notice to be given to the surety or sureties hereinabove provided for may be given by delivery thereof personally to, or by depositing same in the mail, postage prepaid, and registered, addressed,

(1) If to an individual surety, at his residence or place of business, if known, or

(2) If to an individual surety and his residence is unknown, then in care of the county clerk of the county in which said bond has been so filed, or

(3) At the place designated as the residence of the surety in the certificate, if any, filed by such surety or sureties as provided by Section 1163 of the Civil Code, or

(4) If to a corporate surety, at the office or care of the agent designated by the surety in the bond as the address to which such notice shall be sent, or

(5) At the office or care of any officer of the surety in the State of California, or

(6) At the office of or care of the statutory agent of the surety in the State of California, or

(7) By service in the manner prescribed for the service of summons as provided by Section 411 of the Code of Civil Procedure.

(f) Any bond given pursuant to any of the provisions of this chapter which otherwise fully complies therewith shall be conclusively presumed a good and sufficient bond if the surety thereon is a corporation duly authorized to issue surety bonds in this state.

CHAPTER 805

An act to add Section 104.12 to the Streets and Highways Code, relating to state highway property.

In effect September 15, 1961

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 104.12 is added to the Streets and Highways Code, to read:

104.12. The department may lease to public agencies or private entities the use of areas above or below state highways, subject to such reservations, restrictions and conditions as it deems necessary to assure adequate protection to the safety and the adequacy of highway facilities and to abutting or adjacent land uses. Prior to entering into any such lease, the department shall determine that the proposed use is not in conflict with the zoning regulations of the local government concerned. Such leases shall be made in accordance with procedures to be prescribed by the California Highway Commission, except that in the case of leases with private entities such leases shall only be made after competitive bidding unless the commission finds by unanimous vote that in certain cases competitive bidding would not be in the best interests of the State. The possibilities of entering into such leases and the consequent benefits to be derived therefrom may be considered by the department in designing and constructing such highways.

Revenues from such leases shall be deposited in the State Highway Fund.

CHAPTER 806

An act to amend Section 7682 of the Labor Code, relating to inspection of boilers.

In effect September 15, 1961

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 7682 of the Labor Code is amended to read:

7682. The division shall inspect or cause to be inspected each installed fired boiler internally at least every year. For other classes of boilers the division shall establish internal inspection intervals which will insure the safety of people working in the vicinity of the boiler. In determining such intervals the division shall consider such factors as the design and construction of the boilers and the conditions under which they operate.

External inspection shall be made of all boilers at the time of the internal inspection and at such other intervals as are deemed necessary by the division acting through qualified safety engineers and certified inspectors.

CHAPTER 807

An act to amend Sections 10163, 10164, 10165, 10489.2, and 10489.3 of the Insurance Code, relating to valuation and nonforfeiture requirements.

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 10163 of the Insurance Code is amended to read:

Adjusted premiums

10163. Except as provided in the third paragraph of this section, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (i) the then present value of the future guaranteed benefits provided for by the policy; (ii) two percent (2%) of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (iii) forty percent (40%) of the adjusted premium for the first policy year; (iv) twenty-five percent (25%) of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less. In applying the percentages specified in (iii) and (iv) above, no adjusted premium shall be deemed to exceed four percent (4%) of the amount of insurance or uniform amount equivalent thereto

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount thereof for the purpose of this section shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy, provided, however, that in the case of a policy providing a varying amount of insurance issued on the life of a child under age 10, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age 10 were the amount provided by such policy at age 10

The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision unless such term insurance benefits are disregarded under Section 10164 shall be equal to (a) the adjusted premiums for

an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (b) the adjusted premiums for such term insurance, the foregoing items (a) and (b) being calculated separately and as specified in the first two paragraphs of this section.

Except as otherwise provided in Section 10163.5, all adjusted premiums and present values referred to in this article shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table; provided, however, that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated, at the option of the insurer, according to an age not more than three years younger than the actual age of the insured. Such calculations for all policies of industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table. All calculations shall be made on the basis of the rate of interest, not exceeding three and one-half percent (3½%) per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits. However, in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred thirty percent (130%) of the rates of mortality according to such applicable table; and for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

SEC. 2. Section 10164 of said code is amended to read:

Proration of values

10164 Any cash surrender value and any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in Sections 10161, 10162, 10163 and 10163.5 may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of Section 10161, additional benefits payable (a) in the event of death or dismemberment by accident or accidental means, (b) in the event of total and permanent disability, (c) as reversionary annuity or deferred reversionary annuity benefits, (d) as term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this article would not apply, (e) as term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires

before the child's age is 26, is uniform in amount after the child's age is one, and has not become paid up by reason of the death of a parent of the child, and (f) as other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this article, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

SEC. 3. Section 10165 of said code is amended to read:

Exemptions

10165. This article shall not apply to any reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof, of 15 years or less expiring before age 66, for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in Sections 10163 and 10163.5, is less than the adjusted premium so calculated on a policy issued at the same age and for the same initial amount of insurance for a term defined as follows: for ages at issue 50 and under the term shall be 15 years; thereafter, the term shall decrease one year for each year of age beyond 50, nor to any policy which shall be delivered outside this State through an agent or other representative of the company issuing the policy.

SEC. 4. Section 10489.2 of said code is amended to read:

Minimum standard

10489.2. The minimum standard for the valuation of all such policies and contracts shall be the commissioners reserve valuation method defined in Section 10489.3, three and one-half percent (3½%) interest, and the following tables:

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies—the Commissioners 1941 Standard Ordinary Mortality Table for such policies issued prior to the operative date of Section 10163.5, and the Commissioners 1958 Standard Ordinary Mortality Table for such policies issued on or after such operative date; provided, however, that for any category of such policies issued on female risks modified net premiums and present values, referred to in Section 10489.3, may be calculated, at the option of the insurer, according to an age not more than three years younger than the actual age of the insured.

(b) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies—the 1941 Standard Industrial Mortality Table.

(c) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies—the 1937 Standard Annuity Mortality Table or, at the option of the company, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner.

(d) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies—the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the company, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.

(e) For total and permanent disability benefits in or supplementary to ordinary policies or contracts—for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either such tables or, at the option of the company, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926) Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies

(f) For accidental death benefits in or supplementary to policies—for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table, for policies issued on or after January 1, 1961, and prior to January 1, 1966, either such table or, at the option of the company, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies

(g) For group life insurance, life insurance issued on the substandard basis and other special benefits—such tables as may be approved by the commissioner.

SEC. 5. Section 10489.3 of said code is amended to read:

Life and endowment reserves

10489.3. Reserves according to the commissioners reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (a) over (b), as follows:

(a) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each

subsequent anniversary of such policy on which a premium falls due; except that such net level annual premium shall not exceed the net level annual premium on the 19-year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(b) A net one-year term premium for such benefits provided for in the first policy year.

Reserves according to the commissioners reserve valuation method for (1) life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (2) annuity and pure endowment contracts, (3) disability and accidental death benefits in all policies and contracts, and (4) all other benefits, except life insurance and endowment benefits in life insurance policies, shall be calculated by a method consistent with the principles of the preceding paragraph, except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums

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CHAPTER 808

An act to amend Sections 22009.1, 22155, and 22308 of the Government Code, relating to social security coverage for hospital employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 22009.1 of the Government Code is amended to read:

22009.1. "Retirement system" includes:

(a) A pension, annuity, retirement or similar fund or system established by a public agency and covering only positions of that agency. "Retirement system"

(b) The State Employees' Retirement System with respect only to employees of the State and employees of the University of California in positions covered by that system.

(c) The State Employees' Retirement System with respect to employees of all school districts in positions covered under each contract entered into by a county superintendent of schools and the system.

(d) The State Teachers' Retirement System with respect to all employees in positions covered by that system except employees of a public agency having any employees in positions covered by such system who are also in positions covered by a local retirement system for the retirement of teachers, or for membership in which public school teachers are eligible, operated by city, city and county, county or other public agency or combination of public agencies of the State.

(e) The Legislators' Retirement System with respect to all employees in positions covered by that system.

(f) The Judges' Retirement System with respect to all employees in positions covered by that system.

(g) The Pension and Retiring Annuities System of the University of California only with respect to all employees in positions covered by that system.

(h) The San Francisco City and County Employees' Retirement System with respect to all employees in positions covered by that system.

(i) Any other retirement system with respect only to employees of any two or more of the public agencies having employees in positions covered by such system, as designated by the board and with regard to which the board authorizes conduct of a referendum.

(j) Any retirement system with respect only to employees of a hospital which is an integral part of a city incorporated between January 15, 1898 and July 15, 1898 in positions covered by the system, as designated by the board on request of the city.

(k) Except as otherwise provided in subdivisions (b) through (j) above, any retirement system with respect to employees of each of the public agencies having employees in positions covered by the system.

(*l*) Each division or part of a retirement system, as defined in subdivisions (a), (b), (c), (g), (h), (i), (j), and (k) of this section, which is divided pursuant to this chapter into two parts:

(1) The part composed of the positions of members of such system who desire coverage under the federal system.

(2) The part composed of the positions of members of such system who do not desire coverage under the federal system.

SEC. 2. Section 22155 of said code is amended to read:

Transfer of member

22155. Whenever on the request of the governing body of a public agency a retirement system has been divided pursuant to this article, the board, on the request of the governing body, shall execute in conformity with Section 218 Social Security Act and applicable federal regulations a modification to the agreement providing for transfer to the system as defined in Section 22009.1 (*l*) (1) created by the division, the position of any member included in the system as defined in Section 22009.1 (*l*) (2) who requests such transfer pursuant to Section 218(d)(6)(F) of the Social Security Act and board rules.

SEC. 3. Section 22308 of said code is amended to read:

Exemption

22308. This article shall not apply to a retirement system composed of the positions of members of a divided system who desire coverage under the federal system as defined in subsection (*l*) of Section 22009 1 and wherever in this part the conduct of a referendum is made a condition such condition shall be fully satisfied by compliance with Article 2 5 of Chapter 1 of this part as to such retirement system.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

In 1960 Congress amended the Social Security Act to permit separate coverage under old age, survivors, and disability insurance of hospital employees who are members of a retirement system. In order that public agencies in the State may take advantage of this coverage and provide maximum benefits under it for their employees, it is necessary that this act take effect immediately.

CHAPTER 809

An act to amend Sections 17301 and 18460 of, and to add Section 18461 to, the Education Code, relating to transfers of money to the State School Fund for public school support, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 17301 of the Education Code is amended to read:

17301. (a) The State Controller shall during each fiscal year transfer from the General Fund of the State to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to the county school tuition funds, as certified by the Superintendent of Public Instruction, one hundred eighty dollars ($180). Transfers from General Fund to State School Fund

(b) The Controller shall also transfer, as needed during each fiscal year, such additional amounts from the General Fund to the State School Fund as are certified from time to time by the Superintendent of Public Instruction to be necessary to meet actual computed apportionments from the State School Fund for the purposes set forth in Section 17303; provided, that the total of such additional amounts transferred in a fiscal year shall not exceed, except pursuant to subdivision (c) of this section, twenty-one dollars and ten cents ($21.10) per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to the county school tuition funds, as certified by the Superintendent of Public Instruction.

(c) In addition to the amounts authorized to be transferred to the State School Fund from the General Fund under subdivision (b) of this section, the Controller shall transfer from the General Fund to the State School Fund during the fiscal year, upon certification of the Superintendent of Public Instruction, if necessary to meet actual computed apportionments for the fiscal year for the purposes set forth in Section 17303, an amount not to exceed the lesser of: (1) 1 percent of the total apportionment from the State School Fund in the preceding fiscal year for the purposes set forth in Section 17303, or (2) the net amount, if any, by which the total amounts authorized to be transferred from the General Fund to the State School Fund under subdivisions (a) and (b) of this section in prior fiscal years have exceeded the total amounts actually apportioned in prior fiscal years from the State School Fund for the purposes set forth in Section 17303.

(d) He shall also transfer to the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Section 17303 and such additional amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in Articles 1 and 2 (Sections 17301 to 17354, inclusive) of this chapter and in Sections 11256, 11257, and 17251, and Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive.

SEC. 2. Section 18460 of said code is amended to read:

Disposition of balances

18460 If the total amount allowed county school service funds under Sections 18351 to 18354, inclusive, is less than the amounts provided by Section 18352 the balance shall be added to the balances resulting from the application of Sections 18009, 18061, 18452, 18453, and subdivision (b) of Section 17404 Only so much of the total of such balances as is actually necessary shall be used as follows:

(a) First, to increase proportionately the allowances made to which Section 18455 applied. The increased allowances shall not exceed the amounts computed under Sections 17614, 17615, 17751, 17801, 17851, 17951, 17952, 17901, 17902, 17903, 17904, 17905, 17906, 18355, 18356, 18357, 18358, 18401. The increase for each elementary, high school, or junior college district shall be an amount that bears the same ratio to the total balance as the amount of equalization aid allowed such district bears to the total amount of equalization aid allowed to all districts.

(b) Second, to restore, in the order herein listed, the amounts reduced under Sections 18007, 18008, 18456, and subdivision (a) of Section 18061.

Any remaining balances shall remain in the General Fund, but shall be considered, to the extent applicable, pursuant to subdivision (c) of Section 17301 in determining the total amount available to meet deficits in computed apportionments for the purposes set forth in Section 17303 in subsequent fiscal years

SEC. 3. Section 18461 is added to said code, to read:

18461 Any undistributed balance which for any reason remains in the State School Fund and has not otherwise been apportioned by law shall be apportioned as additional state aid to all the districts. The amount of additional state aid allowed each such district for each unit of average daily attendance shall be determined by dividing such remaining balance by the average daily attendance of all districts. The Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in the last month of each fiscal year in the amounts certified by the Superintendent of Public Instruction as apportioned under this section. The warrants shall be paid by the State Treasurer from the State School Fund and are not subject to the provisions of Government Code Section 16003.

Undistributed balance

SEC. 4. This act shall become operative on July 1, 1961

Operative date

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Urgency

The program to be effected by this act would introduce a sounder fiscal procedure in the transfer and apportionment of moneys for the support of the public schools, and would provide the means whereby the transfer and apportionment of amounts in excess of needs would be eliminated and the impact of shortages lessened, all to the substantial benefit of the public schools and the taxpayers of this State In order that the new procedures may be geared to the fiscal year basis upon which the fiscal administration of the State School Fund is conducted, it is necessary that its provisions become operative no later than July 1, 1961. For these reasons it is necessary that this act take immediate effect.

CHAPTER 810

An act to add Section 21456.1 to the Vehicle Code, relating to traffic signals.

[Approved by Governor June 12, 1961 Filed with Secretary of State June 12, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 21456 1 is added to the Vehicle Code, to read·

21456 1. Whenever an official traffic control signal exhibiting the words "walk" or "wait" or "don't walk" is shown concurrently with official traffic control signals exhibiting the words "go," "caution" or "stop," or exhibiting different colored lights successively, one at a time or with arrows, a pedestrian facing such traffic control signals shall obey the "walk," "wait" or "don't walk" control signal as provided in Section 21456.

CHAPTER 811

An act to repeal Section 23333 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 15, 1961

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 23333 of the Business and Professions Code is hereby repealed

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CHAPTER 812

An act to amend Section 2283 of the Health and Safety Code, relating to mosquito abatement districts.

In effect September 15, 1961

[Approved by Governor June 12, 1961. Filed with Secretary of State June 12, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 2283 of the Health and Safety Code is amended to read:

2283. The cost of abatement of a nuisance shall be repaid to the district by the owner of the property. The owner shall not, however, be required to pay such cost unless, either prior or subsequent to the abatement by the district, a hearing is held by the district board at which the property owner is afforded an opportunity to be heard and it is determined by the district board that a nuisance actually exists, or existed prior to abatement by the district.

CHAPTER 813

An act to add Section 484a to the Penal Code, relating to criminal offenses involving credit cards.

In effect September 15, 1961

[Approved by Governor June 13, 1961 Filed with Secretary of State June 13, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 484a is added to the Penal Code, to read:

484a. (a) As used in this section:

"Credit card" means any instrument, whether in the form of a card, booklet, plastic or metal substance, or the number or other identifying description thereof, which is sold, issued or otherwise distributed by a business organization or financial institution, for the use by the person or organization named

thereon for obtaining on credit goods, property, services, or anything of value;

"Cardholder" means the person or organization to whom a credit card is issued or for whose benefit it is issued.

(b) Any person who:

(1) Steals, takes or removes a credit card from the person or possession of the cardholder, or, who retains or secretes a credit card without the consent of the cardholder, with the intent of using, delivering, circulating or selling or causing said card to be used, delivered, circulated or sold without the consent of the cardholder, is guilty of a misdemeanor.

(2) Has in his possession or under his control or who receives from another person any forged, altered, counterfeited, fictitious, or stolen credit card with the intent to use, deliver, circulate or sell the same, or to permit or cause or procure the same to be used, delivered, circulated or sold, knowing the same to be forged, altered, counterfeited, fictitious, or stolen, or who has or keeps in his possession, any blank or unfinished credit card made in the form or similitude of any credit card, with such intent, is guilty of a misdemeanor.

(3) Has in his possession, or under his control, or who receives from another person a credit card with the intent to circulate or sell the same, or to permit or cause or procure the same to be used, delivered, circulated or sold, knowing such possession, control or receipt to be without the consent of the cardholder or issuer, is guilty of a misdemeanor.

(4) Delivers, circulates or sells a credit card which was obtained or is held by such person under circumstances which would constitute a crime under paragraphs (1), (2) or (3) of this subdivision, or permits or causes or procures the same to be used, delivered, circulated or sold, knowing the same to be obtained or held under circumstances which would constitute a crime under paragraphs (1), (2) or (3) of this subdivision, is guilty of a misdemeanor.

(5) With intent to defraud, either forges, materially alters or counterfeits a credit card is guilty of a felony.

(6) Knowingly uses or attempts to use for the purposes of obtaining goods, property, services or anything of value, a credit card which was obtained, or is held by the user, under circumstances which would constitute a crime under paragraphs (1), (2) or (3) of this subdivision, is also guilty of a misdemeanor if the total amount of goods, property or services or other things of value so obtained by such person does not exceed fifty dollars ($50), or is also guilty of a felony, if the total amount of goods, property or services or other things of value so obtained by such person exceeds fifty dollars ($50).

(c) Every person who knowingly and with intent to defraud uses for the purpose of obtaining goods, property or services, or anything of value, a credit card which has been revoked or canceled by the issuer thereof (as distinguished from expired), and notice of such revocation or cancellation has been given to such person, is guilty of a misdemeanor if the total amount

of goods, property or services or other things of value so obtained thereafter by such person does not exceed fifty dollars ($50); and is guilty of a felony if the total amount of goods, property or services or other things of value so obtained thereafter by such person exceeds fifty dollars ($50).

(d) If any provision or clause of this section or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section, which can be given effect without the invalid provision or application and to this end the provisions of this section are declared to be severable.

CHAPTER 814

An act to amend Section 9356.3 of the Government Code, relating to the Legislators' Retirement System

In effect September 15, 1961

[Approved by Governor June 13, 1961. Filed with Secretary of State June 13, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 9356.3 of the Government Code is amended to read:

9356.3. This section applies to any member heretofore or hereafter elected to fill an unexpired term of office as Member of the Legislature, and who is a Member of the Legislature on the effective date of this section as amended at the 1961 General Session or who becomes a Member of the Legislature after such date.

(a) If such member is elected as a Member of the Legislature at a special election held prior to June 15 of any calendar year, the period of service of such member during the remainder of that calendar year shall constitute one calendar year of service for the purpose of computing service under this act if he makes contributions therefor to the Legislators' Retirement Fund. Such contributions shall be in an amount equal to 4 percent of the compensation he would have received as legislator during the period of the calendar year prior to his election.

(b) If the time of service of a member elected to fill an unexpired term of office as Member of the Legislature amounts to more than one-half of the full term for that office, he shall receive credit for service for the full term of office if he makes contributions therefor to the Legislators' Retirement Fund. Such contributions shall be in an amount equal to 4 percent of the compensation he would have received as legislator during the remainder of the term.

CHAPTER 815

An act to amend Sections 74841 and 74843 of the Government Code, and to amend Section 74843 of the Government Code, as proposed by Senate Bill No. 884, relating to the Vallejo Municipal Court.

[Approved by Governor June 13, 1961. Filed with Secretary of State June 13, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 74841 of the Government Code is amended to read:

74841 There shall be two judges. Two judges

SEC. 2 Section 74843 of said code is amended to read:

74843. The clerk may appoint:

(a) One chief deputy clerk who shall receive a minimum salary of three hundred forty-one dollars ($341) monthly with increments of seventeen dollars ($17) and eighteen dollars ($18) and nineteen dollars ($19) and twenty dollars ($20) and twenty-one dollars ($21) and twenty-two dollars ($22) to a maximum of four hundred fifty-eight dollars ($458) monthly. Chief deputy clerk

(b) Four senior deputy clerks each of whom shall receive a minimum salary of three hundred ten dollars ($310) monthly with increments of fifteen dollars ($15) and sixteen dollars ($16) and seventeen dollars ($17) and eighteen dollars ($18) and nineteen dollars ($19) and twenty dollars ($20) to a maximum of four hundred fifteen dollars ($415) monthly. Senior deputy clerks

(c) Six deputy clerks each of whom shall receive a minimum salary of two hundred fifty-five dollars ($255) monthly with increments of thirteen dollars ($13) and thirteen dollars ($13) and fourteen dollars ($14) and fifteen dollars ($15) and fifteen dollars ($15) and sixteen dollars ($16) to a maximum of three hundred forty-one dollars ($341) monthly. Deputy clerks

SEC. 3. Section 74843 of the Government Code, as proposed by Senate Bill No. 884, is amended to read:

74843. The clerk may appoint:

(a) One chief deputy clerk who shall receive a minimum salary of three hundred fifty-eight dollars ($358) monthly with increments of eighteen dollars ($18) and nineteen dollars ($19) and twenty dollars ($20) and twenty-one dollars ($21) and twenty-two dollars ($22) and twenty-three dollars ($23) to a maximum of four hundred eighty-one dollars ($481) monthly. Chief deputy clerk

(b) Four senior deputy clerks each of whom shall receive a minimum salary of three hundred twenty-five dollars ($325) monthly with increments of sixteen dollars ($16) and seventeen dollars ($17) and eighteen dollars ($18) and nineteen dollars ($19) and twenty dollars ($20) and twenty-one dollars ($21) to a maximum of four hundred thirty-six dollars ($436) monthly. Senior deputy clerks

Deputy clerks

(c) Six deputy clerks each of whom shall receive a minimum salary of two hundred sixty-eight dollars ($268) monthly with increments of thirteen dollars ($13) and fourteen dollars ($14) and fifteen dollars ($15) and fifteen dollars ($15) and sixteen dollars ($16) and seventeen dollars ($17) to a maximum of three hundred fifty-eight dollars ($358) monthly.

Effect. Stats. 1961, Ch. 1825

SEC. 4. Section 3 of this act shall become operative only if Section 74843 of the Government Code as proposed to be amended by Senate Bill No. 884 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Senate Bill No. 884 takes effect; at which time Section 74843 of the Government Code as amended by Section 2 of this act is repealed.

CHAPTER 816

An act to add Section 1874 to the Civil Code, relating to care and disposition of unclaimed property in possession of the Regents of the University of California.

In effect September 15, 1961

[Approved by Governor June 13, 1961. Filed with Secretary of State June 13, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1874 is added to the Civil Code, to read:

1874. The Regents of the University of California may provide by resolution or regulation for the care, restitution, sale or destruction of unclaimed property in the possession of the Regents of the University of California or of the University of California Police Department. Any resolution or regulation adopted pursuant to this section shall provide therein (1) that such unclaimed property shall be held by the Regents of the University of California or the University of California Police Department for a period of at least six months, (2) that thereafter such property will be sold at public auction to the highest bidder, and (3) that notice of such sale shall be given by the Regents of the University of California or the University of California Police Department at least five days before the time therefor by publication once in a newspaper of general circulation published in the county in which such property is held. The Regents of the University of California may dispose of any such property upon which no bid is made at any such sale.

CHAPTER 817

An act to add Section 2943 to the Civil Code, relating to the duties of a mortgagee and beneficiary of a deed of trust.

[Approved by Governor June 13, 1961. Filed with Secretary of State June 13, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 2943 is added to the Civil Code, to read:

2943. A mortgagee or beneficiary of a deed of trust, or his assignees, or his authorized agent, shall, on the written demand of the mortgagor or trustor, or his authorized agent or his successor in interest, made before the recording of a notice of default under a deed of trust containing a power of sale or before the commencement of a foreclosure proceeding or recordation of notice of default, prepare and deliver to him a written statement showing the amount of the unpaid balance of the obligation secured by the mortgage or deed of trust and the interest rate, the amounts of periodic payments, if any, and the date on which the obligation is due in whole or in part.

The written demand of the mortgagor or trustor or his successor in interest shall be in substantially the following form:

In accordance with Section 2943, Civil Code, demand is hereby made that a statement pertaining to that certain promissory note, $_____ dated _____ executed by _____ to _____ secured by deed of trust affecting the property more commonly known as _____ or described as
(Street address)
follows:

_____
(Legal description of trust property)
be mailed to _____ at _____
Name Address

_____
Signature

If demand is made by an agent of the trustor or by the successor in interest of the trustor, the beneficiary may, before delivering a statement, require reasonable proof that the person making the demand is, in fact, an authorized agent or a successor in interest, in which event the beneficiary shall not be subject to the penalties of this section until 30 days after receipt of statement by the trustor or his successor in interest appointing the authorized agent or successor in interest. A statement in writing signed by the trustor or his successor in interest appointing an authorized agent when delivered personally to the mortgagee or beneficiary or delivered by registered return receipt mail shall constitute reasonable proof as to the identity of an agent. Similar delivery of a policy of title

insurance, preliminary report issued by a title insurance company, original or photographic copy of a grant deed or certified copy of letters testamentary, guardianship, or conservatorship shall constitute reasonable proof as to the identity of a successor of interest, provided the person demanding a statement is named as successor in interest in the document.

Delivery of the statement by the mortgagee or beneficiary, as herein referred to, shall mean depositing or causing to be deposited in the United States mail an envelope, registered return receipt requested and with postage prepaid, containing a copy of the statement, addressed to the person whose name and address is set forth in the demand therefor.

If a mortgagee or beneficiary under a deed of trust, or his assignee, for a period of 30 days after receipt of such written demand willfully fails to prepare and deliver such statement, he is liable to the mortgagor or trustor or his successor in interest for all damages which he may sustain by reason of such refusal and, whether or not actual damages are sustained, he shall forfeit to the mortgagor or trustor the sum of one hundred dollars ($100). Each such failure to prepare and deliver such a statement, occurring at a time when, pursuant to this section, the mortgagee or trustee, is required to prepare and deliver the statement, creates a separate cause of action, but a judgment awarding a mortgagor or trustor such forfeiture, or damages and forfeiture, for any such failure to prepare and deliver a statement bars recovery of such damages and forfeiture for any other failure to prepare and deliver a statement, with respect to the same obligation, in compliance with a demand therefor made within six months before or after the demand as to which the award was made.

Notwithstanding any other provisions of this section, a mortgagee or beneficiary of a deed of trust, or his assignee, who has furnished one such statement as herein required need not furnish another until a period of six months has elapsed. If the mortgagee or beneficiary of a deed of trust, or his assignee, has more than one branch, office or other place of business, then the demand shall be made to the branch or office at which the payments of the obligation are made, and the statement, unless it specifies otherwise, shall be deemed to apply only to the unpaid balance owing to or payable at the branch or office secured by the mortgage or deed of trust.

The mortgagee or beneficiary of a deed of trust, or his assignees, may make a reasonable charge for furnishing the required statement

This section applies only to mortgages and deeds of trust executed on or after the effective date of this section.

CHAPTER 818

An act to amend Section 13661 of, and to add Sections 13661.1 to 13666.3, inclusive, to, the Government Code, relating to distribution of state publications.

[Approved by Governor June 13, 1961. Filed with Secretary of State June 13, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 13661 of the Government Code is amended to read

13661. To the end that the policy specified in Section 13660 may be effectively carried out, the State Printer shall print two hundred (200) copies of each state publication for deposit in a "library stockroom" (to be maintained by the State Printer for that purpose) for distribution to libraries as hereinafter provided, except that of legislative bills, journals, and histories, only one hundred (100) copies shall be printed for such deposit and distribution, and of publications not printed by the State Printer, the department, commission or other agency concerned shall print one hundred (100) copies for such distribution. An additional two (2) copies of each state publication as selected by the State Archivist shall be printed and delivered to the State Archivist by the State Printer or the department, commission, or other agency concerned, and all remaining copies in excess of two (2) copies heretofore received shall be distributed to interested parties without charge or destroyed. The cost of printing, publishing, and distributing such copies shall be fixed and charged pursuant to Section 13551. Additional amounts shall be charged by the State Printer to cover the cost of preparing, printing, and distributing the lists of publications required by Section 13667.

Copies to be printed

"Library stockroom"

SEC. 2. Section 13666.1 is added to said code, to read:

13666.1. Upon application, county law libraries, the law libraries of any law school approved by the State Bar of California, the Supreme Court Library, and the law libraries of the Department of Justice and the law library of the Continuing Education of the Bar of the University of California Extension may contract as provided in Section 13665 to become a selective or complete depository library.

Depository libraries

SEC. 3. Section 13666.2 is added to said code, to read:

13666.2. Because of the specialized service rendered the citizens of this State through assistance in the administration of justice, proximity to another depository library shall be disregarded in the selection of a law library as a depository of legal materials.

Same Proximity to other depository libraries

SEC. 4. Section 13666.3 is added to said code, to read:

13666.3. Maintenance of basic general documents shall not be required of law library depositories, but basic legal documents shall be maintained by them. Such basic legal documents shall include legislative bills, legislative committee

Maintenance of basic legal documents

hearings and reports, legislative journals, statutes, administrative reports, California Administrative Code and Register, annual reports of state agencies and other legal materials published by the State, where obtainable through the agency preparing same.

CHAPTER 819

An act to add Section 8963.5 to the Health and Safety Code, relating to cemeteries.

In effect September 15, 1961

[Approved by Governor June 13, 1961 Filed with Secretary of State June 13, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 8963.5 is added to the Health and Safety Code, to read:

8963.5. A district may convey any cemetery of the district to any cemetery authority upon such terms and conditions and for such consideration as the trustees determine are in the best interests of the district. Any cemetery which is conveyed to a cemetery authority by a district pursuant to this section shall be maintained by the cemetery authority as an endowment care cemetery in accordance with the provisions of Sections 8738 and 8738.1 of this code.

CHAPTER 820

An act to amend the title of Chapter 7 (commencing with Section 25600) of Division 20 of, and Section 25601 of, to repeal Section 25603 of, to add Sections 25600, 25603, 25604, 25606, 25607, and 25608 to, and to amend and renumber Sections 25600 and 25604 of, the Health and Safety Code, relating to the control of radioactive contamination of the environment.

In effect September 15, 1961

[Approved by Governor June 13, 1961 Filed with Secretary of State June 13, 1961]

The people of the State of California do enact as follows:

SECTION 1. The title of Chapter 7 (commencing with Section 25600) of Division 20 of the Health and Safety Code is amended to read:

CHAPTER 7. CONTROL OF RADIOACTIVE CONTAMINATION OF THE ENVIRONMENT

SEC. 1.5. Section 25600 is added to said code, to read:

Policy

25600. The Legislature finds and declares that radioactive contamination of the environment may subject the people of the State of California to unnecessary exposure to ionizing radiation unless it is properly controlled. It is therefore de-

clared to be the policy of this State that the State Department of Public Health initiate and administer necessary programs of surveillance and control of those activities which could lead to the introduction of radioactive materials into the environment.

SEC. 2. Section 25600 of said code is amended and renumbered to read:

Definitions

25600.5. As used in this chapter the following terms have the meanings described in this section:

(a) "Department" means the State Department of Public Health.

(b) "Environment" means all places outside the control of the person responsible for the radioactive materials.

(c) "Field tracer study" is any project, experiment, or study which includes provision for deliberate introduction of radioactive material into the environment for experimental or test purposes.

(d) "Person" includes any association of persons, copartnership or corporation

(e) "Radiation," or "ionizing radiation," means gamma rays and X-rays; alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(f) "Radioactive material" means any material or combination of materials that spontaneously emits ionizing radiation.

(g) "Radioactive waste" means any radioactive material that is discarded as nonusable.

(h) "Significant" or "significantly," as applied to radioactive contamination, means such concentrations or amounts of radioactive material as are likely to expose persons to ionizing radiation equal to or greater than the guide levels published by the Federal Radiation Council.

(i) "Radiological monitoring" means the measurement of the amounts and kinds of radioactive materials in the environment.

SEC. 3. Section 25601 of said code is amended to read:

Disposal of radioactive wastes

25601. No person shall bury, throw away, or in any manner dispose of radioactive wastes within the State except in such a manner and at such locations as will result in no significant radioactive contamination of the environment.

Repeal

SEC. 4. Section 25603 of said code is repealed.

SEC. 5. Section 25603 is added to said code, to read:

Orders prohibiting storage, etc., of radioactive wastes

25603. The department may, by written order, prohibit the storage, packaging, transporting, or loading of radioactive wastes if there is a reasonable likelihood that such activities will result in significant radioactive contamination of the environment.

SEC. 6. Section 25604 of said code is amended and renumbered to read:

Actions to enjoin storage, etc., of radio-active wastes

25605. The department may bring an action in a court of competent jurisdiction to enjoin the storage, packaging, transporting, loading, or disposal of radioactive wastes in violation

of any written order issued by the department pursuant to Section 25602 or 25603. The court may, if it appears necessary, enjoin any person from using radioactive material who thereby produces radioactive waste which the court finds is being disposed of in violation of the provisions of this chapter.

SEC. 7. Section 25604 is added to said code, to read:

Appeal from order

25604. The person to whom an order has been issued pursuant to Section 25602 or 25603 may appeal the order of the department to any court of competent jurisdiction.

SEC. 8. Section 25606 is added to said code, to read:

Surveillance over storage, etc., of radioactive waste

25606. The department shall maintain surveillance over the storage, packaging transporting, and loading of radioactive waste within this State regardless of such waste's ultimate destination. In carrying out its duties under this section the department, with the approval of the Co-ordinator of Atomic Energy Development and Radiation Protection, shall enter into agreement with the Division of Industrial Safety, and may enter into agreement with other state and local agencies, to conduct any appropriate inspection and enforcement activities. Any agreement with state and local agencies shall not duplicate work to be done pursuant to agreement with the Division of Industrial Safety nor shall work done by the Division of Industrial Safety duplicate work agreed to be done by other state and local agencies.

SEC. 9. Section 25607 is added to said code, to read:

Radiological monitoring

25607. No person shall operate a nuclear reactor, nuclear fuel reprocessing plant, or other installation, as defined by the department, which could, as a result of routine operations, accident, or negligence, significantly contaminate the environment with radioactive material, without first instituting and maintaining an adequate program of radiological monitoring. The proposed program shall be submitted to the department for review and acceptance as to its adequacy.

SEC. 10. Section 25608 is added to said code, to read:

Approval of field tracer studies

25608. No person shall conduct any field tracer study unless detailed plans of such study have been approved by the department. In reviewing proposed field tracer studies, the department shall consider at least the following elements:

(a) That there is shown to be a substantial public interest in the information intended to be obtained by the study.

(b) That the study will be performed by persons or agencies competent to handle and use the radioactive material safely and with due regard for potential effects on public health.

(c) That the study is planned so as to impose the least possible exposure to ionizing radiation consistent with achieving the study's desired objectives.

(d) That there is no likelihood that any person will be exposed to ionizing radiation in excess of guide levels published by the Federal Radiation Council. The department may, as a condition to its approval of a field tracer study, require a representative of the department to be present during such study.

CHAPTER 821

An act to amend Section 583 of the Probate Code, relating to purchases of property of estate by executor or administrator.

[Approved by Governor June 13, 1961. Filed with Secretary of State June 14, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 583 of the Probate Code is amended to read:

583. No executor or administrator may purchase any property of the estate, or any claim against the estate, directly or indirectly, nor be interested in any such purchase; and if he pays any claim for less than its full amount he may have credit in his accounts only for the amount actually paid.

This section does not prohibit purchase of property of an estate by the executor or administrator pursuant to the will of the decedent or a contract in writing made during the lifetime of the decedent, provided the contract is one which can be specifically enforced.

Proceedings for a decree authorizing and directing the conveyance to him of the property pursuant to such contract shall conform to the provisions of Article 3 (commencing with Section 850) of Chapter 14 of this division, and, in addition to the notice therein required, notice of the hearing shall be given by mail at least 10 days before the hearing to all heirs, devisees, and legatees named in the petition for probate of the will or in the petition for letters of administration, as the case may be, and to all persons who have requested notice or who have given notice of appearance as is more particularly provided in Section 1200.1

CHAPTER 822

An act to amend Sections 4845.20, 4852.22, 4852.30, 4845.33, 4845.34, 6910, 6917, 6921, and 6923 of the Health and Safety Code, relating to sanitation and sanitary districts.

[Approved by Governor June 13, 1961. Filed with Secretary of State June 14, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 4845.20 of the Health and Safety Code is amended to read:

4845.20 All or any portion of the unincorporated territory within a district, or all or any portion of territory within a district which territory was, subsequent to the formation of the district, included within a city by annexation, incorporation, or otherwise, may be withdrawn from the district when all of the following conditions exist:

Withdrawal of territory

(a) The district has been in existence for at least one year;

(b) In the event the district has indebtedness evidenced by bonds and the indebtedness is outstanding and owing on the date of the election or upon receipt of the verified petition, or upon the adoption of the resolution, by the board of supervisors, the property within any territory withdrawing from the district shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof, except as otherwise provided in Section 4845.37.

(c) The withdrawal will not interfere with the operation of the sewerage system in the balance of the district.

(d) The withdrawal will not interfere with the economic feasibility of the development of the sewerage system in the district.

Provided, however, that no portion of a city shall be withdrawn from a sanitation district under the provisions of this article if such city is in its entirety within one or more sanitation districts.

SEC. 2. Section 4845.22 of said code is amended to read:

Calling of election

4845.22. The election shall be called and conducted by the board of directors of the district whenever a petition signed by twenty-five percent (25%) of the qualified electors residing in the territory seeking to withdraw, is presented to the board, provided the board of directors of the district finds that the conditions provided in Section 4845.20 exist. The petition shall describe the exterior boundaries of the unincorporated territory seeking to withdraw, and request that an election shall be called and conducted on the proposition to withdraw.

SEC. 3. Section 4845.30 of said code is amended to read:

Petition

4845.30. A verified petition signed by the owners of real property in the portion to be excluded, said owners owning more than fifty percent (50%) in value of the assessed real property, shall be presented to the board of supervisors of the county within which the district is located. Said petition shall contain the following:

(a) A legal description of the area to be withdrawn together with a map thereof;

(b) The amount of indebtedness of a district presently outstanding, if any;

(c) Factual data establishing that the exclusion will not interfere with the operation of the sewage system in the balance of the district, and that the conditions provided in Section 4845.20 exist;

(d) A statement by the county assessor of said county that the petition appears to be signed by the owners of more than 50 percent of value of the assessed real property of the area described in the petition as appears from the current assessment roll of the county or city within which the area to be withdrawn is situated.

SEC. 4. Section 4845.33 of said code is amended to read:

4845 33. The board of directors of the county sanitation district in which the area proposed to be excluded is situated shall report in writing to the board of supervisors at the time set for the public hearing as to the extent of the district, indebtedness, present obligations, the effect of such exclusion upon the operation of its sewage system, and whether or not the conditions provided in Section 4845.20 exist. Report

SEC. 5. Section 4845.34 of said code is amended to read:

4845.34. At the time designated, the board of supervisors shall hear the petition, if any, or the resolution of intention, and any person interested therein and may adjourn the hearing from time to time not to exceed 60 days. The board of supervisors, if it finds that the conditions provided in Section 4845.20 exist, and if it further finds that the portion of the district sought, or intended, to be withdrawn will not be benefited by remaining in the district, and that the territory not sought, or intended, to be withdrawn will be benefited by continuing as a district, may upon the conclusion of final hearing upon said petition, or said resolution of intention, grant or order such withdrawal, describing the area withdrawn, from the district; and subject to Sections 54900 to 54903, inclusive, of the Government Code said portion thereafter is no longer a portion of the district for any purpose, except that in the event district indebtedness or district expense is outstanding and owing on the date of the order granting or ordering said exclusion, the property within any territory so excluded from the district shall nevertheless remain liable for assessment and payment of the tax for its pro rata share thereof until the extinguishment of said indebtedness or expense, except as otherwise provided in Section 4845.37. Withdrawal

Outstanding indebtedness

SEC. 6. Section 6910 of said code is amended to read:

6910. When a portion of a district has been included within a city by annexation, incorporation, or otherwise the portion so included may be excluded from the district in the manner hereinafter set forth in this chapter, when all of the following conditions exist. Exclusion of portion of district

(a) The district has no bonded indebtedness.

(b) There are no other obligations of the district which the portion to be excluded should justly share.

(c) The exclusion will not interfere with the operation of the sewerage system in the balance of the district.

(d) The exclusion will not interfere with the economic feasibility of the development of the sewerage system in the district.

SEC. 7. Section 6917 of said code is amended to read:

6917. This section provides an alternative procedure for the exclusion of any portion of territory within a district. Any portion of a district which is not substantially and directly benefited by being in the district, or by its continued inclusion therein, may be excluded from the district if the exclusion will not interfere with the economic feasibility of the development of the sewage system in the district by order of the district board upon receipt of the verified petition of the Alternative procedure

owners in fee of land within that portion of the district, which has an assessed value with improvements in excess of one-half of the assessed value of all the privately owned land and improvements in the portion of the district proposed to be excluded.

SEC. 8. Section 6921 of said code is amended to read:

Hearing

6921. If upon the hearing, the district board determines that it is for the best interests of the district that all or any part of the portion of the district proposed to be excluded be excluded from the district, or if it determines that all or part of such portion will not be benefited by continued inclusion in the district, and that the exclusion will not interfere with the economic feasibility of the development of the sewage system in the district, the district board shall make its order describing the boundaries of the territory proposed to be excluded and shall present to the county board of supervisors a petition setting forth a description of the territory and the findings of the board and requesting the board of supervisors to exclude the territory from the district.

Order

SEC. 9. Section 6923 of said code is amended to read:

Appeal

6923. In the event the district board should deny the petition for exclusion, the petitioners therefor may, within 90 days after the order of the district board denying exclusion, appeal such denial to the board of supervisors. The board of supervisors shall thereupon give notice in writing to the district board of receipt of such appeal and the date of a hearing thereon. At such hearing the board of supervisors shall determine if all or part of such portion sought to be excluded will not be benefited by continued inclusion in the district. If it shall so determine and if it shall determine that the exclusion will not interfere with the economic feasibility of the development of the sewage system in the district, the board of supervisors shall make its order describing the boundaries of the territory to be excluded and said territory shall then be excluded from the district.

CHAPTER 823

An act to amend Section 42 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of the 1960 First Extraordinary Session), relating to Embarcadero Municipal Improvement District.

In effect September 15, 1961

[Approved by Governor June 13, 1961 Filed with Secretary of State June 14, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 42 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of the 1960 First Extraordinary Session) is amended to read:

SEC. 42. Each officer shall receive such compensation as the board shall, by ordinance, establish; provided, however, that the compensation of each director for attendance at meetings shall not exceed twenty-five dollars ($25) for each meeting of the board attended by him, nor seventy-five dollars ($75) in any calendar month.

CHAPTER 824

An act to amend Section 1260 of, and to add Section 1293 to, the Business and Professions Code, relating to clinical laboratory technology.

[Approved by Governor June 13, 1961. Filed with Secretary of State June 14, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1260 of the Business and Professions Code is amended to read:

Clinical laboratory bioanalyst license Prerequisites

1260. The board shall issue a clinical laboratory bioanalyst's license to each person who is a lawful holder of a degree of bachelor of arts or bachelor of science or equivalent degree issued after a full course of resident instruction in one or more established and reputable institutions maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western College Association, Northwest Association of Secondary and Higher Schools or an essentially equivalent accrediting agency, as determined by the department, with a major work for such degree in one of the biological sciences and whom the board finds by written, oral, and practical examination to be properly qualified. The board shall establish by regulation the required courses to be included in the college or university training. The additional prerequisites for entrance into the examination for clinical laboratory bioanalyst shall be one of the following:

Additional prerequisites

(a) An applicant applying on or after January 1, 1968, must possess a masters degree, or an equivalent degree as determined by the department, or a higher degree in a biological science, plus a minimum of four years experience as a licensed clinical laboratory technologist, performing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory approved by the department. The quality and variety of this experience as well as the clinical laboratory in which it was obtained, must be satisfactory to the department. The experience as required under this section must have been obtained within the six-year period immediately antecedent to the examination.

(b) For an applicant applying on or after the effective date of the amendments made to this section at the 1961 Regular Session of the Legislature, a minimum of five years'

experience, at least one year of which shall have been immediately antecedent to admission to the examination, as a licensed clinical laboratory technologist or its equivalent as determined by the department performing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory satisfactory to the department.

SEC. 2. Section 1293 is added to said code, to read:

Report from clinical laboratory

1293. A report of results issuing from a clinical laboratory shall show clearly the name of the director of the laboratory.

CHAPTER 825

An act to amend Section 25950 of the Vehicle Code, relating to vehicle lights.

In effect September 15, 1961

[Approved by Governor June 13, 1961. Filed with Secretary of State June 14, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 25950 of the Vehicle Code is amended to read:

25950. Unless provided otherwise, the color of lights upon a vehicle shall be as follows:

(a) All lights visible from in front of a vehicle shall be white or amber

(b) All lights visible from the rear of a vehicle shall be red.

This section applies to the color of a lamp whether lighted or unlighted, and to any reflector exhibiting or reflecting perceptible light of 0.05 of one candlepower or more per foot-candle of incident illumination, except that rear lamps, stop lamps, and turn signal lamps visible to the rear may be white when unlighted.

CHAPTER 826

An act to add Section 7.5 to the San Bernardino County Flood Control Act (Chapter 73, Statutes of 1939), relating to taxes of the district, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 13, 1961. Filed with Secretary of State June 14, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 7.5 is added to the San Bernardino County Flood Control Act (Ch. 73, Stats. 1939), to read:

Sec. 7.5. All of the exemptions provided in Article XIII of the Constitution shall apply to the taxes levied pursuant to this act in the same manner and to the same extent as though said taxes were levied for general county purposes.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

Taxes levied pursuant to the San Bernardino County Flood Control Act are levied together with taxes for county purposes. Heretofore, no constitutional exemptions have been allowed on such flood control taxes, leaving these sums for collection at great expense to the county. This act will remedy the situation by allowing the exemptions to be applied to such taxes levied during the current year.

CHAPTER 827

An act to amend Sections 4916, 4917, 4919, and 4920 of the Health and Safety Code, relating to sewer maintenance districts.

[Approved by Governor June 13, 1961 Filed with Secretary of State June 14, 1961] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 4916 of the Health and Safety Code is amended to read:

4916. A petition for dissolution, signed by 50 or more freeholders and residents of the district, or by a majority of the freeholders and residents if there are less than 100 freeholders and residents in the district, may be filed with the board to initiate dissolution proceedings, or the board may by resolution initiate dissolution proceedings. Petition for dissolution

SEC. 2. Section 4917 of said code is amended to read:

4917. Upon receiving a petition for dissolution, or adopting a resolution to initiate dissolution proceedings, the board shall fix a time for a hearing of the petition or resolution, which shall not be less than 15 nor more than 30 days after its receipt or adoption. Time and place of hearing

SEC. 3. Section 4919 of said code is amended to read:

4919. At the time appointed for the hearing or at any time to which it is continued, the board shall hear and pass upon the petition or resolution and may grant or deny the proposed dissolution, and its decision is final. Hearing

SEC. 4. Section 4920 of said code is amended to read:

4920. If the proposed dissolution is granted, the board shall by resolution order the dissolution of the district and the district is thereupon dissolved. The property of the district remains the property of the county in which the district is located. Resolution Property

If at the time of the dissolution there is any indebtedness of the district outstanding, the district shall be dissolved for all purposes except the levy and collection of taxes for the pay- Outstanding indebtedness

ment of such outstanding indebtedness. From the time the district is thus dissolved until the indebtedness is fully paid, the board of supervisors of the county wherein the district is located shall be the ex officio governing body of the district. That body shall levy such taxes and perform such other acts as may be necessary to pay the outstanding indebtedness of the district.

CHAPTER 828

An act to amend Sections 1261 and 1263 of the Business and Professions Code, relating to clinical laboratory technology

In effect September 15, 1961

[Approved by Governor June 13, 1961. Filed with Secretary of State June 14, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1261 of the Business and Professions Code is amended to read.

Clinical laboratory technologist license

1261. The board shall issue a clinical laboratory technologist's license to each person found by it to be properly qualified and it shall hold written, oral, or practical examinations to aid it in judging the qualifications of applicants. The examinations for license to work in a clinical laboratory as a technologist shall cover the fields of biochemistry, hematology, and microbiology, except that the examination for a special clinical laboratory technologist's license shall be concerned only with the subject or subjects in which the license is to be issued. The minimum prerequisites for entrance into the examination shall be one of the following:

Minimum prerequisites

(a) Graduation from a college or university maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western College Association or an essentially equivalent accrediting agency with a baccalaureate and a major in clinical laboratory technique, the last year of which course shall have been primarily clinical laboratory procedure; provided, however, that if the curriculum did not include practical clinical laboratory work, six months as a clinical laboratory technologist trainee or the equivalent as determined by the department in a clinical laboratory approved by the department shall be required; or

(b) Graduation from a college or university maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western College Association, or an essentially equivalent accrediting agency, with a baccalaureate and a major in one of the biological sciences or essential equivalent as may be determined by the department plus one year as a clinical laboratory technologist trainee or the equivalent as determined by the department in a clinical laboratory approved by the department. One year of practical experience in a public health laboratory may be accepted if

such experience or if university or college courses included practical work in clinical biochemistry and hematology; or

(c) A minimum of three years of experience as a clinical laboratory technologist trainee or the equivalent as determined by the department doing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory approved by the department and 60 semester hours or equivalent quarter hours of university or college work in which are included the following courses, or essential equivalent as may be determined by the department; general inorganic chemistry—8; quantitative analysis—3; basic biological science—8; bacteriology—4. Additional college or university work which includes courses in the fundamental sciences may be substituted for two of the three years of experience in the ratio of 30 semester hours or equivalent quarter hours for each year of experience; provided, however, that individuals seeking admission to the examination on or after January 1, 1965, shall meet the prerequisites specified in subdivisions (a) or (b) of this section, or the prerequisites as set forth by the Council of Medical Education and Hospitals of the American Medical Association and the Board of Registry of Medical Technologist of the American Society of Clinical Pathologists, and the American Society of Medical Technologists, or equivalent accreditation body approved by the Department of Public Health, provided, however, that the total or combined time of college or university work and practical training and experience in an approved clinical laboratory be not less than five years or as specified in subsection a.

An applicant whose application is based upon a certificate issued by such certifying board or body shall satisfy the department that the standard of the certifying board on the date that the certificate was issued was in no degree or particular less than that which was required for a technologist license under this chapter on or after January 1, 1962.

SEC. 2. Section 1263 of said code is amended to read:

Registration as a clinical laboratory technologist trainee. Qualifications

1263. The department shall register as a clinical laboratory technologist trainee each qualified person who desires a trainee status in any laboratory that is approved by the department to provide training. In order to qualify for registration an applicant must have 60 semester hours or equivalent quarter hours of university or college work in which are included the following courses, or essential equivalent as may be determined by the department; general inorganic chemistry—8; quantitative anaylsis—3; basic biological sciences—8; bacteriology—4; provided, however, that an applicant seeking registration on or after January 1, 1965, shall have graduated from a college or university maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western College Association or an essentially equivalent accrediting agency with a baccalaureate and a major in clinical laboratory technique, one of the biological sciences, or essential equivalent as may be determined by the department. If the

prerequisites for certification as set forth by the Council of Medical Education and Hospitals of the American Medical Association and the Board of Registry of Medical Technologist of the American Society of Clinical Pathologists, and the American Society of Medical Technologists or equivalent accreditation body approved by the department have been fulfilled, but the total requirement specified in subsection (c) has not been fulfilled then the department shall register such person as a clinical laboratory technologist trainee. Registration certificates shall not be issued for a period in excess of two years after completion of the minimum training period required for the trainee to qualify for the clinical laboratory technologist's examination.

CHAPTER 829

An act to add Section 4845.38 to the Health and Safety Code, relating to county sanitation districts.

In effect September 15, 1961

[Approved by Governor June 13, 1961. Filed with Secretary of State June 14, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 4845.38 is added to the Health and Safety Code, to read:

4845.38. Territory included within a city by annexation, incorporation, or otherwise may be withdrawn from the district through any of the procedures specified in this article, without the territory, subsequent to withdrawal, being subject to any further taxes by the district for the payment of maintenance, operating, or other expenses including the payment of principal and interest on bonds outstanding at the time of withdrawal, if the board of supervisors finds, at a hearing held after a petition for withdrawal is presented to the board pursuant to Section 4845.22 and prior to calling an election for withdrawal pursuant to Section 4845.23 or at the hearing required by Section 4845.34 by a resolution duly adopted, that the territory proposed to be withdrawn is not benefited by any services performed by the district and that the territory was annexed to the district after the bonded indebtedness was incurred.

CHAPTER 830

An act to add Section 29120.1 to the Government Code, relating to the levy of taxes and assessments.

[Approved by Governor June 13, 1961 Filed with Secretary of State June 14, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 29120.1 is added to the Government Code, to read:

29120.1. In the levying of taxes and assessments for public agencies, including but not limited to those special districts for which the board is ex officio the governing body or whose affairs and funds are under the supervision and control of the board, the board shall make due allowance for delinquency as fixed by law or by the board, but not to exceed five percent (5%) of the equalized value of the secured roll fixed by the board other than for bonded indebtedness.

CHAPTER 831

An act to amend Section 8680 of the Streets and Highways Code, relating to the Improvement Bond Act of 1915.

[Approved by Governor June 13, 1961 Filed with Secretary of State June 14, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 8680 of the Streets and Highways Code is amended to read:

8680. The unpaid assessments shall be payable in annual series corresponding in number to the number of series of bonds issued. An annual proportion of each assessment shall be payable in each year preceding the date of maturity of each of the several series of bonds which have been issued, sufficient to pay the bonds when due. The annual proportion of each assessment coming due in any year, together with the annual interest on such assessment, shall be payable in the same manner and at the same time and in the same installments as the general taxes of the city on real property are payable and the assessment installments and the annual interest on the assessment shall be payable and become delinquent at the same times and in the same proportionate amounts and bear the same proportionate penalties and interest after delinquency as do the general taxes on real property of the city.

CHAPTER 832

An act to amend Section 10401 of the Streets and Highways Code, relating to the Municipal Improvement Act of 1913.

In effect September 15, 1961

[Approved by Governor June 13, 1961 Filed with Secretary of State June 14, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 10401 of the Streets and Highways Code is amended to read:

10401 Upon the passage of the resolution provided for in Section 10312, the clerk of the legislative body shall, if bonds are to be issued, transmit to the superintendent of streets, or if no bonds are to be issued, to the city tax collector the diagram and assessment provided for in subdivisions (d) and (e) of Section 10204, and any modifications or corrections made by said legislative body. If other than a municipal corporation is conducting the proceeding, the diagram and assessment shall be transmitted to and recorded by the corresponding officer of the entity conducting the proceeding, which officer shall be the county surveyor if a county is conducting the proceeding, and such officer shall perform the duties provided in this division for the tax collector. If neither a municipal corporation nor a county is conducting the proceeding, a certified copy of the diagram and assessment shall be recorded with the county surveyor if all or any part of the improvement district is in unincorporated territory, and with the superintendent of streets or tax collector of the city if all or any part of the improvement district is in an incorporated territory. The recording of the certified copy of the diagram and assessment as required by this section shall give constructive notice of the creation of the assessment lien.

CHAPTER 833

An act to amend Section 1454 of the Government Code, relating to official bonds of state officers.

In effect September 15, 1961

[Approved by Governor June 13, 1961 Filed with Secretary of State June 14, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 1454 of the Government Code is amended to read:

1454. Unless otherwise provided, the official bonds of state officers prescribed by law shall be approved by either the Governor or the Director of Finance and filed and recorded in the office of the Secretary of State.

CHAPTER 834

An act to amend Section 1235 of the Military and Veterans Code, relating to veterans memorial districts.

[Approved by Governor June 13, 1961. Filed with Secretary of State June 14, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1235 of the Military and Veterans Code is amended to read:

1235. If there is outstanding bonded indebtedness at the time of dissolution of the district, the board of supervisors or governing body shall levy taxes and perform other acts necessary to raise money for the payment of the indebtedness of the district and the interest thereon and for the maintenance of the property of the district in good order and repair; and as ex officio board of directors, shall fulfill and compel fulfillment of contracts made by the district and shall maintain and protect all rights acquired by the district until the indebtedness is paid.

CHAPTER 835

An act to amend Sections 316, 458, 2602, 6620, 10223, 10230, 10317, 11591, 15027, 15141, 15197, 22833, 25302, and 29102 of, and to amend and renumber Section 11863 of, the Elections Code as enacted by the Legislature at its 1961 Regular Session, and to amend Sections 29161, 29164, and 29166 of the Public Utilities Code, relating to elections.

[Approved by Governor June 13, 1961. Filed with Secretary of State June 14, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

NOTE: The sections of the Elections Code affected by this chapter appear in their proper places in that code, Chapter 23 of the Statutes of 1961, as required by Section 9762 of the Government Code.

SEC. 15. Section 29161 of the Public Utilities Code is amended to read:

29161. Any election submitting the proposition of incurring indebtedness and the issuance of bonds called pursuant to the provisions of this part, may be held separately, or may be consolidated with any other election authorized by law, at which the qualified voters of any county, city and county, or city are entitled to vote. However, in the event any such election called pursuant to this part is consolidated with any other election, as provided by Chapter 4 (commencing at Section 23300), Part 2, Division 12 of the Elections Code, the provisions of this part setting forth the procedure for the calling of the election called pursuant to this part shall be com-

Separate elections to incur indebtedness

plied with, except that the resolution calling such election need not set forth the election precincts or polling places, or the officers of election which shall be the same as those set forth in the ordinance, order, resolution, notice, or other proceeding calling or providing for, or listing or designating the precincts, polling places, and election officers for the election with which the election called pursuant to this part is consolidated, and shall refer to such election or to the ordinance, order, resolution, notice, or other proceeding calling, providing for or giving notice of such election and which sets forth such precincts, polling places, and election officers. Such reference may be made by giving the number or title or date of adoption of such ordinance, resolution or order or to the date or proposed date of any publication of such notice and the name of the newspaper or proposed newspaper in which the notice has been or will be published or by any other definite description. Whenever a bond election called pursuant to this part is consolidated with a statewide general election held in the district, references to such general election shall be sufficient for all purposes of this part.

SEC. 16. Section 29164 of said code is amended to read:

Same: Expenses

29164. All the expenses of holding the election shall be borne by the district, except when the election is consolidated with another election pursuant to Chapter 4 (commencing at Section 23300), Part 2, Division 12 of the Elections Code in which case the expense borne by the district shall be that agreed upon by the district and the other governing body or bodies calling the election.

SEC. 17. Section 29166 of said code is amended to read:

Same: Returns

29166. The returns of the election shall be made and the votes shall be canvassed by the county clerk in each county contained in the district, within thirty (30) days after holding of the election, and the county clerks, respectively, shall certify the result of the election in each county, respectively, to the board of the district.

In the event that the election is consolidated with any other election, the returns of the election, the method of canvassing, and the results thereof shall be designated and declared in accordance with Chapter 4 (commencing at Section 23300), Part 2, Division 12 of the Elections Code.

CHAPTER 836

An act to add Section 2572 to the Education Code, and to add Section 1733 to Division 5 of the Education Code as enacted by Assembly Bill No. 463 of the 1961 Regular Session, relating to taxes of junior college districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 13, 1961. Filed with Secretary of State June 14, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 2572 is added to the Education Code, to read:

2572. Upon the formation of a junior college district the boundaries of which are coterminous with the boundaries of a single existing high school district of any type and which said districts are thereafter governed by governing boards of identical personnel, if prior to the formation of such junior college district the voters of the high school district at an election had voted a district tax rate in excess of the maximum rate prescribed by Section 20751 of this code such excess tax rate shall be continued at the option of the governing boards of the high school and junior college districts as the maximum combined tax rate of both of said districts for combined high school and junior college purposes for a period not to exceed the period of time for which such excess tax rate was so previously authorized by the voters of the high school district. Junior college district boundaries

SEC. 2. Section 1733 is added to Division 5 of the Education Code as enacted by Assembly Bill No. 463 of the 1961 Regular Session, to read:

1733. Upon the formation of a junior college district the boundaries of which are coterminous with the boundaries of a single existing high school district of any type and which said districts are thereafter governed by governing boards of identical personnel, if prior to the formation of such junior college district the voters of the high school district at an election had voted a district tax rate in excess of the maximum rate prescribed by Section 20751 of this code such excess tax rate shall be continued at the option of the governing boards of the high school and junior college districts as the maximum combined tax rate of both of said districts for combined high school and junior college purposes for a period not to exceed the period of time for which such excess tax rate was so previously authorized by the voters of the high school district. Same

SEC. 3. The addition of Section 1733 to Division 5 of the Education Code as enacted by Assembly Bill No. 463 of the 1961 Regular Session by Section 2 of this act, shall take effect only if Assembly Bill No. 463 of said session is enacted into law; in which case it shall take effect at the same time as As- Effect Assembly Bill No. 463

sembly Bill No. 463 and Section 2572 added to the Education Code by Section 1 of this act shall be of no force or effect.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety, within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

When a single high school district of any type by the vote of its electorate has increased its maximum tax rate for a specified or unspecified period of time in order to meet the cost of increased current district expenditures for such period of time, and at a later date a junior college district is formed the boundaries of which are coterminous with the high school district which has so provided for an excess tax rate, and the governing boards of which said high school district and junior college district are composed of identical personnel, under the law as it now exists the express provisions of subdivision (e) of Section 20751 of the Education Code would prohibit a continuance of the excess tax rate so previously authorized by the electorate of the high school district and which electorate is identical to that of the newly formed junior college district by virtue of the fact that the boundaries of each of said districts are coterminous. Thus the existing law (by virtue of the limitation prescribed by said subdivision (e) of Section 20751) adversely affects the formation of a junior college district (which includes and comprises all and the same territory of an existing single high school district) by terminating the excess tax rate previously authorized by the electors of said high school district and which excess tax rate was authorized for the particular purpose of carrying out a specified program of the district during the period of time for which the excess tax rate was authorized. This termination of the previously authorized excess tax rate at the time when a junior college district is organized (and the boundaries of which are coterminous with said existing high school district) and before the completion of the program for which such excess tax rate was provided, creates a serious problem in that neither the high school district nor the junior college district is able to finance its respective programs within the combined limits prescribed by said subdivision (e) of Section 20751 which as so prescribed for combined high school and junior college purposes is less than the excess tax rate specifically authorized by the electorate for such combined purposes when conducted by the high school district alone and prior to the formation of the junior college district. In the absence of authority to continue the excess tax rate so previously authorized by the electorate of the high school district (and which has now become the same electorate within the coterminous junior college district) the only course is to abandon the expanded educational program financed under such excess tax rate at an incomplete stage of such program when such abandonment will render worthless or seriously im-

pair the completed part of the program and further will wholly eliminate in the future a continuance of such expanded program because of lack of continuing finances available from such excess tax revenues. In order to remove at the earliest possible time this serious obstacle to the formation of a junior college district which includes all of the identical territory comprising a single existing high school district and to continue the policy of this Legislature in encouraging the formation of such districts and in order to prevent the hardships resulting from the termination of the excess tax rate previously authorized by the identical electorate and to insure the continuous orderly administration of the entire high school and junior college program in operation and effect under such excess tax rate so authorized by the electorate, and all without interruption or loss of tax income essential to the purposes of both districts, it is necessary that this act take effect immediately.

CHAPTER 837

An act to add Chapter 7 (commencing with Section 3380) to Division 4 of the Health and Safety Code, relating to the immunization of pupils of schools.

[Approved by Governor June 13, 1961 Filed with Secretary of State June 14, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing with Section 3380) is added to Division 4 of the Health and Safety Code, to read:

CHAPTER 7. IMMUNIZATION AGAINST POLIOMYELITIS

Immunization against poliomyelitis

3380. No minor or adult shall be admitted to any public or private elementary or secondary school as a pupil unless such person has, prior to admission, been immunized against poliomyelitis in the manner and with immunizing agents approved by the State Department of Public Health.

Same Written record

3381. Such immunization shall be evidenced by a written record made on a form prescribed by the department. A copy of the record shall be given to the parent or guardian of the child, or if the person receiving immunization is an adult, the copy shall be given to him.

Immunization program

3382. The county health officer of each county shall organize and have in operation by January 1, 1962, an immunization program so that immunization is made available to all persons required by this chapter to be immunized. He shall also determine how the cost of such a program is to be recovered. To the extent that the cost to the county is in excess of that sum recovered from persons immunized, funds made available by the school districts may be used to pay the cost of

the immunization of any persons seeking admission to the public schools. The remainder of the cost shall be paid by the county in the same manner as other expenses of the county are paid.

Immunization performed by a private physician shall be acceptable for admission to school if the immunization is performed and records are made in accordance with rules established by the State Department of Public Health.

Co-operation with county health officer

3383. The governing board of each school district and the governing authority of each private school shall co-operate with the county health officer in carrying out the program for immunization of persons applying for admission to any school under its jurisdiction. The governing board of any school district may use any funds, property, and personnel of the district for that purpose. The governing board of any school district and the governing authority of any private school may permit any person licensed as a physician and surgeon to administer immunization agents to the children and adults seeking admission to any school under its jurisdiction.

Exemption on account of beliefs

3384. Immunization of a person shall not be required for admission to a public or private elementary or secondary school if the parent or guardian (in the case of a minor), or the person seeking admission (if an adult), files with the governing board of the school district or the governing authority of the private school, as the case may be, a letter stating that such immunization is contrary to his or her beliefs. However, whenever there is good cause to believe that a person is suffering from poliomyelitis, the person may be temporarily excluded from the school until the governing board of the school district or the governing authority of the private school is satisfied that the disease does not exist.

Exemption on account of medical circumstances

3385. If the parent or guardian (in the case of a minor) or the person seeking admission (if an adult) files with the governing board of the school district or the governing authority of the private school a written statement by a licensed physician to the effect that the physical condition of the child or adult is such, or medical circumstances relating to the child or adult are such that immunization is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances which contraindicate immunization, such person shall be exempt from the requirements of this chapter to the extent indicated by the physician's statement.

Rules and regulations

3386. The department shall adopt and enforce all rules and regulations necessary to carry out the provisions of this chapter.

CHAPTER 838

An act to amend Sections 1112 and 1114.1 of the Agricultural Code, relating to poultry.

[Approved by Governor June 13, 1961 Filed with Secretary of State June 14, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1112 of the Agricultural Code is amended to read:

1112. As used in this article the classes of the kinds of poultry meat shall be: Definitions

(a) Chicken. The classes of chicken meat as determined by inspection of appearance and other physical characteristics are:

(1) Rock Cornish Game Hen or Cornish Game Hen. A rock Cornish game hen or Cornish game hen is a young immature chicken of either sex (usually five to six weeks of age) weighing not more than two pounds ready-to-cook weight which was prepared from a Cornish chicken of the progeny of a Cornish chicken crossed with another breed of chicken.

(2) Broiler or Fryer. A broiler or fryer is a young chicken (usually under 16 weeks of age) of either sex, that is tender-meated, with soft, pliable, smooth-textured skin, and flexible breastbone cartilage.

(3) Roaster. A roaster is a young chicken (usually under eight months of age) of either sex, that is tender-meated, with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than that of a broiler or fryer.

(4) Caponette, Caponette Fryer, or Caponette Roaster. A caponette is a young chicken with the general characteristics of either a fryer or roaster which has been treated with the hormone stilbestrol or its equivalent.

(5) Capon. A capon is an unsexed male chicken (usually under 10 months of age), that is tender-meated with soft, pliable, smooth-textured skin.

(6) Hen or Stewing Chicken or Fowl. A hen or stewing chicken or fowl is a mature female chicken (usually more than 10 months old) with meat less tender than that of a roaster, and nonflexible breastbone.

(7) Stag. A stag is a male chicken (usually under 10 months of age) with coarse skin, somewhat toughened and darkened flesh, and considerable hardening of the breastbone cartilage. Stags show a condition of fleshing and a degree of maturity intermediate between that of a roaster and a cock or old rooster.

(8) Cock or Old Rooster. A cock or old rooster is a mature male chicken with coarse skin, toughened and darkened meat, and hardened breastbone.

(b) Turkey. The classes of turkey meat as determined by appearance are:

(1) Fryer or Roaster. A fryer or roaster is a young, immature turkey (usually under 16 weeks of age) of either sex, that is tender-meated with soft, pliable, smooth-textured skin, and flexible breastbone.

(2) Young Turkey. A young turkey is a turkey (usually under eight months of age) that is tender-meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a turkey fryer or roaster. For labeling purposes, the designation of sex within the class name is optional.

(3) Yearling Hen Turkey. A yearling hen turkey is a fully matured female turkey (usually under 15 months of age) that is reasonably tender-meated and with reasonably smooth-textured skin.

(4) Yearling Tom Turkey. A yearling tom turkey is a fully matured male turkey (usually under 15 months of age) that is reasonably tender-meated and with reasonably smooth-textured skin.

(5) Mature Turkey or Old Turkey (Hen or Tom). A mature or old turkey is an old turkey of either sex (usually in excess of 15 months of age) with coarse skin and toughened flesh.

(c) Rabbits. The classes of rabbit meat as determined by appearance and weight are:

(1) Rabbit Fryer. Young, domestic rabbit (usually under 12 weeks of age) with tender, fine-grained, and bright pearly white color which may be properly cooked by broiling or frying and which weighs not less than one and one-half pounds or over three and one-half pounds ready-to-cook weight.

(2) Rabbit Roaster. Domestic rabbit (over 12 weeks of age) which may be properly cooked by roasting, and which weighs three and one-half to five pounds ready-to-cook weight.

(3) Stewing Rabbit. Mature domestic rabbit of either sex (over six months of age) which may be properly cooked by stewing at any ready-to-cook weight.

(d) Ducks. The following are the various classes of ducks:

(1) Duckling. A duckling is a young duck of either sex (usually under 10 weeks of age) that is tender-meated and has a bill that is not completely hardened and windpipe that is easily dented. This classification may include broilers, fryers or roasters.

(2) Duck. A duck is a mature duck or an old duck (usually over 10 weeks of age) of either sex with toughened flesh, hardened bill and a hardened windpipe.

(e) Geese. The following are the various classes of geese:

(1) Young Goose. A young goose may be of either sex, is tender-meated, and has a windpipe that is easily dented.

(2) Mature Goose or Old Goose. A mature goose or old goose may be of either sex and has toughened flesh and hardened windpipe.

SEC. 2. Section 1114.1 of said code is amended to read:

1114.1. Notwithstanding the provisions of Section 1114 of this article:

(a) Individual carcasses of poultry meat or packages of cut-up poultry or poultry parts prepared for use by institutions, public eating houses or for processing, as defined in this article, or when prepared for transportation or being transported to a plant for further preparation or packaging, and packaged in shipping containers holding several carcasses or packages of such poultry, need not be marked with class designation; provided, that each such shipping container is clearly and conspicuously marked with the proper designation of class, and of such intended use, in letters at least one-half of an inch in height, and on a surface so as to be readily visible to the purchaser. Designation as to class

(b) Poultry parts when displayed for sale to consumers in bulk without being packaged or wrapped, shall be segregated as to class and shall be designated as to class or classes upon a placard clearly identifying the poultry parts designated thereby in a clear and conspicuous manner readily visible to the purchaser.

(c) Cut-up poultry meat consisting of all of the parts of a carcass, prepared, packaged and offered for sale shall be from only one classification as defined in this article. Containers of poultry parts of different classes, shall be marked to indicate the classes and the quantity of each.

CHAPTER 839

An act to amend Section 554 of the Labor Code, relating to working hours.

[Approved by Governor June 13, 1961. Filed with Secretary of State June 14, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 554 of the Labor Code is amended to read:

554. This chapter shall not apply to any cases of emergency nor to work performed in the necessary care of animals, crops or agricultural lands, nor to work performed in the protection of life or property from loss or destruction, nor to any common carrier engaged in or connected with the movement of any train. Nor shall the provisions of this chapter apply when the employer and a labor organization representing employees of such employer have entered into a valid collective bargaining agreement respecting the hours of work of such employees. Nothing in this chapter shall be construed to prevent an accumulation of days of rest when the nature of the employment reasonably requires that the employee work seven or more consecutive days, providing that in each calendar month the employee receive days of rest equivalent to

one day's rest in seven. The requirement respecting the equivalent of one day's rest in seven shall apply, notwithstanding the other provisions of this section relating to collective bargaining agreements, where the employer and a labor organization representing employees of the employer have entered into a valid collective bargaining agreement respecting the hours of work of the employees, unless the agreement expressly provides otherwise.

In addition to the exceptions herein, the Chief of the Division of Labor Law Enforcement may, when in his judgment hardship will result, exempt any employer or employees from this chapter. Nothing contained herein shall affect contracts existing on the effective date of this amendment.

CHAPTER 840

An act to amend Section 160 16 of the Agricultural Code, relating to agricultural pest control.

In effect September 15, 1961

[Approved by Governor June 13, 1961 Filed with Secretary of State June 14, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 160.16 of the Agricultural Code is amended to read:

160.16 Persons regularly engaged in the business of tree surgery shall not be required to procure a license to remove diseased or infested tissues or apply disinfectants to wounds or cavities incidental to tree surgery; but for all other pest control operations such persons shall be required to procure a license, register with the commissioner, and be subject to all other provisions of this chapter.

CHAPTER 841

An act to add Sections 18, 19, 20, 21, and 22 to, the Storm Drain Maintenance District Act (Chapter 265 of the Statutes of 1937), relating to storm drain maintenance districts.

In effect September 15, 1961

[Approved by Governor June 13, 1961 Filed with Secretary of State June 14, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 18 is added to the Storm Drain Maintenance District Act (Chapter 265 of the Statutes of 1937), to read:

Consolidation of districts

Sec. 18. At any time after the establishment of two or more districts within a county, the board of supervisors of said county may by resolution fix a time and place for hearing the

matter of consolidation of any two or more of said districts, of which it is the governing body, whether or not they are contiguous.

Notice of hearing

Notice of the hearing shall be published pursuant to Section 6066 of the Government Code in a newspaper or newspapers, circulated in each of the districts proposed to be consolidated, and designated by the board as most likely to give notice to the inhabitants of the districts, and shall be posted in at least three public places within each of the districts at least one week prior to the hearing.

Form of notice

The notice shall be headed "Notice of the proposed consolidation of _____ Storm Drain Maintenance District No. _____ and _____ Storm Drain Maintenance District No. _____," stating the names of the districts proposed to be consolidated, and shall contain a statement of the time and place fixed by the board for hearing the matter, a statement that it is proposed to consolidate into one district all of the territory within the named districts, and a statement that if 50 percent or more of the registered voters within any of the districts proposed to be consolidated file written objections against the proposed consolidation with the board of supervisors prior to the conclusion of the hearing, the proceedings shall terminate with respect to the district represented by said objections, but may proceed with respect to all other districts not so represented.

The board shall direct the clerk of the board to mail post card notices of the hearing to each registered voter residing in the districts proposed to be consolidated as shown by the records of the county clerk or registrar of voters 60 days prior to the date of the hearing. The post card notice shall contain the same information as that required in the published notice. The clerk of the board shall cause the post card notices to be mailed not less than 10 days prior to the date of the hearing.

SEC. 2. Section 19 is added to said act, to read:

Hearing

Sec. 19. At the time and place fixed for the hearing referred to in Section 18, or at any time to which such hearing may be continued, the board of supervisors shall hear any person objecting to the proposed consolidation.

Written objections

If 50 percent or more of the registered voters within any of the districts proposed to be consolidated file written objections against the proposed consolidation with the board of supervisors prior to the conclusion of the hearing, the proceedings shall terminate with respect to the district represented by said objections, but may proceed with respect to all other districts not so represented.

Order

At the conclusion of the hearing, the board may refuse to consolidate any of the districts, or it may order the consolidation of any or all of the districts proposed to be consolidated and not represented by sufficient written objections.

SEC. 3. Section 20 is added to said act, to read:

Jurisdiction to consolidate

Sec. 20. The board of supervisors shall acquire jurisdiction to order a consolidation of two or more districts within

the same county if at the conclusion of the hearing the board determines, with respect to each and all districts to be consolidated that (1) the consolidated operation of the districts is feasible, (2) the district resulting from the consolidation would be more efficiently and economically operated than any of the separate districts, and that the consolidation would be beneficial to any district proposed to be included in the consolidation, (3) the proposed consolidation is economically sound, and (4) the proposed consolidation is in the public interest.

SEC. 4. Section 21 is added to said act, to read:

Resolution to consolidate

SEC. 21. If the board determines to consolidate any of the districts, it shall so declare by resolution stating the name by which the new consolidated district shall be known, and fixing the date upon which the consolidation shall be effective, subject to the provisions of Chapter 8 (commencing at Section 54900), Part 1, Division 2, Title 5 of the Government Code.

The entire district resulting from the consolidation shall be liable for all outstanding liabilities of the districts consolidated

SEC. 5. Section 22 is added to said act, to read:

Employees

SEC. 22. Upon the consolidation of two or more districts, the employees of each district named shall be blanketed into the employment of the consolidated district. The relative standing with respect to seniority and position of all employees blanketed into the employment of the consolidated district shall be determined upon the basis of their position and seniority credits to which each such employee was entitled by virtue of his prior service in the districts.

CHAPTER 842

An act to amend Section 795 of the Agricultural Code, relating to citrus fruit

In effect September 15, 1961

[Approved by Governor June 16, 1961. Filed with Secretary of State June 16, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 795 of the Agricultural Code is amended to read:

795. Oranges and limes shall be mature and free from decay; free from serious damage due to freezing, drying at the stem or stylar end (resulting from causes other than freezing), splits, bruises or punctures. Damage by drying at the stem or stylar end of all oranges and limes (resulting from causes other than freezing), is not serious unless 20 percent or more of the pulp shows staining, drying or desiccation.

Damage from freezing to any one fruit is serious if it causes either a condition of (a) "damage on the segment

walls" to the extent defined herein or (b) drying or desiccation in 20 percent or more of the exposed pulp as shown on a transverse cut through the center.

"Damage on the segment walls" means a water-soaked appearance, or evidence of previous water-soaking, or the presence of crystals or crystalline deposit, on the two surface membranes of each of two or more segments as shown on the separation of two or more segments of a section, which section shall not be less than one inch or more than one and one-half inches in thickness, obtained from the central portion of the fruit by cutting off a portion of each end—such evidence of freezing injury to show for the entire length but not necessarily the entire area of the surface membranes.

In any season in which freezing damage to oranges produced in California has occurred, the extent of damage by freezing to such oranges shall be determined as follows:

(a) By examination for damage on the segment walls from and after the time when the oranges were first exposed to freezing temperatures to the date, herein designated as date A, when the director, after survey, shall make a determination in writing that the drying process has developed to such extent as to furnish additional evidence of the extent of actual damage to the fruit.

(b) By examination of the exposed pulp on a transverse cut through the center, from and after the date, herein designated as date B, when the director, after survey, shall make a determination in writing that the drying process has developed to such extent as to permit reasonably accurate determination of the full extent of freezing damage by such examination, without regard to damage on the segment walls.

(c) Either by examination for damage on the segment walls or by examination of the exposed pulp on a transverse cut through the center, or by both such examinations, during the period from date A to date B. In no event shall the interval from date A to date B exceed three weeks.

As to oranges produced outside of the State of California and offered for distribution and sale in this State, the extent of damage by freezing shall be determined by the same methods and procedures as required for oranges produced in California unless it is not practicable to obtain sufficient accurate information upon which to establish dates A and B as required by this section for such oranges. In such case the extent of damage by freezing in any lot of such oranges shall be determined by the "damage on the segment walls" unless examination of a representative sample of the oranges in said lot shows that the drying process has developed to such extent as to permit reasonably accurate determination of the full extent of freezing damage by examination of the exposed pulp on a transverse cut through the center, in which case the latter method shall be used.

The percentage of serious damage to oranges and limes in containers, or in bulk, may be established by inspection of a

representative sample which shall consist of not less than 100 fruits. Damage caused by splits, bruises or punctures in oranges and limes is not serious if the injury is well healed and free from mold or decay.

With the exception of serious damage caused by freezing, not more than 10 percent, by count, of the oranges and limes in any one container or bulk lot may be below these requirements but with the exception of serious damage by drying at the stem or stylar end of oranges and limes (resulting from causes other than freezing), not to exceed one-half of this tolerance shall be allowed for any one cause. In the case of serious damage by freezing injury, not more than 15 percent, by count, of the oranges and limes in any one container or bulk lot may be below these requirements, but not to exceed one-third of this tolerance shall be allowed for oranges and limes which show a drying or desiccation in 40 percent or more of the exposed pulp, as shown on a transverse cut through the center. The total tolerance for a combination of defects shall not exceed the tolerance permitted for any one cause by more than 5 percent, by count.

CHAPTER 843

An act to amend Section 559.1 of the Agricultural Code, relating to milk products plants.

In effect September 15, 1961

[Approved by Governor June 16, 1961. Filed with Secretary of State June 16, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 559.1 of the Agricultural Code is amended to read:

559.1. Notwithstanding any other provisions of this division, any wholesome agricultural food product which does not affect the flavor or quality of milk products may be manufactured in any milk products plant subject to conditions prescribed by the director, and upon obtaining a special permit issued by the director after proper investigation.

CHAPTER 844

An act to add Section 2.75 to Chapter 547 of the Statutes of 1957, relating to the Los Angeles Metropolitan Transit Authority.

In effect September 15, 1961

[Approved by Governor June 16, 1961. Filed with Secretary of State June 16, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 2.75 is added to Chapter 547 of the Statutes of 1957, to read:

Sec. 2.75. "Mass rapid transit" shall not include the transportation of passengers by means of a chartered bus, a sightseeing bus, a schoolbus, or by any other vehicle except on an individual passenger fare-paying basis. Nothing in this section shall be construed to prohibit the authority from leasing its buses to privately operated charter or sightseeing companies.

CHAPTER 845

An act to amend Sections 69102, 69103, 69104, and 69142 of, to repeal Sections 69105 and 69106 of, and to add Sections 69102.5 and 69105 to, the Government Code, relating to district courts of appeal.

[Approved by Governor June 19, 1961. Filed with Secretary of State June 23, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 69102 of the Government Code is amended to read:

District courts of appeal districts: Designation and constitution

69102. The State is divided into five district courts of appeal districts designated and constituted as follows, subject to the power of the Supreme Court to remove one or more counties from one appellate district to another as provided in the Constitution:

(a) The Counties of San Francisco, Marin, Sonoma, Napa, Solano, Lake, Mendocino, Humboldt, Del Norte, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito shall constitute the First Appellate District.

(b) The Counties of San Luis Obispo, Santa Barbara, Ventura, and Los Angeles shall constitute the Second Appellate District.

(c) The Counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Yolo, Placer, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Alpine, and Mono shall constitute the Third Appellate District.

(d) The Counties of Inyo, San Bernardino, Riverside, Orange, San Diego, and Imperial shall constitute the Fourth Appellate District.

(e) The Counties of Stanislaus, Tuolumne, Merced, Mariposa, Madera, Fresno, Kings, Tulare, and Kern shall constitute the Fifth Appellate District.

SEC. 2. Section 69102.5 is added to said code, to read:

First Appellate District

69102.5. The District Court of Appeal for the First Appellate District consists of three divisions and shall hold its regular sessions at San Francisco.

SEC. 3. Section 69103 of said code is amended to read:

Second Appellate District

69103. The District Court of Appeal for the Second Appellate District consists of four divisions and shall hold its regular sessions at Los Angeles.

SEC. 4. Section 69104 of said code is amended to read:

Fourth Appellate District

69104. The District Court of Appeal for the Fourth Appellate District consists of one division and shall hold its regular sessions at San Diego. The court shall also hold sessions at San Bernardino at least three times each year and in addition whenever necessary to keep its calendar current with respect to cases originating, or appealed from superior courts, in Inyo, Riverside, and San Bernardino Counties.

Repeal

SEC. 5. Section 69105 of said code is repealed.

Repeal

SEC. 6. Section 69106 of said code is repealed.

SEC. 7. Section 69105 is added to said code, to read:

Fifth Appellate District

69105. The District Court of Appeal for the Fifth Appellate District consists of one division and shall hold its regular sessions at Fresno.

SEC. 8. Section 69142 of said code is amended to read:

Appointment of phonographic reporters

69142. Each district court of appeal having only three justices and each division of a district court of appeal having two or more divisions may employ and appoint a qualified phonographic reporter. His duties shall be to take down in shorthand the proceedings of the court, and to act as secretary to the judges in the discharge of their official duties. The phonographic reporter shall hold office during the pleasure of the court making the appointment.

CHAPTER 846

An act to amend Sections 24307, 24343, 24422, 24514, 24541, 24721, 24722, 24901, 24912, 24916, 24941, 24943, and 24971 of, to add Sections 24346, 24357, 24358, 24359, 24365, 24366, 24367, 24368, 24368.1, 24373, 24374, 24375, 24376, 24406, 24407, 24408, 24430, 24452, 24454, 24676, 24677, 24678, 24679, 24683, 24722.1, 24722.2, 24722.3, 24915, 24917, 24942, 24948, 24949, 24949.1, 24949.2, 24965 and 25208 to, and to repeal Sections 24357, 24358, 24359 and 24917 of the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations, and Massachusetts trusts, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor June 21, 1961. Filed with Secretary of State June 23, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 24307 of the Revenue and Taxation Code is amended to read:

Discharge of indebtedness

24307. (a) No amount shall be included in gross income by reason of the discharge, in whole or in part, within the income year, of any indebtedness for which the taxpayer is liable, or subject to which the taxpayer holds property, if—

(1) The indebtedness was incurred or assumed—

(A) By a corporation; or

(B) By an individual in connection with property used in his trade or business; and

(2) Such taxpayer makes and files a consent to the regulations prescribed under Section 24918 (relating to adjustment of basis) then in effect at such time and in such manner as the Franchise Tax Board by regulations prescribes.

In such case, the amount of any income of such taxpayer attributable to any unamortized premium (computed as of the first day of the income year in which such discharge occurred) with respect to such indebtedness shall not be included in gross income, and the amount of the deduction attributable to any unamortized discount (computed as of the first day of the income year in which such discharge occurred) with respect to such indebtedness shall not be allowed as a deduction.

(b) No amount shall be included in gross income by reason of the discharge, cancellation, or modification, in whole or in part, within the income year, of any indebtedness of a railroad corporation, as defined in Section 77(m) of the Bankruptcy Act (11 U.S.C. 205(m)), if such discharge, cancellation, or modification is effected pursuant to an order of a court in a receivership proceeding or in a proceeding under Section 77 of the Bankruptcy Act commenced before January 1, 1961. In such cases, the amount of any income of the taxpayer attributable to any unamortized premium (computed as of the first day of the income year in which such discharge occurred) with respect to such indebtedness shall not be included in gross income, and the amount of the deduction attributable to any unamortized discount (computed as of the first day of the income year in which such discharge occurred) with respect to such indebtedness shall not be allowed as a deduction. Subsection (a) of this section shall not apply with respect to any discharge of indebtedness to which this subsection applies.

SEC. 2. Section 24343 of the Revenue and Taxation Code is amended to read:

Trade or business deductions.

24343. (a) There shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the income year in carrying on any trade or business, including—

(1) A reasonable allowance for salaries or other compensation for personal services actually rendered, and

(2) Rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which it has no equity.

(b) No deduction shall be allowed under subsection (a) for any expenses paid or incurred if the payment thereof is made directly or indirectly, to an official or employee of a foreign country, and if the making of the payment would be unlawful under the laws of the United States if such laws were applicable to such payment and to such official or employee.

(c) No deduction shall be allowed under subsection (a) for any contribution or gift which would be allowable as a de-

duction under Section 24357 were it not for the percentage limitations, or the requirements as to the time of payment, set forth in such section.

(d) For purposes of this part, whenever the amount of capital contributions evidenced by a share of stock issued pursuant to Section 303 (c) of the Federal National Mortgage Association Charter Act (12 U.S.C., Section 1718) exceeds the fair market value of the stock as of the issue date of such stock, the initial holder of the stock shall treat the excess as ordinary and necessary expenses paid or incurred during the income year in carrying on a trade or business.

SEC. 3. Section 24346 is added to the Revenue and Taxation Code, to read:

Allocation of real property tax

24346. (a) For purposes of Section 24345(a), if real property is sold during any real property tax year, then—

(1) So much of the real property tax as is properly allocable to that part of such year which ends on the day before the date of the sale shall be treated as a tax imposed on the seller; and

(2) So much of such tax as is properly allocable to that part of such year which begins on the date of the sale shall be treated as a tax imposed on the purchaser.

(b) (1) In the case of any sale of real property; if—

(A) A bank or corporation may not, by reason of its method of accounting, deduct any amount for taxes unless paid; and

(B) The other party to the sale is (under the law imposing the real property tax) liable for the real property tax for the real property tax year;

then for purposes of Section 24345(a) the bank or corporation shall be treated as having paid, on the date of the sale, so much of such tax as, under subsection (a), is treated as imposed on the bank or corporation. For purposes of the preceding sentence, if neither party is liable for the tax, then the party holding the property at the time the tax becomes a lien on the property shall be considered liable for the real property tax for the real property tax year.

(2) Subsection (a) shall apply to income years beginning after December 31, 1960, but only in the case of sales after December 31, 1960.

(3) Subsection (a) shall not apply to any real property tax, to the extent that such tax was allowable as a deduction under the Bank and Corporation Tax Law of 1954 to the seller for an income year which began before January 1, 1961.

(4) In the case of any sale of real property, if the bank or corporation's net income for the income year during which the sale occurs is computed under an accrual method of accounting, and if no election under Section 24681(b) (relating to the accrual of real property taxes) applies, then, for purposes of Section 24345(a), that portion of such tax which—

(A) Is treated, under subsection (a), as imposed on the bank or corporation; and

(B) May not, by reason of the bank or corporation's method of accounting, be deducted by the bank or corporation for any income year, shall be treated as having accrued on the date of the sale.

SEC. 4. Section 24901 of the Revenue and Taxation Code is amended to read:

Gain or loss from disposition of property

24901. (a) The gain from the sale or other disposition of property shall be the excess of the amount realized therefrom over the adjusted basis provided in Section 24911 for determining gain, and the loss shall be the excess of the adjusted basis provided in such section for determining loss over the amount realized.

Amount realized

(b) The amount realized from the sale or other disposition of property shall be the sum of any money received plus the fair market value of the property (other than money) received. In determining the amount realized—

(1) There shall not be taken into account any amount received as reimbursement for real property taxes which are treated under Section 24346 as imposed on the purchaser; and

(2) There shall be taken into account amounts representing real property taxes which are treated under Section 24346 as imposed on the bank or corporation if such taxes are to be paid by the purchaser.

Amount recognized

(c) In the case of a sale or exchange of property, the extent to which the gain or loss determined under this section shall be recognized for purposes of this part shall be determined under Section 24902.

Installment sales

(d) Nothing in this section shall be construed to prevent (in the case of property sold under contract providing for payment in installments) the taxation of that portion of any installment payment representing gain or profit in the year in which such payment is received.

SEC. 5. Section 24912 of the Revenue and Taxation Code is amended to read:

Basis

24912. The basis of property shall be the cost of such property, except as otherwise provided in Chapter 15 and Chapter 8 (relating to corporate distributions and adjustments). The cost of real property shall not include any amount in respect of real property taxes which are treated under Section 24346 as imposed on a bank or corporation.

Repeal

SEC. 6. Section 24357 of the Revenue and Taxation Code is repealed.

Repeal

SEC. 7. Section 24358 of the Revenue and Taxation Code is repealed.

Repeal

SEC. 8. Section 24359 of the Revenue and Taxation Code is repealed.

SEC. 9. Section 24357 is added to the Revenue and Taxation Code, to read:

Charitable contribution as deduction

24357. (a) There shall be allowed as a deduction any charitable contribution (as defined in Section 24359) payment of which is made within the income year. A charitable contri-

bution shall be allowable as a deduction only if verified under regulations prescribed by the Franchise Tax Board.

(b) In the case of a bank or corporation reporting its income on the accrual basis, if—

(1) The board of directors authorizes a charitable contribution during any income year; and

(2) Payment of such contribution is made after the close of such income year and on or before the fifteenth day of the third month following the close of such income year, then the bank or corporation may elect to treat such contribution as paid during such income year. The election may be made only at the time of the filing of the return for such income year, and shall be signified in such manner as the Franchise Tax Board shall by regulations prescribe.

SEC. 10. Section 24358 is added to the Revenue and Taxation Code, to read:

Maximum deduction

24358. In the case of a bank or corporation, the total deductions under Section 24357 for any income year shall not exceed 5 percent of the taxpayer's net income computed without regard to—

(a) Sections 24357, 24358 or 24359, inclusive;

(b) Article 2 (commencing at Section 24401) of Chapter 7 (except Sections 24406 to 24408, inclusive).

SEC. 11. Section 24359 is added to the Revenue and Taxation Code, to read:

"Charitable contribution"

24359 For purposes of Sections 24357, 24358, and 24359 the term "charitable contribution" means a contribution or gift to or for the use of—

(a) A state, a territory, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes.

(b) A corporation, trust, or community chest, fund, or foundation—

(1) Created or organized in the United States or in any possession thereof, or under the law of the United States, any state or territory, the District of Columbia, or any possession of the United States;

(2) Organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals;

(3) No part of the net earnings of which inures to the benefit of any private shareholder or individual; and

(4) No substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation.

A contribution or gift by a bank or corporation to a trust, chest, fund, or foundation shall be deductible by reason of this section only if it is to be used within the United States or any of its possessions exclusively for purposes specified in paragraph (2).

(c) A post or organization of war veterans, or an auxiliary unit or society of, or trust or foundation for, any such post or organization—

(1) Organized in the United States or any of its possessions; and

(2) No part of the net earnings of which inures to the benefit of any private shareholder or individual.

(d) A cemetery company owned and operated exclusively for the benefit of its members, or any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, if such company or corporation is not operated for profit and no part of the net earnings of such company or corporation inures to the benefit of any private shareholder or individual.

SEC. 12. Section 24365 is added to the Revenue and Taxation Code, to read.

Research, etc., expenditures Deduction

24365. (a) A bank or corporation may treat research or experimental expenditures which are paid or incurred by it during the income year in connection with its trade or business as expenses which are not chargeable to capital account The expenditures so treated shall be allowed as a deduction.

(b) (1) A bank or corporation may, without the consent of the Franchise Tax Board, adopt the method provided in subsection (a) for its first income year—

(A) Which begins after December 31, 1960, and ends after the date on which this section is enacted; and

(B) For which expenditures described in subsection (a) are paid or incurred.

(2) A bank or corporation may, with the consent of the Franchise Tax Board, adopt at any time the method provided in subsection (a).

(c) The method adopted under this section shall apply to all expenditures described in subsection (a). The method adopted shall be adhered to in computing net income for the income year and for all subsequent years unless, with the approval of the Franchise Tax Board, a change to a different method is authorized with respect to part or all of such expenditures.

SEC. 13. Section 24366 is added to the Revenue and Taxation Code, to read:

Same: Deferred expense

24366. (a) At the election of a bank or corporation, made in accordance with regulations prescribed by the Franchise Tax Board, research or experimental expenditures which are—

(1) Paid or incurred by the bank or corporation in connection with its trade or business;

(2) Not treated as expenses under Section 24365, and

(3) Chargeable to capital account but not chargeable to property of a character which is subject to the allowance under Sections 24349 to 24354, inclusive, (relating to allowance for depreciation, etc) or Section 24831 (relating to allowance for depletion); may be treated as deferred expenses. In computing net income, such deferred expenses shall be allowed as a de-

duction ratably over such period of not less than 60 months as may be selected by the bank or corporation (beginning with the month in which the bank or corporation first realizes benefits from such expenditures). Such deferred expenses are expenditures properly chargeable to capital account for purposes of Section 24916 (relating to adjustments to basis of property).

(b) The election provided by subsection (a) may be made for any income year beginning after December 31, 1960, but only if made not later than the time prescribed by law for filing the return for such income year (including extensions thereof). The method so elected, and the period selected by the bank or corporation, shall be adhered to in computing net income for the income year for which the election is made and for all subsequent income years unless, with the approval of the Franchise Tax Board, a change to a different method (or to a different period) is authorized with respect to part or all of such expenditures. The election shall not apply to any expenditure paid or incurred during any income year before the income year for which the bank or corporation makes the election.

SEC. 14. Section 24367 is added to the Revenue and Taxation Code, to read:

Same: Expenditures for land not allowed

24367. Sections 24365 to 24368, inclusive, shall not apply to any expenditure for the acquisition or improvement of land, or for the acquisition or improvement of property to be used in connection with the research or experimentation and of a character which is subject to the allowance under Sections 24349 to 24354, inclusive, (relating to allowance for depreciation, etc.) or Section 24831 (relating to allowance for depletion); but for purposes of Sections 24365 to 24368, inclusive, allowances under Sections 24349 to 24354, inclusive, and allowances under Section 24831, shall be considered as expenditures.

SEC. 15. Section 24368 is added to the Revenue and Taxation Code, to read:

Same. Expenditures for mineral exploration not allowed

24368. Sections 24365 to 24368, inclusive, shall not apply to any expenditure paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral (including oil and gas).

SEC. 16. Section 24422 of the Revenue and Taxation Code is amended to read:

No deduction allowed

24422. No deduction shall be allowed for—

(a) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate. This subsection shall not apply to—

(1) Expenditures for the development of mines or deposits deductible under Section 24836;

(2) Research and experimental expenditures deductible under Sections 24365 to 24368, inclusive; or

(3) Soil and water conservation expenditures deductible under Section 24369.

(b) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made.

SEC. 17. Section 24368.1 is added to the Revenue and Taxation Code, to read:

Trademark expenditure as a deferred expense

24368.1. (a) Any trademark or trade name expenditure paid or incurred during an income year beginning after December 31, 1960, may, at the election of the taxpayer (made in accordance with regulations prescribed by the Franchise Tax Board), be treated as a deferred expense. In computing net income, all expenditures paid or incurred during the income year which are so treated shall be allowed as a deduction ratably over such period of not less than 60 months (beginning with the first month in such income year) as may be selected by the taxpayer in making such election. The expenditures so treated are expenditures properly chargeable to capital account for purposes of Section 24916(a) (relating to adjustments to basis of property).

"Trademark or trade name expenditure"

(b) For purposes of subsection (a), the term "trademark or trade name expenditure" means any expenditure which—

(1) is directly connected with the acquisition, protection, expansion, registration (federal, state, or foreign) or defense of a trademark or trade name;

(2) is chargeable to capital account; and

(3) is not part of the consideration paid for a trademark, trade name, or business.

(c) The election provided by subsection (a) shall be made within the time prescribed by law (including extensions thereof) for filing the return for the income year during which the expenditure is paid or incurred. The period selected by the taxpayer under subsection (a) with respect to the expenditures paid or incurred during the income year which are treated as deferred expenses shall be adhered to in computing its net income for the income year for which the election is made and all subsequent years.

(d) For adjustments to basis of property for amounts allowed as deductions for expenditures treated as deferred expenses under this section, see Section 24916(h).

SEC. 18. Section 24373 is added to the Revenue and Taxation Code, to read:

Deduction for exhaustion, etc

24373. Except as provided in Section 24374, in determining the amount allowable to a lessee as a deduction for any income year for exhaustion, wear and tear, obsolescence, or amortization—

(a) In respect of any building erected (or other improvement made) on the leased property, if the portion of the term of lease (excluding any period for which the lease may subsequently be renewed, extended, or continued pursuant to an option exercisable by the lessee) remaining upon the completion of such building or other improvement

is less than 60 percent of the useful life of such building or other improvement, or

(b) In respect of any cost of acquiring the lease, if less than 75 percent of such cost is attributable to the portion of the term of the lease (excluding any period for which the lease may subsequently be renewed, extended, or continued pursuant to an option exercisable by the lessee) remaining on the date of its acquisition.

the term of the lease shall be treated as including any period for which the lease may be renewed, extended, or continued pursuant to an option exercisable by the lessee, unless the lessee establishes that (as of the close of the income year) it is more probable that the lease will not be renewed, extended, or continued for such period than that the lease will be so renewed, extended, or continued.

SEC. 19. Section 24374 is added to the Revenue and Taxation Code, to read:

Same Where lessee and lessor are related

24374. (a) If a lessee and lessor are related persons (as determined under subsection (b)) at any time during the income year then, in determining the amount allowable to the lessee as a deduction for such income year for exhaustion, wear and tear, obsolescence, or amortization in respect of any building erected (or other improvement made) on the leased property, the lease shall be treated as including a period of not less duration than the remaining useful life of such improvement.

Related persons defined

(b) For purposes of subsection (a), a lessor and lessee shall be considered to be related persons if—

(1) The lessor and the lessee are members of an affiliated group (as defined in Section 1504 of the Internal Revenue Code of 1954), or

(2) The relationship between the lessor and lessee is one described in Section 24428(2) and (3), except that for purposes of this subparagraph, the phrase "80 percent or more" shall be substituted for the phrase "more than 50 percent" each place it appears in such subsection.

For purposes of determining the ownership of stock in applying subparagraph (2), the rules of Section 24429 shall apply, except that the family of an individual shall include only his spouse, ancestors, and lineal descendants.

SEC. 20. Section 24375 is added to the Revenue and Taxation Code, to read:

Deduction for exhaustion, etc

24375. In any case in which neither Section 24373 nor Section 24374 applies, the determination as to the amount allowable to a lessee as a deduction for any income year for exhaustion, wear and tear, obsolescence, or amortization—

(a) In respect of any building erected (or other improvement made) on the leased property, or

(b) In respect of any cost of acquiring the lease, shall be made with reference to the term of the lease (excluding any period for which the lease may subsequently be renewed, extended, or continued pursuant to an option exercisable by

the lessee), unless the lease has been renewed, extended, or continued or the facts show with reasonable certainty that the lease will be renewed, extended, or continued.

SEC. 21. Section 24376 is added to the Revenue and Taxation Code, to read:

Costs of acquiring a lease

24376. Sections 24373 to 24375, inclusive, shall apply with respect to costs of acquiring a lease incurred, and improvements begun, after December 31, 1960 (other than improvements which, on December 31, 1960, and at all times thereafter, the lessee was under a binding obligation to make).

SEC. 22. Section 24406 is added to the Revenue and Taxation Code, to read:

Organizational expenditures
Deferred expenses

24406. The organizational expenditures of a bank or corporation may, at the election of the bank or corporation (made in accordance with regulations prescribed by the Franchise Tax Board), be treated as deferred expenses. In computing net income, such deferred expenses shall be allowed as a deduction ratably over such period of not less than 60 months as may be selected by the bank or corporation (beginning with the month in which the bank or corporation begins business).

SEC. 23. Section 24407 is added to the Revenue and Taxation Code, to read:

"Organizational expenditures"

24407. The term "organizational expenditures" means any expenditure which—

(a) Is incident to the creation of the bank or corporation;

(b) Is chargeable to capital account; and

(c) Is of a character which, if expended incident to the creation of a bank or corporation having a limited life, would be amortizable over such life.

SEC. 24. Section 24408 is added to the Revenue and Taxation Code, to read:

Time for making election

24408. The election provided by Section 24406 may be made for any income year beginning after December 31, 1960, but only if made not later than the time prescribed by law for filing the return for such income year (including extensions thereof). The period so elected shall be adhered to in computing the income of the bank or corporation for the income year for which the election is made and all subsequent income years. The election shall apply only with respect to expenditures paid or incurred on or after the date of enactment of this section.

SEC. 25. Section 24430 is added to the Revenue and Taxation Code, to read:

24430. If—

Limitation on loss deduction

(a) In case of a sale or exchange of property to a bank or corporation a loss sustained by the transferor is not allowable to the transferor as a deduction by reason of Section 24427 (or by reason of Section 24201e of the Bank and Corporation Tax Law of 1954); and

(b) After December 31, 1960, the bank or corporation sells or otherwise disposes of such property (or of other property the basis of which in its hands is determined directly or indi-

rectly by reference to such property) at a gain, then such gain shall be recognized only to the extent that it exceeds so much of such loss as is properly allocable to the property sold or otherwise disposed of by the bank or corporation. This section applies with respect to income years beginning after December 31, 1960. This section shall not apply if the loss sustained by the transferor is not allowable to the transferor as a deduction by reason of Section 24998 (relating to wash sales) or by reason of Section 24121e of the Bank and Corporation Tax Law of 1954.

SEC. 26. Section 24452 is added to the Revenue and Taxation Code, to read:

Amount of distribution defined

24452. (a) For purposes of Sections 24451 through 24453 the amount of any distribution shall be—

The amount of money received, plus whichever of the following is the lesser:

(1) The fair market value of the other property received; or

(2) The adjusted basis (in the hands of the distributing bank or corporation immediately before the distribution) of the other property received, increased in the amount of gain to the distributing bank or corporation which is recognized under Sections 24482 or 24483.

(b) The amount of any distribution determined under subsection (b) shall be reduced (but not below zero) by—

(1) The amount of any liability of the bank or corporation assumed by the shareholder in connection with the distribution; and

(2) The amount of any liability to which the property received by the shareholder is subject immediately before, and immediately after, the distribution.

(c) For purposes of Sections 24451 through 24454, fair market value shall be determined as of the date of the distribution.

SEC. 27. Section 24454 is added to the Revenue and Taxation Code, to read:

Basis of distributed property

24454. The basis of property received in a distribution to which Section 24451 applies shall be—whichever of the following is the lesser:

(a) The fair market value of such property; or

(b) The adjusted basis (in the hands of the distributing bank or corporation immediately before the distribution) of such property, increased in the amount of gain to the distributing bank or corporation which is recognized under Section 24482 or 24483.

SEC. 28. Section 24514 of the Revenue and Taxation Code is amended to read:

Applicability

24514. (a) This section and Sections 24512 and 24513 shall not apply to any sale or exchange—

(1) Made by a collapsible corporation (as defined in Section 17412 of the Personal Income Tax Law), or

(2) Following the adoption of a plan of complete liquidation, if Section 24503 applies with respect to such liquidation.

(b) In the case of a sale or exchange following the adoption of a plan of complete liquidation, if Section 24502 applies with respect to such liquidation, then

(1) If the basis of the property of the liquidating corporation in the hands of the distributee is determined under Section 24504(b)(1), this section and Sections 24512 and 24513 shall not apply; or

(2) If the basis of the property of the liquidating corporation in the hands of the distributee is determined under Section 24504(b)(2), this section and Sections 24512 and 24513 shall apply only to that portion (if any) of the gain which is not greater than the excess of (A) that portion of the adjusted basis (adjusted for any adjustment required under the second sentence of Section 24504(b)(2)) of the stock of the liquidating corporation which is allocable, under regulations prescribed by the Franchise Tax Board, to the property sold or exchanged, over (B) the adjusted basis, in the hands of the liquidating corporation, of the property sold or exchanged.

SEC. 29. Section 24541 of the Revenue and Taxation Code is amended to read:

24541. (a) In the case of an exchange to which Section 24521, 24531, 24532, 24533, 24535, 24551, or 24572 applies— Basis of property received without recognition of gain or loss

(1) The basis of the property permitted to be received under such section without the recognition of gain or loss shall be the same as that of the property exchanged—

(A) Decreased by—

(i) The fair market value of any other property (except money) received by the bank or corporation;

(ii) The amount of any money received by the bank or corporation; and

(iii) The amount of loss to the bank or corporation which was recognized on such exchange, and

(B) Increased by—

(i) The amount which was treated as a dividend; and

(ii) The amount of gain to the bank or corporation which was recognized on such exchange (not including any portion of such gain which was treated as a dividend).

(2) The basis of any other property (except money) received by the bank or corporation shall be its fair market value.

(b)(1) Under regulations prescribed by the Franchise Tax Board, the basis determined under subsection (a)(1) shall be allocated among the properties permitted to be received without the recognition of gain or loss.

(2) In the case of an exchange to which Sections 24532 and 24533 (or so much of Section 24535 as relates to Section 24533) apply, then in making the allocation under paragraph (1) of this subsection, there shall be taken into account not only the property so permitted to be received without the recognition of gain or loss, but also the stock or securities (if any) of the distributing bank or corporation which are retained, and the allocation of basis shall be made among all such properties.

(c) For purposes of this section, a distribution to which Section 24533 (or so much of Section 24535 as relates to Sections 24532 and 24533) applies shall be treated as an exchange, and for such purposes the stock and securities of the distributing bank or corporation which are retained shall be treated as surrendered, and received back, in the exchange.

(d) Where, as part of the consideration to the bank or corporation, another party to the exchange assumed a liability of the bank or corporation or acquired from the bank or corporation property subject to a liability, such assumption or acquisition (in the amount of the liability) shall, for purposes of this section, be treated as money received by the bank or corporation on the exchange.

(e) This section shall not apply to property acquired by a bank or corporation by the issuance of its stock or securities as consideration in whole or in part for the transfer of the property to it.

SEC. 30 Section 24676 is added to the Revenue and Taxation Code, to read:

Prepaid subscription income

24676. (a) Prepaid subscription income to which this section applies shall be included in gross income for the income years during which the liability described in subsection (d)(2) exists.

(b) In the case of any prepaid subscription income to which this section applies—

(1) If the liability described in subsection (d)(2) ends, then so much of such income as was not includible in gross income under subsection (a) for preceding income years shall be included in gross income for the income year in which the liability ends.

(2) If the taxpayer ceases to be subject to tax measured by net income imposed under Chapter 2 (commencing at Section 23101) or Chapter 3 (commencing at Section 23501) of this part, then so much of such income as was not includible in gross income under subsection (a) for preceding income years shall be included in the measure of tax for the last year in which the taxpayer is subject to the tax measured by net income imposed under Chapter 2 or Chapter 3 of this part.

(c) (1) This section shall apply to prepaid subscription income if and only if the taxpayer makes an election under this section with respect to the trade or business in connection with which such income is received. The election shall be made in such manner as the Franchise Tax Board may by regulations prescribe No election may be made with respect to a trade or business if in computing net income the cash receipts and disbursements method of accounting is used with respect to such trade or business.

(2) An election made under this section shall apply to all prepaid subscription income received in connection with the trade or business with respect to which the taxpayer has made the election; except that the taxpayer may, to the extent permitted under regulations prescribed by the Franchise Tax

Board, include in gross income for the income year of receipt the entire amount of any prepaid subscription income if the liability from which it arose is to end within 12 months after the date of receipt. An election made under this section shall not apply to any prepaid subscription income received before the first income year for which the election is made.

(3) (A) A taxpayer may, with the consent of the Franchise Tax Board, make an election under this section at any time.

(B) A taxpayer may, without the consent of the Franchise Tax Board, make an election under this section for his first income year (i) which begins after December 31, 1960, and (ii) in which it receives prepaid subscription income in the trade or business. Such election shall be made not later than the time prescribed by law for filing the return for the income year (including extensions thereof) with respect to which such election is made.

(4) An election under this section shall be effective for the income year with respect to which it is first made and for all subsequent income years, unless the taxpayer secures the consent of the Franchise Tax Board to the revocation of such election. For purposes of this part, the computation of net income under an election made under this section shall be treated as a method of accounting.

(d) For purposes of this section—

(1) The term "prepaid subscription income" means any amount (includible in gross income) which is received in connection with, and is directly attributable to, a liability which extends beyond the close of the income year in which such amount is received, and which is income from a subscription to a newspaper, magazine, or other periodical. "Prepaid subscription income"

(2) The term "liability" means a liability to furnish or deliver a newspaper, magazine, or other periodical. "Liability"

(3) Prepaid subscription income shall be treated as received during the income year for which it is includible in gross income under Section 24661 (without regard to this section).

(e) Notwithstanding the provisions of this section, any taxpayer who has, for income years prior to the first income year to which this section applies, reported his income under an established and consistent method or practice of accounting for prepaid subscription income (to which this section would apply if an election were made) may continue to report his income for income years to which this part applies in accordance with such method or practice.

SEC. 31. Section 24677 is added to the Revenue and Taxation Code, to read:

24677. (a) If an amount representing damages is received or accrued by a bank or corporation during an income year as a result of an award in a civil action for breach of contract or breach of a fiduciary duty or relationship, then the tax attributable to the inclusion in gross income for the income Damages recovered

year of that part of such amount which would have been received or accrued by the bank or corporation in a prior income year or years but for the breach of contract, or breach of a fiduciary duty or relationship, shall not be greater than the aggregate of the increases in taxes which would have resulted had such part been included in gross income for such prior income year or years.

(b) A bank or corporation in computing said tax shall be entitled to deduct all credits and deductions for depletion, depreciation, and other items to which it would have been entitled, had such income been received or accrued by the bank or corporation in the year during which it would have received or accrued it, except for such breach of contract or for such breach of fiduciary duty or relationship. The credits, deductions, or other items referred to in the prior sentence, attributable to property, shall be allowed only with respect to that part of the award which represents the bank or corporation's share of income from the actual operation of such property.

(c) Subsection (a) shall not apply unless the amount representing damage is three thousand dollars ($3,000) or more.

SEC. 32. Section 24678 is added to the Revenue and Taxation Code, to read:

Damages recovered under the Clayton Act

24678. (a) If an amount representing damages is received or accrued during an income year as a result of an award in, or settlement of, a civil action brought under Section 4 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (commonly known as the Clayton Act), for injuries sustained by a bank or corporation in its business or property by reason of anything forbidden in the antitrust laws, then the tax attributable to the inclusion of such amount in gross income for the income year shall not be greater than the aggregate of the increases in taxes which would have resulted if such amount had been included in gross income in equal installments for each month during the period in which such injuries were sustained by the bank or corporation.

(b) This section shall apply to income years ending after the date that this section is enacted, but only with respect to amounts received or accrued after such date as a result of awards or settlements made after such date.

SEC. 33. Section 24679 is added to the Revenue and Taxation Code, to read:

Fractional parts of month

24679. For purposes of Sections 24675 through 24678, a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it should be considered as a month.

SEC. 34. Section 24683 is added to the Revenue and Taxation Code, to read:

Accrual taxpayers

24683. (a) In the case of a taxpayer whose net income is computed under an accrual method of accounting, to the

extent that the time for accruing taxes is earlier than it would be but for any action of any taxing jurisdiction taken after December 31, 1960, then, under regulations prescribed by the Franchise Tax Board, such taxes shall be treated as accruing at the time they would have accrued but for such action by such taxing jurisdiction.

(b) Under regulations prescribed by the Franchise Tax Board, subdivision (a) shall be inapplicable to any item of tax to the extent that its application would (but for this paragraph) prevent all persons (including successors in interest) from ever taking such item into account.

SEC. 35. Section 24721 of the Revenue and Taxation Code is amended to read:

Computation of net income

24721. In computing the taxpayer's net income for any income year (referred to in this article as the "year of the change")—

(a) If such computation is under a method of accounting different from the method under which the taxpayer's net income for the preceding income year was computed; then

(b) There shall be taken into account those adjustments which are determined to be necessary solely by reason of the change in order to prevent amounts from being duplicated or omitted, except there shall not be taken into account any adjustment in respect of any income year to which this article does not apply unless the adjustment is attributable to a change in the method of accounting initiated by the taxpayer.

SEC. 36. Section 24722 of the Revenue and Taxation Code is amended to read:

Limitation

24722. (a) If—

(1) The method of accounting from which the change is made was used by the taxpayer in computing his income for the two income years preceding the year of the change; and

(2) The increase in net income for the year of the change which results solely by reason of the adjustments required by Section 24721(b), other than the amount of such adjustments to which Section 24722.1 applies, exceeds three thousand dollars ($3,000),

then the tax under this part attributable to such increase in net income shall not be greater than the aggregate increase in the taxes under this part (or under the corresponding provisions of prior laws) which would result if one-third of such increase in net income were included in net income for the year of the change and one-third of such increase were included for each of the two preceding income years.

(b) If—

(1) The increase in net income for the year of the change which results solely by reason of the adjustments required by Section 24721(b), other than the amount of such adjustments to which Section 24722.1 applies, exceeds three thousand dollars ($3,000); and

(2) The taxpayer establishes its net income (under the new method of accounting) for one or more income years

consecutively preceding the income year of the change for which the taxpayer in computing net income used the method of accounting from which the change is made;

then the tax under this part attributable to such increase in net income shall not be greater than the net increase in the taxes under this part (or under the corresponding provision of prior tax laws) which would result if the adjustments required by Section 24721(b), other than the amount of such adjustments to which Section 24722.1 applies, were allocated to the income year or years specified in paragraph (2) to which they are properly allocable under the new method of accounting and the balance of the adjustments required by Section 24721(b), other than the amount of such adjustments to which Section 24722.1 applies, was allocated to the income year of the change.

(c) The increase or decrease in the tax for any taxable year for which an assessment of any deficiency, or a credit or refund of any overpayment, is prevented by any law or rule of law, shall be determined by reference to the tax previously determined for such year.

SEC. 37. Section 24722.1 is added to the Revenue and Taxation Code, to read:

24722.1 Except as provided in Section 24722.2—

Adjustments

(a) The net amount of the adjustments required by Section 24721, to the extent that such amount does not exceed the net amount of adjustments which would have been required if the change in method of accounting had been made in the first income year beginning after December 31, 1954, shall be taken into account by the taxpayer in computing net income in the manner provided in subsection (b), but only if such net amount of such adjustment would increase the net income of such taxpayer by more than three thousand dollars ($3,000).

(b) One-tenth of the net amount of the adjustments described in subsection (a) shall (except as provided in subsection (c)) be taken into account in each of the 10 income years beginning with the year of the change. The amount to be taken into account for each income year in the 10-year period shall be taken into account whether or not for such year the assessment of tax is prevented by operation of any law or rule of law. If the year of the change was an income year ending before January 1, 1961, and if the taxpayer so elects (at such time and in such manner as the Franchise Tax Board shall by regulations prescribe), the 10-year period shall begin with the first income year which begins after December 31, 1960. If the taxpayer elects under the preceding sentence to begin the 10-year period with the first income year which begins after December 31, 1960, the 10-year period shall be reduced by the number of years, beginning with the year of the change, in respect of which assessment of tax is prevented by operation of any law or rule of law on the date of the enactment of this section.

(c) The net amount of any adjustments described in subsection (a), to the extent not taken into account in prior income years under subsection (b), shall, if the taxpayer ceases to be subject to tax measured by net income imposed under Chapter 2 (commencing at Section 23101) or Chapter 3 (commencing at Section 23501) of this part, be included in the measure of the tax for the last year in which the taxpayer is subject to the tax measured by net income imposed under Chapter 2 or Chapter 3 of this part. This subsection is not applicable if the assets of a taxpayer are transferred pursuant to a reorganization as defined in Sections 24562 and 24563 to another taxpayer a party to the reorganization, which is subject to tax under the same chapter as the transferor.

(d) The provisions of this section shall not apply with respect to changes in methods of accounting made in income years beginning after December 31, 1964.

SEC. 38. Section 24722.2 is added to the Revenue and Taxation Code, to read:

Election

24722.2. Section 24722.1 shall not apply with respect to any taxpayer, if the taxpayer elects to take the net amount of the adjustments described in Section 24722.1(a) into account in the manner provided by Section 24722. An election to take the net amount of such adjustments into account in the manner provided by Section 24722 may be made only if the taxpayer consents in writing to the assessment, within such period as may be agreed on with the Franchise Tax Board, of any deficiency for the year of the change, to the extent attributable to taking the net amount of the adjustments described in Section 24722.1(a) into account in the manner provided by Section 24722, even though at the time of filing such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law. An election under this section shall be made at such time and in such manner as the Franchise Tax Board shall by regulations prescribe.

SEC. 39. Section 24722 3 is added to the Revenue and Taxation Code, to read:

Applicability

24722.3. (a) The provisions of Sections 24722.1 and 24722 2 and the 1961 amendments to Sections 24721 and 24722 shall apply with respect to any change in a method of accounting where the year of the change (within the meaning of Sections 24721 through 24724) is an income year beginning after December 31, 1954.

(b) The amendments to Sections 24721 and 24722 shall not apply if before the date of enactment of this section—

(i) The taxpayer applied for a change in the method of accounting in the manner provided by regulations prescribed by the Franchise Tax Board, and

(ii) The taxpayer and the Franchise Tax Board agreed to the terms and conditions for making the change.

SEC. 40. Section 24915 is added to the Revenue and Taxation Code, to read:

24915. (a) If—

Basis of gifts

(1) The property is acquired by gift on or after the date of the enactment of this section, the basis shall be the basis determined under Section 24914, increased (but not above the fair market value of the property at the time of the gift) by the amount of federal gift tax paid with respect to such gift, or

(2) The property was acquired by gift before the date of the enactment of this section and has not been sold, exchanged, or otherwise disposed of before such date, the basis of the property shall be increased on such date by the amount of federal gift tax paid with respect to such gift, but such increase shall not exceed an amount equal to the amount by which the fair market value of the property at the time of the gift exceeded the basis of the property in the hands of the donor at the time of the gift.

(b) For purposes of subsection (a), the amount of federal gift tax paid with respect to any gift is an amount which bears the same ratio to the amount of gift tax paid under Chapter 12 of Subtitle B of the Internal Revenue Code of 1954 with respect to all gifts made by the donor for the calendar year in which such gift is made as the amount of such gift bears to the taxable gifts (as defined in Section 2503(a) of the Internal Revenue Code of 1954 but computed without the deduction allowed by Section 2521 of the Internal Revenue Code of 1954) made by the donor during such calendar year. For purposes of the preceding sentence, the amount of any gift shall be the amount included with respect to such gift in determining (for the purposes of Section 2503(a) of the Internal Revenue Code of 1954) the total amount of gifts made during the calendar year, reduced by the amount of any deduction allowed with respect to such gift under Section 2522 of the Internal Revenue Code of 1954 (relating to charitable deduction) or under Section 2523 of the Internal Revenue Code of 1954 (relating to marital deduction).

(c) For purposes of subsection (a), where the donor and his spouse elected, under Section 2513 of the Internal Revenue Code of 1954 to have the gift considered as made one-half by each, the amount of gift tax paid with respect to such gift under Chapter 12 of Subtitle B of the Internal Revenue Code of 1954 shall be the sum of the amounts of tax paid with respect to each half of such gift (computed in the manner provided in subsection (b)).

(d) For purposes of Section 24917, an increase in basis under subsection (a) shall be treated as an adjustment under Section 24916.

(e) With respect to any property acquired by gift before 1955, references in this section to any provision of this part shall be deemed to refer to the corresponding provision of the Federal Internal Revenue Code of 1939 or prior revenue

laws which was effective for the year in which such gift was made.

SEC. 41. Section 24916 of the Revenue and Taxation Code is amended to read:

24916. Proper adjustment in respect of the property shall in all cases be made— Adjustments

(a) For expenditures, receipts, losses, or other items properly chargeable to capital account, but no such adjustment shall be made for taxes or other carrying charges or for expenditures described in Section 24364 and Section 24369 for which deductions have been taken by a bank or corporation in determining net income for the income year or prior income years;

(b) For exhaustion, wear and tear, obsolescence, amortization, and depletion:

(1) In the case of banks or corporations subject to the tax imposed by Chapter 2, to the extent sustained prior to January 1, 1928, and to the extent allowed (but not less than the amount allowable) under this part, except that no deduction shall be made for amounts in excess of the amount which would have been allowable had depreciation not been computed on the basis of January 1, 1928, value and amounts in excess of the adjustments required by Section 113(b)(1)(B) of the Federal Revenue Act of 1938 for depletion prior to January 1, 1932.

(2) In the case of a taxpayer subject to the tax imposed by Chapter 3, to the extent sustained prior to January 1, 1937, and for periods thereafter to the extent allowed (but not less than the amount allowable) under the provisions of this part.

(3) If a taxpayer has not claimed an amortization deduction for an emergency facility, the adjustment under paragraph (1) shall be made only to the extent ordinarily provided under Sections 24349, and 24372.

(c) In the case of stock (to the extent not provided for in the foregoing subsections) for the amount of distributions previously made which, under the law applicable to the year in which the distribution was made, either were tax free or were applicable in reduction of basis (not including distributions made by a corporation, which was classified as a personal service corporation under the provisions of the Federal Revenue Act of 1918 or 1921, out of its earnings or profits which were taxable in accordance with the provisions of Section 218 of the Federal Revenue Act of 1918 or 1921).

(d) (1) In the case of banks or corporations subject to the tax imposed by Chapter 2, in the case any bond (as defined in Section 24363) to the extent of the deductions allowable pursuant to Section 24360 with respect thereto.

(2) In the case of taxpayers subject to the tax imposed by Chapter 3, in the case of any bond (as defined in Section 24363) the interest on which is wholly exempt from the tax imposed by this part, to the extent of the amortizable bond premium disallowable as a deduction pursuant to Section

24361, and in the case of any other bond (as defined in Section 24363) to the extent of the deductions allowable pursuant to Section 24361 with respect thereto.

(3) In the case of property pledged to the Commodity Credit Corporation, to the extent of the amount received as a loan from the Commodity Credit Corporation and treated by the taxpayer as income for the year in which received pursuant to Section 24273, and to the extent of any deficiency on such loan with respect to which the taxpayer has been relieved from liability.

(e) For amounts allowed as deductions as deferred expenses under subdivision (b) of Section 24836 (relating to certain expenditures in the development of mines) and resulting in a reduction of the taxpayer's tax, but not less than the amounts allowable under such section for the income year and prior years.

(f) For amounts allowable as deductions as deferred expenses under subdivision (b) of Section 24837 (relating to certain exploration expenditures) and resulting in a reduction of the taxpayer's tax, but not less than the amounts allowable under such section for the income year and prior years.

(g) For amounts allowed as deductions as deferred expenses under Section 24366(a) (relating to research and experimental expenditures) and resulting in a reduction of the bank or corporations' taxes under this part, but not less than the amounts allowable under such section for the income year and prior years.

(h) For amounts allowed as deductions for expenditures treated as deferred expenses under Section 24368.1 (relating to trademark and trade name expenditures) and resulting in a reduction of the taxpayer's taxes under this part, but not less than the amounts allowable under such section for the income year and prior years.

Repeal

SEC. 42. Section 24917 of the Revenue and Taxation Code is repealed.

SEC. 43. Section 24917 is added to the Revenue and Taxation Code, to read:

Adjustments to substituted basis

24917. Whenever it appears that the basis of property in the hands of the bank or corporation is a substituted basis, then the adjustments provided in Section 24916 shall be made after first making in respect of such substituted basis proper adjustments of a similar nature in respect of the period during which the property was held by the transferor, donor, or grantor, or during which the other property was held by the person for whom the basis is to be determined. A similar rule shall be applied in the case of a series of substituted bases. The term "substituted basis" as used in this section and Section 24916 means a basis determined under any provision of this chapter and Chapter 8 (commencing at Section 24451, relating to corporate distributions and adjustments), or under any corresponding provision of a prior tax law, providing that the basis shall be determined—

(1) By reference to the basis in the hands of a transferor, donor, or grantor; or

(2) By reference to other property held at any time by the person for whom the basis is to be determined.

SEC. 44. Section 24941 of the Revenue and Taxation Code is amended to read:

Exchanges for like property

24941. (a) No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment.

(b) If an exchange would be within the provisions of subsection (a), of Section 24950, or of Section 24951, if it were not for the fact that the property received in exchange consists not only of property permitted by such provisions to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property

(c) If an exchange would be within the provisions of subsection (a), of Section 24950, or of Section 24951, if it were not for the fact that the property received in exchange consists not only of property permitted by such provisions to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

Same: Basis

(d) If property was acquired on an exchange described in this section, Section 24950, or Section 24951, then the basis shall be the same as that of the property exchanged decreased in the amount of any money received by the bank or corporation and increase in the amount of gain or decreased in the amount of loss to the bank or corporation that was recognized on such exchange. If the property so acquired consisted in part of the type of property permitted by this section, Section 24950, or Section 24951, to be received without the recognition of gain or loss, and in part of other property, the basis provided in this subsection shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. For purposes of this section, Section 24950, and Section 24951, where as part of the consideration to the bank or corporation another party to the exchange assumed a liability of the bank or corporation or acquired from the bank or corporation property subject to a liability, such assumption or acquisition (in the amount of the liability) shall be considered as money received by the bank or corporation on the exchange

SEC. 45. Section 24942 is added to the Revenue and Taxation Code, to read:

Exchanges for stock

24942. (a) No gain or loss shall be recognized to a bank or corporation on the receipt of money or other property in exchange for stock (including treasury stock) of such bank or corporation.

Same Basis of property received

(b) For basis of property acquired by a bank or corporation in certain exchanges for its stock, see Sections 24552 to 24554, inclusive.

SEC. 46. Section 24943 of the Revenue and Taxation Code is amended to read:

Converted property

24943. If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted—

(a) Into property similar or related in service or use to the property so converted, no gain shall be recognized.

(b) Into money, and the disposition of the converted property occurred before January 1, 1953, no gain shall be recognized if such money is forthwith in good faith, under regulations prescribed by the Franchise Tax Board, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund. If any part of the money is not so expended, the gain shall be recognized to the extent of the money which is not so expended (regardless of whether such money is received in one or more income years and regardless of whether or not the money which is not so expended constitutes gain). For purposes of this subsection and Section 24944, the term "disposition of the converted property" means the destruction, theft, seizure, requisition, or condemnation of the converted property, or the sale or exchange of such property under threat or imminence of requisition or condemnation.

"Disposition of converted property"

"Control"

For purposes of this section and Section 24944, the term "control" means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the corporation.

SEC. 47. Section 24948 is added to the Revenue and Taxation Code, to read:

Irrigation projects

24948. For purposes of this part, if property lying within an irrigation project is sold or otherwise disposed of in order to conform to the acreage limitation provisions of federal reclamation laws, such sale or disposition shall be treated as an involuntary conversion to which Sections 24943 to 24949, inclusive, apply.

SEC. 48. Section 24949 is added to the Revenue and Taxation Code, to read:

24949. For purposes of this part, if livestock are destroyed by or on account of disease, or are sold or exchanged because of disease, such destruction or such sale or exchange shall be treated as an involuntary conversion to which Sections 24943 to 24949, inclusive, apply. Livestock

SEC. 49. Section 24949.1 is added to the Revenue and Taxation Code, to read:

24949.1. For purposes of this part, the sale or exchange of livestock (other than poultry) held by a taxpayer for draft, breeding, or dairy purposes in excess of the number the taxpayer would sell if he followed his usual business practices shall be treated as an involuntary conversion to which Sections 24943 to 24949, inclusive, apply if such livestock are sold or exchanged by the taxpayer solely on account of drought. Livestock held for draft, breeding, etc

SEC. 50. Section 24949.2 is added to the Revenue and Taxation Code, to read:

24949.2. (a) For purposes of Sections 24943 through 24945, if real property (not including stock in trade or other property held primarily for sale) held for productive use in trade or business or for investment is (as the result of its seizure, requisition, or condemnation, or threat or imminence thereof) compulsorily or involuntarily converted, property of a like kind to be held either for productive use in trade or business or for investment shall be treated as property similar or related in service or use to the property so converted. Converted real property

(b) (1) Subsection (a) shall not apply to the purchase of stock in the acquisition of control of a corporation described in Section 24944(a).

(2) Subsection (a) shall apply with respect to the compulsory or involuntary conversion of any real property only if the disposition of the converted property (within the meaning of Section 24943(b)) occurs after December 31, 1960.

SEC. 51. Section 24965 is added to the Revenue and Taxation Code, to read:

24965. In the case of a share of stock issued pursuant to Section 303(c) of the Federal National Mortgage Association Charter Act (12 U.S.C., Sec. 1718), the basis of such share in the hands of the initial holder shall be an amount equal to the capital contributions evidenced by such share reduced by the amount (if any) required by Section 24343(d) to be treated (with respect to such share) as ordinary and necessary expenses paid or incurred in carrying on a trade or business. Basis of stock issued under Federal National Mortgage Association Charter Act

SEC. 52. Section 24971 of the Revenue and Taxation Code is amended to read:

24971. If the sale or exchange of property (including stock in a corporation) is certified by the Federal Communications Commission to be necessary or appropriate to effectuate a change in a policy of, or the adoption of a new policy by the commission with respect to the ownership and control of radio broadcasting stations, such sale or exchange shall, if the tax- Sale or exchange of radio stations

payer so elects, be treated as an involuntary conversion of such property within the meaning of Sections 24943 to 24947, inclusive. For purposes of such sections as made applicable by the provisions of this section, stock of a corporation operating a radio broadcasting station, whether or not representing control of such corporation, shall be treated as property similar or related in service or use to the property so converted. The part of the gain, if any, on such sale or exchange to which Sections 24943 to 24947, inclusive, is not applied shall nevertheless not be recognized, if the taxpayer so elects, to the extent that it is applied to reduce the basis for determining gain or loss on sale or exchange of property, of a character subject to the allowance for depreciation under Section 24349, remaining in the hands of the taxpayer immediately after the sale or exchange, or acquired in the same income year. The manner and amount of such reduction shall be determined under regulations prescribed by the Franchise Tax Board. Any election made by the taxpayer under this section shall be made by a statement to that effect in his return for the income year in which the sale or exchange takes place, and such election shall be binding for the income year and all subsequent income years.

SEC. 53. Section 25208 is added to the Revenue and Taxation Code, to read:

Price redeterminations

25208. (a) If, pursuant to a price redetermination provision in a subcontract to which this section applies, a repayment with respect to an amount paid under the subcontract is made by one party to the subcontract (hereinafter referred to as the "payor") to another party to the subcontract (hereinafter referred to as the "payee"), then—

(1) The tax of the payor for prior income years shall be recomputed as if the amount received or accrued by it with respect to which the repayment is made did not include an amount equal to the amount of the repayment, and

(2) The tax of the payee for prior income years shall be recomputed as if the amount paid or incurred by it with respect to which the repayment is made did not include an amount equal to the amount of the repayment.

(b) Subsection (a) shall apply only to a subcontract which is subject to renegotiation under the applicable federal renegotiation act.

(c) Subsection (a) shall not apply to any repayment to the extent that Sections 25201 through 25207 apply to the amount repaid.

(d) The amount of any repayment to which subsection (a) applies shall not be taken into account by the payor or payee for the income year in which the repayment is made; but any overpayment or underpayment of tax resulting from the application of subsection (a) shall be treated as if it were an overpayment or underpayment for the income year in which the repayment is made.

(e) This section shall apply only with respect to subcontracts entered into after December 31, 1960, and only to be repayments for income years beginning after December 31, 1960.

SEC. 54. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into effect immediately. Tax levy

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CHAPTER 847

An act to amend Sections 17042, 17072, 17115, 17116, 17131, 17132, 17138, 17202, 17204, 17218, 17264, 17265, 17283, 17287, 17441, 17501, 17503, 17504, 17511, 17512, 17513, 17514, 17516, 17517, 17522, 17531, 17534, 17537, 17580, 17611, 17612, 17631, 17632, 17635, 17636, 17637, 17638, 17639, 17640, the title to Article 2 (commencing at Section 17651) of Chapter 7 of Part 10 of Division 2, 17651, 17652, 17653, 17654, 17655, 17711, 17865, 18031, 18042, 18052, 18081, 18082, 18091, 18096, 18097, 18099, 18121, 18194, 18195, 18197 and 18198 of, to amend and renumber Section 18246 of, and to add Sections 17205, 17223, 17227, 17228, 17229, 17230, 17231, 17290, 17292, 17334.1, 17367, 17415, 17537.1, 17583, 17592, 17593, 17612.1, 17612.2, 17612.3, 17612.4, 17656, 17657, 17658, 17659, 17660, 18051.1, 18089, 18090, 18090.1, 18090.2, 18092, 18246, 18247 and 18362 to, and to repeal Sections 17633, 17634, 17645, 17646, 17647, 17648, 17649 and 18047 of the Revenue and Taxation Code, relating to personal income taxes, to take effect immediately.

[Approved by Governor June 21, 1961. Filed with Secretary of State June 23, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 17042 of the Revenue and Taxation Code is amended to read:

17042. For purposes of this part, an individual shall be considered a head of a household if, and only if, such individual is not married at the close of his taxable year, and either— Head of a household

(a) Maintains as his home a household which constitutes for such taxable year the principal place of abode, as a member of such household, of—

(1) A son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer, but if such son, stepson, daughter, stepdaughter, or descendant is married at the close of the taxpayer's taxable year, only if the taxpayer is entitled to a deduction for such person under Section 17181(d); or

(2) Any other person who is a dependent of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such person under Section 17181(d).

For purposes of this section, an individual shall be considered as maintaining a household only if over half of the cost of maintaining the household during the taxable year is furnished by such individual, or,

(b) Maintains a household which constitutes for such taxable year the principal place of abode of the father or mother of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such father or mother under Section 17181.

SEC. 2. Section 17072 of said code is amended to read:

"Adjusted gross income"

17072. For purposes of this part, the term "adjusted gross income" means, in the case of an individual, gross income minus the following deductions:

(a) The deductions allowed by this part (other than by Article 7 of this chapter) which are attributable to a trade or business carried on by the taxpayer, if such trade or business does not consist of the performance of services by the taxpayer as an employee.

(b) (1) The deductions allowed by Article 6 (Section 17201 and following) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer.

(2) The deductions allowed by Article 6 (Section 17201 and following) which consist of expenses of travel, meals, and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(3) The deductions allowed by Article 6 (commencing at Section 17201) of Chapter 3 of this part which consist of expenses of transportation paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(4) The deductions allowed by Article 6 (commencing at Section 17201) of Chapter 3 of this part which are attributable to a trade or business carried on by the taxpayer, if such trade or business consists of the performance of services by the taxpayer as an employee and if such trade or business is to solicit, away from the employer's place of business, business for the employer.

(c) The deduction allowed by Section 18151.

(d) The deductions allowed by Article 6 (commencing at Section 17201) of Chapter 3 of this part as losses from the sale or exchange of property.

(e) The deductions allowed by Article 6 (commencing at Section 17201) of Chapter 3 of this part, by Section 17252 (relating to expenses for production of income), and by Section 17681 (relating to depletion) which are attributable to property held for the production of rents or royalties.

(f) In the case of a life tenant of property, or an income beneficiary of property held in trust, or an heir, legatee, or devisee of an estate, the deduction for depreciation allowed

by Sections 17208 to 17212, inclusive, and the deduction allowed by Section 17681. Nothing in this section shall permit the same item to be deducted more than once.

SEC. 3. Section 17131 of said code is amended to read:

Exclusions from gross income

17131. (a) Except as otherwise provided in subsection (b) and in Section 17134, gross income does not include amounts received (whether in a single sum or otherwise) under a life insurance contract if such amounts are paid by reason of the death of the insured.

(b) In the case of a transfer for a valuable consideration, by assignment, or otherwise, of a life insurance contract or any interest therein, the amount excluded from gross income by subsection (a) shall not exceed an amount equal to the sum of the actual value of such consideration and the premiums and other amounts subsequently paid by the transferee. The preceding sentence shall not apply in the case of such a transfer—

(i) If such contract or interest therein has a basis for determining gain or loss in the hands of a transferee determined in whole or in part by reference to such basis of such contract or interest therein in the hands of the transferor, or

(ii) If such transfer is to the insured, to a partner of the insured, to a partnership in which the insured is a partner, or to a corporation in which the insured is a shareholder or officer.

SEC. 4. Section 17115 of said code is amended to read:

Gross income Municipal bonds

17115. In computing the gross income of a taxpayer who holds during the taxable year a municipal bond (as defined in Section 17116(a)) primarily for sale to customers in the ordinary course of his trade or business—

(a) If the gross income of the taxpayer from such trade or business is computed by the use of inventories and his inventories are valued on any basis other than cost, the cost of securities sold (as defined in Section 17116(b)) during such year shall be reduced by an amount equal to the amortizable bond premium which would be disallowed as a deduction for such year by Section 17217(b) (relating to deduction for amortizable bond premium) if the definition in Section 17220 of the term "bond" did not exclude such municipal bond; or

(b) If the gross income of the taxpayer from such trade or business is computed without the use of inventories, or by use of inventories valued at cost, and the municipal bond is sold or otherwise disposed of during such year, the adjusted basis (computed without regard to this subsection) of the municipal bond shall be reduced by the amount of the adjustment which would be required under Section 18052(e) (relating to adjustment to basis for amortizable bond premium) if the definition in Section 17220 of the term "bond" did not exclude such municipal bond

Notwithstanding the provisions of subsection (a), no reduction to the cost of securities sold during the taxable year shall be made in respect of any obligation described in Sec-

tion 17116(a)(2) which is held by the taxpayer at the close of the taxable year; but in the taxable year in which any such obligation is sold or otherwise disposed of, if such obligation is a municipal bond (as defined in Section 17116(a)), the cost of securities sold during such year shall be reduced by an amount equal to the adjustment described in subsection (b), without regard to the fact that the taxpayer values his inventories on any basis other than cost.

SEC. 5. Section 17116 of said code is amended to read:

"Municipal bond"

17116. For purposes of Section 17115—

(a) The term "municipal bond" means any obligation issued by a government or political subdivision thereof if the interest on such obligation is excludable from gross income; but such term does not include such an obligation if—

(1) (i) It is sold or otherwise disposed of by the taxpayer within 30 days after the date of its acquisition by him; or

(ii) Its earliest maturity or call date is a date more than five years from the date on which it was acquired by the taxpayer; and

(2) When it is sold or otherwise disposed of by the taxpayer—

(i) In the case of a sale, the amount realized, or

(ii) In the case of any other disposition, its fair market value at the time of such disposition,

is higher than its adjusted basis (computed without regard to this section, Section 17115 and Section 18052(e)). Determinations under subparagraph (2) shall be exclusive of interest.

(b) The term "cost of securities sold" means the amount ascertained by subtracting the inventory value of the closing inventory of a taxable year from the sum of—

(1) The inventory value of the opening inventory for such year; and

(2) The cost of securities and other property purchased during such year which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year.

SEC. 6. Section 17138 of said code is amended to read:

Exclusions from gross income

17138. (a) Except in the case of amounts attributable to (and not in excess of) deductions allowed under Sections 17253 to 17256, inclusive (relating to medical, etc., expenses) for any prior taxable year, gross income does not include—

(1) Amounts received under workmen's compensation acts as compensation for personal injuries or sickness;

(2) The amount of any damages received (whether by suit or agreement) on account of personal injuries or sickness;

(3) Amounts received through accident or health insurance for personal injuries or sickness (other than amounts received by an employee, to the extent such amounts (A) are attributable to contributions by the employer which were not includable in the gross income of the employee, or (B) are paid by the employer); and

(4) Amounts received as a pension, annuity, or similar allowance for personal injuries or sickness resulting from active service in the armed forces of any country or in the Coast and Geodetic Survey or the Public Health Service or as a disability annuity payable under the provisions of Section 831 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1081; 60 Stat. 1021).

(b) (1) For exclusion from employee's gross income of employer contributions to accident and health plans, see Section 17140.

(2) For exclusion of part of disability retirement pay from the application of subsection (a)(4) of this section, see Section 402(h) of the Career Compensation Act of 1949 (37 U.S.C. 272(h)).

SEC. 7. Section 17202 of said code is amended to read:

17202. (a) There shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including— Trade or or business deductions

(1) A reasonable allowance for salaries or other compensation for personal services actually rendered;

(2) Traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business; and

(3) Rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

For purposes of the preceding sentence, the place of residence of a Member of Congress (including any delegate and resident commissioner) within the State, congressional district, territory, or possession which he represents in Congress shall be considered his home, but amounts expended by such members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of three thousand dollars ($3,000).

(b) No deduction shall be allowed under subsection (a) for any contribution or gift which would be allowable as a deduction under Section 17214 were it not for the percentage limitations, or the requirements as to the time of payment, set forth in such section. Exception

(c) No deduction shall be allowed under subsection (a) for any expenses paid or incurred if the payment thereof is made, directly or indirectly, to an official or employee of a foreign country, and if the making of the payment would be unlawful under the laws of the United States if such laws were applicable to such payment and to such official or employee.

(d) For special rule relating to expenses in connection with subdividing real property for sale, see Sections 18197 and 18198.

SEC. 8. Section 17204 of said code is amended to read:

Deduction for taxes paid or accrued

Exceptions

17204. (a) Except as otherwise provided in this section, there shall be allowed as a deduction taxes paid or accrued within the taxable year.

(b) No deduction shall be allowed for the following taxes:

(1) Taxes paid or accrued to the State under this part;

(2) Taxes on or according to or measured by income or profits paid or accrued within the taxable year imposed by the authority of:

(A) The government of the United States or any foreign country;

(B) Any state, territory, county, city and county, school district, municipality, or other taxing subdivision of any state or territory;

(3) Estate, inheritance, legacy, succession, and gift taxes;

(4) Taxes computed as an addition to, or as a percentage of, taxes which are not deductible under this section;

(5) Taxes assessed against local benefits of a kind tending to increase the value of the property assessed, but this does not exclude the allowance as a deduction of so much of the taxes assessed against local benefits as is properly allocable to maintenance or interest charges. Nor does this exclude the allowance of any irrigation or other water district taxes or assessments which are levied for the payment of the principal of any improvement or other bonds for which a general assessment on all lands within the district is levied as distinguished from a special assessment levied on part of the area within the district.

(6) Federal stamp taxes (not described in subsections (b)(2), (3), (4), or (5)); but this subsection shall not prevent such taxes from being deducted under Section 17202 (relating to trade or business expenses) or Section 17252 (relating to expenses for the production of income).

(7) Taxes on real property, to the extent that Section 17205 requires such taxes to be treated as imposed on another taxpayer.

(8) For purposes of this section and Section 17205, amounts paid or accrued, to compensate the Atomic Energy Commission for municipal-type services, by any owner of real property within any community (within the meaning of Section 21b of the Atomic Energy Community Act of 1955) shall be treated as real property taxes paid or accrued. For purposes of this subsection, the term "owner" includes a person who holds the real property under a leasehold of 40 or more years and a person who has entered into a contract to purchase under Section 61 of the Atomic Energy Community Act of 1955. Section 17205 shall not apply to a sale by the United States of property with respect to which this section applies.

(c) (1) In the case of any state or local sales tax, if the amount of the tax is separately stated, then, to the extent that the amount so stated is paid by the consumer (otherwise than in connection with the consumer's trade or business) to his seller, such amount shall be allowed as a deduction to the con-

sumer as if it constituted a tax imposed on, and paid by such consumer.

(2) For purposes of paragraph (c)(1), the term "state or local sales tax" means a tax imposed by a state, a territory, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia, which tax—

(A) Is imposed on persons engaged in selling tangible personal property at retail (or on persons selling gasoline or other motor vehicle fuels at wholesale or retail) and is a stated sum per unit of property sold or is measured either by the gross sales price or by the gross receipts from the sale; or

(B) Is imposed on persons engaged in furnishing services at retail and is measured by the gross receipts for furnishing such services.

SEC 9. Section 17205 is added to said code, to read:

17205. (a) For purposes of Section 17204, if real property is sold during any real property tax year, then— Allocation of real property tax

(1) So much of the real property tax as is properly allocable to that part of such year which ends on the day before the date of the sale shall be treated as a tax imposed on the seller; and

(2) So much of such tax as is properly allocable to that part of such year which begins on the date of the sale shall be treated as a tax imposed on the purchaser.

(b) (1) In the case of any sale of real property, if—

(A) A taxpayer may not, by reason of his method of accounting, deduct any amount for taxes unless paid; and

(B) The other party to the sale is (under the law imposing the real property tax) liable for the real property tax for the real property tax year;

then for purposes of Section 17204 the taxpayer shall be treated as having paid, on the date of the sale, so much of such tax as, under subsection (a) of this section, is treated as imposed on the taxpayer. For purposes of the preceding sentence, if neither party is liable for the tax, then the party holding the property at the time the tax becomes a lien on the property shall be considered liable for the real property tax for the real property tax year.

(2) Subsection (a) shall apply to taxable years beginning after December 31, 1960, but only in the case of sales after December 31, 1960.

(3) Subsection (a) shall not apply to any real property tax, to the extent that such tax was allowable as a deduction under the Personal Income Tax Law of 1954 to the seller for a taxable year which ended before January 1, 1961.

(4) In the case of any sale of real property, if the taxpayer's taxable income for the taxable year during which the sale occurs is computed under an accrual method of accounting, and if no election under Section 17592(c) (relating to the accrual of real property taxes) applies, then, for purposes of Section 17204, that portion of such tax which—

(A) Is treated, under subsection (a), as imposed on the taxpayer; and

(B) May not, by reason of the taxpayer's method of accounting, be deducted by the taxpayer for any taxable year;

shall be treated as having accrued on the date of the sale.

SEC. 10. Section 17592 is added to said code, to read:

Same Accrual taxpayer

17592. (a) If the taxable income is computed under an accrual method of accounting, then, at the election of the taxpayer, any real property tax which is related to a definite period of time shall be accrued ratably over that period.

(b) Subsection (a) shall not apply to any real property tax, to the extent that such tax was allowable as a deduction under the law for a taxable year which began before January 1, 1961. In the case of any real property tax which would, but for this section, be allowable as a deduction for the first taxable year of the taxpayer which ends after December 31, 1960, then, to the extent that such tax is related to any period before the first day of such first taxable year, the tax shall be allowable as a deduction for such first taxable year.

(c) (1) A taxpayer may, without the consent of the Franchise Tax Board, make an election under this section for his first taxable year which ends after the enactment of this section, in which the taxpayer incurs real property taxes. Such an election shall be made not later than the time prescribed by law for filing the return for such year (including extensions thereof).

(2) A taxpayer may, with the consent of the Franchise Tax Board, make an election under this section at any time.

SEC. 11. Section 17593 is added to said code, to read:

Same: Time of

17593. (a) In the case of a taxpayer whose taxable income is computed under an accrual method of accounting, to the extent that the time for accruing taxes is earlier than it would be but for any action of any taxing jurisdiction taken after December 31, 1960, then, under regulations prescribed by the Franchise Tax Board, such taxes shall be treated as accruing at the time they would have accrued but for such action by such taxing jurisdiction.

(b) Under regulations prescribed by the Franchise Tax Board, subdivision (a) shall be inapplicable to any item of tax to the extent that its application would (but for this paragraph) prevent all persons (including successors in interest) from ever taking such item into account.

SEC. 12. Section 18031 of said code is amended to read:

Gain or loss from disposition of property

18031. (a) The gain from the sale or other disposition of property shall be the excess of the amount realized therefrom over the adjusted basis provided in Section 18041 for determining gain, and the loss shall be the excess of the adjusted basis provided in such section for determining loss over the amount realized.

Amount realized

(b) The amount realized from the sale or other disposition of property shall be the sum of any money received plus the

fair market value of the property (other than money) received In determining the amount realized—

(1) There shall not be taken into account any amount received as reimbursement for real property taxes which are treated under Section 17205 as imposed on the purchaser; and

(2) There shall be taken into account amounts representing real property taxes which are treated under Section 17205 as imposed on the taxpayer if such taxes are to be paid by the purchaser.

(c) In the case of a sale or exchange of property, the extent to which the gain or loss determined under this section shall be recognized for purposes of this part shall be determined under Section 18032.

(d) Nothing in this section shall be construed to prevent (in the case of property sold under contract providing for payment in installments) the taxation of that portion of any installment payment representing gain or profit in the year in which such payment is received.

SEC. 13. Section 18042 of said code is amended to read:

Basis

18042. The basis of property shall be the cost of such property, except as otherwise provided in this chapter and Chapters 4 (relating to corporate distributions and adjustments), 10 (relating to partners and partnerships), and 14 (relating to capital gains and losses) The cost of real property shall not include any amount in respect of real property taxes which are treated under Section 17205 as imposed on the taxpayer.

SEC. 14. Section 17218 of said code is amended to read:

Bond premium

17218. (a) For purposes of subsection (b), the amount of bond premium, in the case of the holder of any bond, shall be determined—

(1) With reference to the amount of the basis (for determining loss on sale or exchange) of such bond;

(2) With reference to the amount payable on maturity or on earlier call date, in the case of any bond other than a bond to which clause (3) or (4) applies,

(3) With reference to the amount payable on maturity (or if it results in a smaller amortizable bond premium attributable to the period to earlier call date, with reference to the amount payable on earlier call date), in the case of any bond which is acquired after December 31, 1960, or

(4) With reference to the amount payable on maturity, in the case of any bond which was acquired after December 31, 1954, and before January 1, 1961, but only if such bond was issued after December 31, 1951, and has a call date not more than three years after the date of such issue, and

(5) With adjustments proper to reflect unamortized bond premium, with respect to the bond, for the period before the date as of which Section 17217 becomes applicable with respect to the taxpayer with respect to such bond.

In no case shall the amount of bond premium on a convertible bond include any amount attributable to the conversion features of the bond.

(b) The amortizable bond premium of the taxable year shall be the amount of the bond premium attributable to such year. In the case of a bond to which paragraph (a)(2)(3) or (4) applies and which has a call date, the amount of bond premium attributable to the taxable year in which the bond is called shall include an amount equal to the excess of the amount of the adjusted basis (for determining loss on sale or exchange) of such bond as of the beginning of the taxable year over the amount received on redemption of the bond or (if greater) the amount payable on maturity.

(c) The determinations required under subsections (a) and (b) shall be made—

(1) In accordance with the method of amortizing bond premium regularly employed by the holder of the bond, if such method is reasonable;

(2) In all other cases, in accordance with regulations prescribing reasonable methods of amortizing bond premium prescribed by the Franchise Tax Board.

SEC. 15. Section 17227 is added to said code, to read:

Trademark, etc., expenditures Deferred expense

17227. (a) Any trademark or trade name expenditure paid or incurred during a taxable year beginning after December 31, 1960, may, at the election of the taxpayer (made in accordance with regulations prescribed by the Franchise Tax Board), be treated as a deferred expense. In computing taxable income, all expenditures paid or incurred during the taxable year which are so treated shall be allowed as a deduction ratably over such period of not less than 60 months (beginning with the first month in such taxable year) as may be selected by the taxpayer in making such election. The expenditures so treated are expenditures properly chargeable to capital account for purposes of Section 18052(a) (relating to adjustments to basis of property).

"Trademark or trade name expenditure"

(b) For purposes of subsection (a), the term "trademark or trade name expenditure" means any expenditure which—

(1) Is directly connected with the acquisition, protection, expansion, registration (federal, state, or foreign), or defense of a trademark or trade name;

(2) Is chargeable to capital account; and

(3) Is not part of the consideration paid for a trademark, trade name, or business.

(c) The election provided by subsection (a) shall be made within the time prescribed by law (including extensions thereof) for filing the return for the taxable year during which the expenditure is paid or incurred. The period selected by the taxpayer under subsection (a) with respect to the expenditures paid or incurred during the taxable year which are treated as deferred expenses shall be adhered to in computing his taxable income for the taxable year for which the election is made and all subsequent years.

(d) For adjustments to basis of property for amounts allowed as deductions for expenditures treated as deferred expenses under this section, see Section 18052(m).

SEC. 16 Section 17228 is added to said code, to read:

Deduction for exhaustion, etc

17228. Except as provided in Section 17229, in determining the amount allowable to a lessee as a deduction for any taxable year for exhaustion, wear and tear, obsolescence, or amortization—

(a) In respect of any building erected (or other improvement made) on the leased property, if the portion of the term of the lease (excluding any period for which the lease may subsequently be renewed, extended, or continued pursuant to an option exercisable by the lessee) remaining upon the completion of such building or other improvement is less than 60 percent of the useful life of such building or other improvement, or

(b) In respect of any cost of acquiring the lease, if less than 75 percent of such cost is attributable to the portion of the term of the lease (excluding any period for which the lease may subsequently be renewed, extended, or continued pursuant to an option exercisable by the lessee) remaining on the date of its acquisition,

the term of the lease shall be treated as including any period for which the lease may be renewed, extended, or continued pursuant to an option exercisable by the lessee, unless the lessee establishes that (as of the close of the taxable year) it is more probable that the lease will not be renewed, extended, or continued for such period than that the lease will be so renewed, extended, or continued.

SEC. 17. Section 17229 is added to said code, to read:

Same Where lessor and lessee are related

17229. (a) If a lessee and lessor are related persons (as determined under paragraph (b)), at any time during the taxable year then, in determining the amount allowable to the lessee as a deduction for such taxable year for exhaustion, wear and tear, obsolescence, or amortization in respect of any building erected (or other improvement made) on the leased property, the lease shall be treated as including a period of not less duration than the remaining useful life of such improvement.

Related persons defined

(b) For purposes of subsection (a), a lessor and lessee shall be considered to be related persons if—

(1) The lessor and the lessee are members of an affiliated group (as defined in Section 1504 of the Internal Revenue Code of 1954), or

(2) The relationship between the lessor and lessee is one described in Section 17288, except that, for purposes of this subparagraph, the phrase "80 percent or more" shall be substituted for the phrase "more than 50 percent" each place it appears in such subsection.

For purposes of determining the ownership of stock in applying subparagraph (2), the rules of Section 17289 shall

apply, except that the family of an individual shall include only his spouse, ancestors, and lineal descendants.

SEC. 18. Section 17230 is added to said code, to read:

17230 In any case in which neither Section 17228 nor Section 17229 applies, the determination as to the amount allowable to a lessee as a deduction for any taxable year for exhaustion, wear and tear, obsolescence, or amortization—

(a) In respect of any building erected (or other improvement made) on the leased property, or

(b) In respect of any cost of acquiring the lease,

shall be made with reference to the term of the lease (excluding any period for which the lease may subsequently be renewed, extended, or continued pursuant to an option exercisable by the lessee), unless the lease has been renewed, extended, or continued or the facts show with reasonable certainty that the lease will be renewed, extended, or continued.

SEC. 19. Section 17231 is added to said code, to read:

Costs of acquiring a lease

17231 Sections 17228 through 17230 shall apply with respect to costs of acquiring a lease incurred, and improvements begun, after December 31, 1960 (other than improvements which, on December 31, 1960, and at all times thereafter, the lessee was under a binding obligation to make).

SEC. 20. Section 17264 of said code is amended to read:

Deduction for tenant-stockholder

17264. In the case of a tenant-stockholder (as defined in Section 17265(b)) there shall be allowed as a deduction amounts (not otherwise deductible) paid or accrued to a co-operative housing corporation within the taxable year, but only to the extent that such amounts represent the tenant-stockholder's proportionate share of—

(a) The real estate taxes allowable as a deduction under Section 17204 which are paid or incurred by the corporation on the houses or apartment building and on the land on which such houses (or building) are situated, or

(b) The interest allowable as a deduction to the corporation which is paid or incurred by the corporation on its indebtedness contracted—

(1) In the acquisition, construction, alteration, rehabilitation, or maintenance of the houses or apartment building, or

(2) In the acquisition of the land on which the houses (or apartment building) are situated.

SEC. 21. Section 17265 of said code is amended to read:

17265. For purposes of Section 17264—

"Co-operative housing corporation"

(a) The term "co-operative housing corporation" means a corporation—

(1) Having one and only one class of stock outstanding,

(2) Each of the stockholders of which is entitled, solely by reason of his ownership of stock in the corporation, to occupy for dwelling purposes a house, or an apartment in a building, owned or leased by such corporation,

(3) No stockholder of which is entitled (either conditionally or unconditionally) to receive any distribution not out of

earnings and profits of the corporation except on a complete or partial liquidation of the corporation, and

(4) Eighty percent or more of the gross income of which for the taxable year in which the taxes and interest described in Section 17264 are paid or incurred is derived from tenant-stockholders.

"Tenant-stockholder"

(b) The term "tenant-stockholder" means an individual who is a stockholder in a co-operative housing corporation, and whose stock is fully paid up in an amount not less than an amount shown to the satisfaction of the Franchise Tax Board as bearing a reasonable relationship to the portion of the value of the corporation's equity in the houses or apartment building and the land on which situated which is attributable to the house or apartment which such individual is entitled to occupy

"Tenant-stockholder's proportionate share"

(c) The term "tenant-stockholder's proportionate share" means that proportion which the stock of the co-operative housing corporation owned by the tenant-stockholder is of the total outstanding stock of the corporation (including any stock held by the corporation).

SEC. 22. Section 18096 of said code is amended to read:

Principal residence

18096. For the purposes of this article, Section 18052(f), and Section 18169, references to property used by the taxpayer as his principal residence, and references to the residence of a taxpayer, shall include stock held by a tenant-stockholder (as defined in Section 17265(b), in a co-operative housing corporation as defined in Section 17265(a) if—

(a) In the case of stock sold, the house or apartment which the taxpayer was entitled to occupy as such stockholder was used by him as his principal residence; and

(b) In the case of stock purchased, the taxpayer used as his principal residence the house or apartment which he was entitled to occupy as such stockholder.

SEC. 23. Section 17223 is added to said code, to read:

Research, etc., expenditures Deduction

17223. (a) (1) A taxpayer may treat research or experimental expenditures which are paid or incurred by him during the taxable year in connection with his trade or business as expenses which are not chargeable to capital account. The expenditures so treated shall be allowed as a deduction.

(2) (A) A taxpayer may, without the consent of the Franchise Tax Board, adopt the method provided in this section for his first taxable year—

(i) Which begins after December 31, 1960, and ends after the enactment of this section; and

(ii) For which expenditures described in paragraph (1) are paid or incurred.

(B) A taxpayer may, with the consent of the Franchise Tax Board adopt at any time the method provided in this subsection

(3) The method adopted under this section shall apply to all expenditures described in paragraph (1). The method adopted shall be adhered to in computing taxable income for the taxable year and all subsequent taxable years unless, with

the approval of the Franchise Tax Board, a change to a different method is authorized with respect to part or all of such expenditures.

Same
Deferred expenses

(b) (1) At the election of the taxpayer, made in accordance with regulations prescribed by the Franchise Tax Board, research or experimental expenditures which are—

(A) Paid or incurred by the taxpayer in connection with his trade or business;

(B) Not treated as expenses under subsection (a); and

(C) Chargeable to capital account but not chargeable to property of a character which is subject to the allowance under Sections 17208 to 17212, inclusive (relating to allowance for depreciation, etc.) or Section 17681 (relating to allowance for depletion);

may be treated as deferred expenses. In computing taxable income, such deferred expenses shall be allowed as a deduction ratably over such period of not less than 60 months as may be selected by the taxpayer (beginning with the month in which the taxpayer first realizes benefits from such expenditures). Such deferred expenses are expenditures properly chargeable to capital account for purposes of Section 18052(a) (relating to adjustments to basis of property).

(2) The election provided by paragraph (1) may be made for any taxable year beginning after December 31, 1960, but only if made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof). The method so elected, and the period selected by the taxpayer, shall be adhered to in computing taxable income for the taxable year for which the election is made and for all subsequent taxable years unless with the approval of the Franchise Tax Board, a change to a different method (or to a different period) is authorized with respect to part or all of such expenditures. The election shall not apply to any expenditure paid or incurred during any taxable year before the taxable year for which the taxpayer makes the election.

(c) Section 17223 shall not apply to any expenditure for the acquisition or improvement of land, or for the acquisition or improvement of property to be used in connection with the research or experimentation and of a character which is subject to the allowance under Sections 17208 to 17212, inclusive (relating to allowance for depreciation, etc.) or Section 17681 (relating to allowance for depletion); but for purposes of this section allowances under Sections 17208 to 17212 inclusive, and allowances under Section 17681, shall be considered as expenditures.

(d) Section 17223 shall not apply to any expenditure paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral (including oil and gas).

(e) For adjustments to basis of property for amounts allowed as deductions as deferred expenses under subsection (b), see Section 18052(h).

SEC. 24. Section 17283 of said code is amended to read:

17283. No deduction shall be allowed for— No deduction allowed

(a) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate. This subsection shall not apply to—

(1) Expenditures for the development of mines or deposits deductible under Section 17690;

(2) Soil and water conservation expenditures deductible under Section 17224, or

(3) Research and experimental expenditures deductible under Section 17223.

(b) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made.

(c) Notwithstanding subsection (a) or (b), regulations shall be prescribed by the Franchise Tax Board under this part corresponding to the regulations which granted the option to deduct as expenses intangible drilling and development costs in the case of oil and gas wells and which were recognized and approved by the United States Congress in House Concurrent Resolution 50, 79th Congress. Regulations re oil and gas expenses

SEC. 25. Section 17287 of said code is amended to read:

17287. No deduction shall be allowed— No deduction allowed

(a) In respect of losses from sales or exchanges of property (other than losses in cases of distributions in corporate liquidations), directly or indirectly, between persons specified within Section 17288.

(b) In respect of expenses, otherwise deductible under Section 17202 or 17252, or of interest, otherwise deductible under Section 17203—

(1) If within the period consisting of the taxable year of the taxpayer and two and one-half months after the close thereof (1) such expenses or interest are not paid, and (2) the amount thereof is not includable in the gross income of the person to whom the payment is to be made; and

(2) If, by reason of the method of accounting of the person to whom the payment is to be made, the amount thereof is not, unless paid, includable in the gross income of such person for the taxable year in which or with which the taxable year of the taxpayer ends; and

(3) If, at the close of the taxable year of the taxpayer or at any time within two and one-half months thereafter, both the taxpayer and the person to whom the payment is to be made are persons specified within any one of the paragraphs of Section 17288.

SEC. 26. Section 17290 is added to said code, to read:

17290. (a) In the case of a sale or exchange of property to the taxpayer a loss sustained by the transferor is not allowable to the transferor as a deduction by reason of Section 17287 (or by reason of Sections 17352 and 17353 of the Personal Income Tax Law of 1954); and Basis of property received without recognition of gain or loss

(b) After December 31, 1960, the taxpayer sells or otherwise disposes of such property (or of other property the basis of which in his hands is determined directly or indirectly by reference to such property) at a gain; then such gain shall be recognized only to the extent that it exceeds so much of such loss as is properly allocable to the property sold or otherwise disposed of by the taxpayer. This section applies with respect to taxable years beginning after December 31, 1960, and ending after the date this section is enacted This section shall not apply if the loss sustained by the transferor is not allowable to the transferor as a deduction by reason of Section 18141 (relating to wash sales) or by reason of Section 17309 of the Personal Income Tax Law of 1954

SEC. 27. Section 17292 is added to said code, to read:

Recomputation of taxable income

17292. (a) If the deductions allowed by this part or the corresponding provisions of prior income tax laws (other than specially treated deductions, as defined in subsection (b)) allowable to an individual (except for the provisions of this section) and attributable to a trade or business carried on by him for five consecutive taxable years have, in each of such years (including at least one year to which this part applies), exceeded by more than fifty thousand dollars ($50,000) the gross income derived from such trade or business, the taxable income (computed under Section 17073) of such individual for each of such years shall be recomputed. For the purpose of such recomputation in the case of any such taxable year, such deductions shall be allowed only to the extent of fifty thousand dollars ($50,000) plus the gross income attributable to such trade or business.

(b) For the purposes of subsection (a) the specially treated deductions shall be taxes, interest, casualty and abandonment losses connected with a trade or business deductible under Section 17206(b), losses and expenses of the trade or business of farming which are directly attributable to drought, and expenditures as to which taxpayers are given the option, under law or regulations, either: (1) to deduct as expenses when incurred; or (2) to defer or capitalize.

(c) On the basis of the taxable income computed under the provisions of subsection (a) for each of the five consecutive taxable years specified in such subsection, the tax imposed by this part or the corresponding provisions of prior income tax laws shall be redetermined for each such taxable year. If for any such taxable year assessment of a deficiency is prevented by the operation of any law or rule of law, any increase in the tax previously determined for such taxable year shall be considered a deficiency for purposes of this section

(d) Notwithstanding any law or rule of law, any amount determined as a deficiency under subsection (c), or which would be so determined if assessment were prevented in the manner described in subsection (c), with respect to any taxable year may be assessed as if on the date of the expiration of the time prescribed by law for the assessment of a deficiency

for the fifth taxable year of the five consecutive taxable years specified in subsection (a), one year remained before the expiration of the period of limitation upon assessment for any such taxable year.

SEC. 28. Section 17415 is added to said code, to read:

17415. (a) For purposes of Section 17411(a) a corporation shall not be considered to be a collapsible corporation with respect to any sale or exchange of stock of the corporation by a shareholder, if at the time of such sale or exchange, the sum of— Collapsible corporations

(i) The net unrealized appreciation in Section 17415 assets of the corporation (as defined in paragraph (e)(i)), plus

(ii) If the shareholder owns more than 5 percent in value of the outstanding stock of the corporation, the net unrealized appreciation in assets of the corporation (other than assets described in subparagraph (i)) which would be Section 17415 assets under clauses (A) and (C) of paragraph (e)(i) if the shareholder owned more than 20 percent in value of such stock, plus

(iii) If the shareholder owns more than 20 percent in value of the outstanding stock of the corporation and owns, or at any time during the preceding three-year period owned, more than 20 percent in value of the outstanding stock of any other corporation more than 70 percent in value of the assets of which are, or were at any time during which such shareholder owned during such three-year period more than 20 percent in value of the outstanding stock, assets similar or related in service or use to assets comprising more than 70 percent in value of the assets of the corporation, the net unrealized appreciation in assets of the corporation (other than assets described in subparagraph (i)) which would be Section 17415 assets under clauses (A) and (C) of paragraph (e)(i) if the determination whether the property, in the hands of such shareholder, would be property gain from the sale or exchange of which would under any provision of this chapter be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in Section 18182, were made—

(1) By treating any sale or exchange by such shareholder of stock in such other corporation within the preceding three-year period (but only if at the time of such sale or exchange the shareholder owned more than 20 percent in value of the outstanding stock in such other corporation) as a sale or exchange by such shareholder of his proportionate share of the assets of such other corporation, and

(2) By treating any sale or exchange of property by such other corporation within such three-year period (but only if at the time of such sale or exchange the shareholder owned more than 20 percent in value of the outstanding stock in such other corporation), gain or loss on which was not recognized to such other corporation under Section 24512 of

the Bank and Corporation Tax Law, as a sale or exchange by such shareholder of his proportionate share of the property sold or exchanged,

does not exceed an amount equal to 15 percent of the net worth of the corporation. This paragraph shall not apply to any sale or exchange of stock to the issuing corporation or, in the case of a shareholder who owns more than 20 percent in value of the outstanding stock of the corporation, to any sale or exchange of stock by such shareholder to any person related to him (within the meaning of subsection (h)).

(b) For purposes of Section 17411(b), a corporation shall not be considered to be a collapsible corporation with respect to any distribution to a shareholder pursuant to a plan of complete liquidation if, by reason of the application of subsection (d), Section 24512 of the Bank and Corporation Tax Law applies to sales or exchanges of property by the corporation within the 12-month period beginning on the date of the adoption of such plan, and if, at all times after the adoption of the plan of liquidation, the sum of—

(i) The net unrealized appreciation in Section 17415 assets of the corporation (as defined in paragraph (e)(i)), plus

(ii) If the shareholder owns more than 5 percent in value of the outstanding stock of the corporation, the net unrealized appreciation in assets of the corporation described in paragraph (a)(ii) (other than assets described in subparagraph (i) of this paragraph), plus

(iii) If the shareholder owns more than 20 percent in value of the outstanding stock of the corporation and owns, or at any time during the preceding three-year period owned, more than 20 percent in value of the outstanding stock of any other corporation more than 70 percent in value of the assets of which are, or were at any time during which such shareholder owned during such three-year period more than 20 percent in value of the outstanding stock, assets similar or related in service or use to assets comprising more than 70 percent in value of the assets of the corporation, the net unrealized appreciation in assets of the corporation described in paragraph (A)(iii) (other than assets described in subparagraph (i) of this paragraph),

does not exceed an amount equal to 15 percent of the net worth of the corporation.

(c) For purposes of Section 17402, a corporation shall not be considered to be a collapsible corporation if at all times after the adoption of the plan of liquidation, the net unrealized appreciation in Section 17415 assets of the corporation (as defined in paragraph (e)(ii)) does not exceed an amount equal to 15 percent of the net worth of the corporation.

(d) For purposes of Sections 24512 through 24514 of the Bank and Corporation Tax Law, a corporation shall not be considered to be a collapsible corporation with respect to any sale or exchange by it of property within the 12-month period

beginning on the date of the adoption of a plan of complete liquidation, if—

(i) At all times after the adoption of such plan, the net unrealized appreciation in Section 17415 assets of the corporation (as defined in paragraph (e)(i)) does not exceed an amount equal to 15 percent of the net worth of the corporation,

(ii) Within the 12-month period beginning on the date of the adoption of such plan, the corporation sells substantially all of the properties held by it on such date,

(iii) Following the adoption of such plan, no distribution is made of any property which in the hands of the corporation or in the hands of the distributee is property in respect of which a deduction for exhaustion, wear and tear, obsolescence, amortization, or depletion is allowable.

This paragraph shall not apply with respect to any sale or exchange of property by the corporation to any shareholder who owns more than 20 percent in value of the outstanding stock of the corporation or to any person related to such shareholder (within the meaning of subsection (h)), if such property in the hands of the corporation or in the hands of such shareholder or related person is property in respect of which a deduction for exhaustion, wear and tear, obsolescence, amortization, or depletion is allowable.

"Section 17415 asset"

(e) (i) For purposes of subsections (a), (b), and (d), the term "Section 17415 asset" means, with respect to property held by any corporation—

(1) Property (except property used in the trade or business, as defined in paragraph (i)) which in the hands of the corporation is, or, in the hands of a shareholder who owns more than 20 percent in value of the outstanding stock of the corporation, would be, property gain from the sale or exchange of which would under any provision of this chapter be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in Section 18182;

(2) Property used in the trade or business (as defined in subsection (i)), but only if the unrealized depreciation on all such property on which there is unrealized depreciation exceeds the unrealized appreciation on all such property on which there is unrealized appreciation;

(3) If there is net unrealized appreciation on all property used in the trade or business (as defined in subsection (i)), which, in the hands of a shareholder who owns more than 20 percent in value of the outstanding stock of the corporation, would be property gain from the sale or exchange of which would under any provision of this part be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in Section 18182; and

(4) Property (unless included under clause (1), (2), or (3)) which consists of a copyright, a literary, musical, or

artistic composition, or similar property, or any interest in any such property, if the property was created in whole or in part by the personal efforts of any individual who owns more than 5 percent in value of the stock of the corporation. The determination as to whether property of the corporation in the hands of the corporation is, or in the hands of a shareholder would be, property gain from the sale or exchange of which would under any provision of this part be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in Section 18182 shall be made as if all property of the corporation has been sold or exchanged to one person in one transaction.

(ii) For purposes of subsection (e), the term "Section 17415 asset" means, with respect to property held by any corporation, property described in clauses (1), (2), (3), and (4) of subparagraph (i), except that clauses (1) and (3) shall apply in respect of any shareholder who owns more than 5 percent in value of the outstanding stock of the corporation (in lieu of any shareholder who owns more than 20 percent in value of such stock).

"Net unrealized appreciation"

(f) (i) For purposes of this section, the term "net unrealized appreciation" means, with respect to the assets of a corporation, the amount by which—

(1) The unrealized appreciation in such assets on which there is unrealized appreciation, exceeds

(2) The unrealized depreciation in such assets on which there is unrealized depreciation.

(ii) For purposes of subparagraph (i) and subsection (e) (1), the term "unrealized appreciation" means, with respect to any asset, the amount by which—

(1) The fair market value of such asset, exceeds

(2) The adjusted basis for determining gain from the sale or other disposition of such asset.

(iii) For purposes of subparagraph (i) and subsection (e) (1), the term "unrealized depreciation" means, with respect to any asset, the amount by which—

(1) The adjusted basis for determining gain from the sale or other disposition of such asset, exceeds

(2) The fair market value of such asset.

(iv) For purposes of this subsection (but not subsection (e)(1)), in the case of any asset on the sale or exchange of which only a portion of the gain would under any provision of this part be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in Section 18182, there shall be taken into account only an amount of the unrealized appreciation in such asset which is equal to such portion of the gain.

Net worth of a corporation

(g) For purposes of this section, the net worth of a corporation, as of any day, is the amount by which—

(i) (1) The fair market value of all its assets at the close of such day, plus

(2) The amount of any distribution in complete liquidation made by it on or before such day, exceeds

(ii) All its liabilities at the close of such day.

For purposes of this subsection, the net worth of a corporation as of any day shall not take into account any increase in net worth during the one-year period ending on such day to the extent attributable to any amount received by it for stock, or as a contribution to capital or as paid-in surplus, if it appears that there was not a bona fide business purpose for the transaction in respect of which such amount was received.

Persons related to shareholders

(h) For purposes of subsection (a) and (d), the following persons shall be considered to be related to a shareholder:

(i) If the shareholder is an individual—

(1) His spouse, ancestors, and lineal descendants, and

(2) A corporation which is controlled by shareholder.

(ii) If the shareholder is a corporation—

(1) A corporation which controls, or is controlled by the shareholder, and

(2) If more than 50 percent in value of the outstanding stock of the shareholder is owned by any person, a corporation more than 50 percent in value of the outstanding stock of which is owned by the same person.

For purposes of determining the ownership of stock in applying subparagraphs (i) and (ii), the rules of Section 17289 shall apply, except that the family of an individual shall include only his spouse, ancestors, and lineal descendants. For purposes of this subsection, control means the ownership of stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote or at least 50 percent of the total value of shares of all classes of stock of the corporation.

"Property used in the trade or business"

(i) For purposes of this section, the term "property used in the trade or business" means property described in Section 18182, without regard to any holding period therein provided.

Ownership of stock

(j) For purposes of this section (other than subsection (h)), the ownership of stock shall be determined in the manner prescribed in Section 17414.

(k) In determining whether or not any corporation is a collapsible corporation within the meaning of Section 17412, the fact that such corporation, or such corporation with respect to any of its shareholders, does not meet the requirements of subsections (a), (b), (c), or (d) of this section shall not be taken into account, and such determination, in the case of a corporation which does not meet such requirements, shall be made as if this section had not been enacted.

SEC. 29. Section 17441 of said code is amended to read:

Exchanges Basis

17441. In the case of an exchange to which Section 17431, 17432, 17433, 17434, 17435 to 17439, inclusive, or 17482 applies—

(a) The basis of the property permitted to be received under such sections without the recognition of gain or loss shall be the same as that of the property exchanged—

(1) Decreased by—

(A) The fair market value of any other property (except money) received by the taxpayer,

(B) The amount of any money received by the taxpayer, and

(C) The amount of loss to the taxpayer which was recognized on such exchange, and

(2) Increased by—

(A) The amount which was treated as a dividend, and

(B) The amount of gain to the taxpayer which was recognized on such exchange (not including any portion of such gain which was treated as a dividend).

(b) The basis of any other property (except money) received by the taxpayer shall be its fair market value

SEC. 30. Section 17334.1 is added to said code, to read:

Stock acquisition Later received property as dividends

17334.1. In the case of—

(a) Any acquisition of stock described in Sections 17332 through 17334 which occurred before December 31, 1954, and

(b) Any acquisition of stock described in such sections which occurred on or after December 31, 1954, and on or before December 31, 1960, pursuant to a contract entered into before December 31, 1954,

the extent to which the property received after December 31, 1960, in return for such acquisition shall be treated as a dividend shall be determined as if the Personal Income Tax Law of 1954 continued to apply in respect of such acquisition and as if Sections 17332 through 17334 had not been enacted.

SEC. 31. Section 17367 is added to said code, to read:

Earnings and profits of corporation

17367. (a) If a corporation distributes property with respect to its stock, and if, at the time of the distribution—

(1) There is outstanding a loan to such corporation which was made, guaranteed, or insured by the United States (or by any agency or instrumentality thereof); and

(2) The amount of such loan so outstanding exceeds the adjusted basis of the property constituting security for such loan;

then the earnings and profits of the corporation shall be increased by the amount of such excess, and (immediately after the distribution) shall be decreased by the amount of such excess. For purposes of paragraph (2) of the preceding sentence, the adjusted basis of the property at the time of distribution shall be determined without regard to any adjustment under Section 18052(b) (relating to adjustment for depreciation, etc.). For purposes of this subsection, a commitment to make, guarantee, or insure a loan shall be treated as the making, guaranteeing, or insuring of a loan.

(b) Subsection (a) shall apply only with respect to distributions made on or after December 31, 1960.

SEC. 32. Section 17511 of said code is amended to read:

Annuity contracts

17511. Except as provided in subsection (a), if an annuity contract is purchased by an employer for an employee under a plan which meets the requirements of Section 17515 (whether

or not the employer deducts the amounts paid for the contract under such section), the employee shall include in his gross income the amounts received under such contract for the year received as provided in Sections 17101 to 17108, inclusive.

(a) If—

(1) An annuity contract is purchased by an employer for an employee under a plan which meets the requirements of Section 17501(c), (d), (e), and (f);

(2) Such plan requires that refunds of contributions with respect to annuity contracts purchased under such plan be used to reduce subsequent premiums on the contracts under the plan; and

(3) The total amounts payable by reason of an employee's death or other separation from the service, or by reason of the death of an employee after the employee's separation from the service, are paid to the payee within one taxable year of the payee,

then the amount of such payments, to the extent exceeding the amount contributed by the employee, which employee contributions shall be reduced by any amounts theretofore paid to him which were not includable in gross income, shall be considered a gain from the sale or exchange of a capital asset held for more than six months.

(b) For purposes of subsection (a), the term "total amounts" means the balance to the credit of an employee which becomes payable to the payee by reason of the employee's death or other separation from the service, or by reason of his death after separation from the service. "Total amounts"

SEC. 33. Section 17512 of said code is amended to read:

17512. (a) (1) If—

(A) An annuity contract is purchased for an employee by an employer described in Section 23701d of this code which is exempt from tax under Section 23701 of this code, Annuity contrates

(B) Such annuity contract is not subject to Section 17511, and

(C) The employee's rights under the contract are nonforfeitable, except for failure to pay future premiums,

then amounts contributed by such employer for such annuity contract on or after such rights become nonforfeitable shall be excluded from the gross income of the employee for the taxable year to the extent that the aggregate of such amounts does not exceed the exclusion allowance for such taxable year. The employee shall include in his gross income the amounts received under such contract for the year received as provided in Sections 17101 to 17108, inclusive.

(2) For purposes of this section, the exclusion allowance for any employee for the taxable year is an amount equal to the excess, if any, of—

(A) The amount determined by multiplying (i) 20 percent of his includable compensation, by (ii) the number of years of service, over

(B) The aggregate of the amounts contributed by the employer for annuity contracts and excludable from the gross income of the employee for any prior taxable year.

'Includable compensation"

(3) For purposes of this section, the term "includable compensation" means, in the case of any employee, the amount of compensation which is received from the employer described in Section 23701d of this code and exempt from tax under Section 23701 of this code, and which is includable in gross income (computed without regard to Section 17139(d)) for the most recent period (ending not later than the close of the taxable year) which under paragraph (4) may be counted as one year of service. Such term does not include any amount contributed by the employer for any annuity contract to which this section applies.

(4) In determining the number of years of service for purposes of this section, there shall be included—

(A) One year for each full year during which the individual was a full-time employee of the organization purchasing the annuity for him, and

(B) A fraction of a year (determined in accordance with regulations prescribed by the Franchise Tax Board) for each full year during which such individual was a part-time employee of such organization and for each part of a year during which such individual was a full-time or part-time employee of such organization.

In no case shall the number of years of service be less than one.

(5) If for any taxable year of the employee this section applies to two or more annuity contracts purchased by the employer, such contracts shall be treated as one contract.

(6) For purposes of this section if rights of the employee under an annuity contract described in subparagraphs (A) and (B) of paragraph (1) change from forfeitable to nonforfeitable rights, then the amount (determined without regard to this subsection) includable in gross income by reason of such change shall be treated as an amount contributed by the employer for such annuity contract as of the time such rights become nonforfeitable.

(b) If an annuity contract purchased by an employer for an employee is not subject to Section 17511 and the employee's rights under the contract are nonforfeitable, except for failure to pay future premiums, the amount contributed by the employer for such annuity contract on or after such rights become nonforfeitable shall be included in the gross income of the employee in the year in which the amount is contributed. The employee shall include in his gross income the amounts received under such contract for the year received as provided in Sections 17101 to 17108, inclusive.

(c) Notwithstanding the first sentence of subsection (b), if rights of an employee under an annuity contract purchased by an employer which is exempt from tax under Section 17631 or if subject to tax under this part would be exempt under Sec-

tion 17631 or by an employer which claims the special deduction allowed by Section 24404 or 24405 of this code change from forfeitable to nonforfeitable rights, the value of such contract on the date of such change (to the extent attributable to amounts contributed by the employer after December 31, 1960) shall, except as provided in subsection (a), be included in the gross income of the employee in the year of such change.

SEC. 34. Section 17132 of said code is amended to read:

17132. (a) Gross income does not include amounts received (whether in a single sum or otherwise) by the beneficiaries or the estate of an employee, if such amounts are paid by or on behalf of an employer and are paid by reason of the death of the employee. Exclusions from gross income

(b) (1) The aggregate amounts excludable under subsection (a) with respect to the death of any employee shall not exceed five thousand dollars ($5,000).

(2) Subsection (a) shall not apply to amounts with respect to which the employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living.

This subsection shall not apply to total distributions payable (as defined in Section 17503(c)(3) which are paid to a distributee within one taxable year of the distributee by reason of the employee's death—

(i) By a stock bonus, pension, or profit-sharing trust described in Section 17501 which is exempt from tax under Section 17631,

(ii) Under an annuity contract under a plan which meets the requirements of paragraphs (c), (d), (e), and (f) of Section 17501, or

(iii) Under an annuity contract purchased by an employer which is an organization referred to in Section 23701d of this code but only with respect to that portion of such total distributions payable which bears the same ratio to the amount of such total distributions payable which is (without regard to this section) includable in gross income, as the amounts contributed by the employer for such annuity contract which are excludable from gross income under Section 17512 bear to the total amounts contributed by the employer for such annuity contract.

(3) Subsection (a) shall not apply to amounts received by a surviving annuitant under a joint and survivor's annuity contract after the first day of the first period for which an amount was received as an annuity by the employee (or would have been received if the employee had lived).

(4) In the case of any amount to which Sections 17101 to 17108, inclusive (relating to annuities, etc.), apply, the amount which is excludable under subsection (a) (as modified by this subsection) shall be determined by reference to the value of such amount as of the day on which the employee died. Any amount so excludable under subsection (a) shall, for purposes of Sections 17101 to 17108, inclusive, be treated as additional consideration paid by the employee.

SEC. 35. Section 17513 of said code is amended to read:

Deductions for contributions to stock bonus, etc., plans

17513. If contributions are paid by an employer to or under a stock bonus, pension, profit-sharing, or annuity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of such compensation, such contributions or compensation shall not be deductible under Section 17202 (relating to trade or business expenses) or Section 17252 (relating to expenses for the production of income); but, if they satisfy the conditions of either of such sections, they shall be deductible under Sections 17513 to 17523, inclusive, subject, however, to the limitations contained in Sections 17514 to 17523, inclusive, as to the amounts deductible in any year.

SEC. 36 Section 17531 of said code is amended to read:

Stock transfers by exercise of restricted stock option

17531. If a share of stock is transferred to an individual pursuant to his exercise after December 31, 1950, of a restricted stock option, and no disposition of such share is made by him within two years from the date of the granting of the option nor within six months after the transfer of such share to him no income shall result at the time of the transfer of such share to the individual upon his exercise of the option with respect to such share; this section and 17532 shall not apply unless (a) the individual, at the time he exercises the restricted stock option, is an employee of either the corporation granting such option, a parent or subsidiary corporation of such corporation, or a corporation or a parent or subsidiary of such corporation issuing or assuming a stock option in a transaction to which Section 17540 is applicable, or (b) the option is exercised by him within three months after the date he ceases to be an employee of such corporations. In applying subsections (a) and (b) of Section 17535 for purposes of the preceding sentence, there shall be substituted for the term "employer corporation" wherever it appears in such subsections the term "grantor corporation," or the term "corporation issuing or assuming a stock option in a transaction to which Section 17540 is applicable," as the case may be.

SEC. 37. Section 17534 of said code is amended to read:

"Restricted stock option"

17534. For purposes of Sections 17531, 17532, and 17533—the term "restricted stock option" means an option granted after February 26, 1945, to an individual, for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any of such corporations, but only if—

(a) At the time such option is granted—

(1) The option price is at least 85 percent of the fair market value at such time of the stock subject to the option, or

(2) In the case of a variable price option, the option price (computed as if the option had been exercised when granted) is at least 85 percent of the value of the stock at the time such option is granted; and

(b) Such option by its terms is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him; and

(c) Such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock of the employer corporation or of its parent or subsidiary corporation. This section shall not apply if at the time such option is granted the option price is at least 110 percent of the fair market value of the stock subject to the option and such option either by its terms is not exercisable after the expiration of five years from the date such option is granted or is exercised within one year after the date of enactment of this part.

For purposes of this section—

(1) Such individual shall be considered as owning the stock owned, directly or indirectly, by or for his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; and

(2) Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust, shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries; and

(d) Such option by its terms is not exercisable after the expiration of 10 years from the date such option is granted, if such option has been granted on or after December 31, 1954.

SEC. 38. Section 17537.1 is added to said code, to read:

"Variable price option"

17537.1. The term "variable price option" means an option under which the purchase price of the stock is fixed or determinable under a formula in which the only variable is the fair market value of the stock at any time during a period of six months which includes the time the option is exercised; except that in the case of options granted after December 31, 1960, such term does not include any such option in which such formula provides for determining such price by reference to the fair market value of the stock at any time before the option is exercised if such value may be greater than the average fair market value of the stock during the calendar month in which the option is exercised.

SEC. 39. Section 17537 of said code is amended to read:

Restricted stock option exercised by employee's estate

17537. (a) If a restricted stock option is exercised subsequent to the death of the employee by the estate of the decedent, or by a person who acquired the right to exercise such option by bequest or inheritance or by reason of the death of the decedent, the provisions of Sections 17531 to 17537, inclusive, shall apply to the same extent as if the option had been exercised by the decedent except that—

(1) The holding period and employment requirements of Section 17531 shall not apply, and

(2) Any transfer by the estate of stock acquired shall be considered a disposition of such stock for purposes of Section 17532.

(b) If an amount is required to be included under Section 17532 in gross income of the estate of the deceased employee or of a person described in subsection (a), there shall be allowed to the estate or such person a deduction with respect to the inheritance tax attributable to the inclusion in the taxable estate of the deceased employee of the net value for inheritance tax purposes of the restricted stock option. For this purpose, the deduction shall be determined under Sections 17836 and 17837 as if the option acquired from the deceased employee were an item of gross income in respect of the decedent under Sections 17831 to 17838, inclusive, and as if the amount includable in gross income under Section 17532 were an amount included in gross income under Sections 17831 to 17837, inclusive, in respect of such item of gross income.

(c) In the case of a share of stock acquired by the exercise of an option to which subsection (a) applies—

(i) The basis of such share shall include so much of the basis of the option as is attributable to such share; except that the basis of such share shall be reduced by the excess (if any) of the amount, which would have been includable in gross income under Section 17532 if the employee had exercised the option and held such share at the time of his death, over the amount which is includable in gross income under Section 17532; and

(ii) The last sentence of Section 17532 shall apply only to the extent that the amount includable in gross income under such section exceeds so much of the basis of the option as is attributable to such share.

Repeal

SEC. 40. Section 18047 of said code is hereby repealed.

SEC. 41. Section 17580 of said code is amended to read:

Satisfaction of installment obligations

17580. (a) If an installment obligation is satisfied at other than its face value or distributed, transmitted, sold, or otherwise disposed of, gain or loss shall result to the extent of the difference between the basis of the obligation and—

(1) The amount realized, in the case of satisfaction at other than face value or a sale or exchange, or

(2) The fair market value of the obligation at the time of distribution, transmission, or disposition, in the case of the distribution, transmission, or disposition otherwise than by sale or exchange.

Any gain or loss so resulting shall be considered as resulting from the sale or exchange of the property in respect of which the installment obligation was received.

(b) The basis of an installment obligation shall be the excess of the face value of the obligation over an amount equal to the income which would be returnable were the obligation satisfied in full.

(c) Except as provided in Sections 17831 to 17837, inclusive (relating to recipients of income in respect of decedents), this section shall not apply to the transmission of installment obligations at death.

(d) In the case of a disposition of an installment obligation by any person other than a life insurance company (as defined in Section 801(a) of the Internal Revenue Code of 1954) to such an insurance company or to a partnership of which such an insurance company is a partner, no provision of this part providing for the nonrecognition of gain shall apply with respect to any gain resulting under subsection (a). A partnership of which a life insurance company becomes a partner shall, for purposes of this subsection and subsection (a), be treated as having transferred to a life insurance company, on the last day of the preceding taxable year of such partnership, all installment obligations which it holds at the time such insurance company becomes a partner.

SEC. 42. Section 17631 of said code is amended to read:

Exempt organizations

17631 An organization described in Section 17501 shall be exempt from taxation under this part unless such exemptions is denied under Sections 17635 to 17639, inclusive.

SEC. 43. Section 17632 of said code is amended to read:

Same

17632 An organization exempt from taxation under Section 17631 shall be subject to tax to the extent provided in Article 2 (commencing at Section 17651) of this chapter (relating to tax on unrelated income), but, notwithstanding Article 2, shall be considered an organization exempt from income taxes for the purpose of any law which refers to organizations exempt from income taxes.

SEC. 44. Section 17633 of said code is hereby repealed. Repeal

SEC. 45. Section 17634 of said code is hereby repealed. Repeal

SEC. 46. Section 17635 of said code is amended to read:

Prohibited transactions

17635. (a) An organization described in Section 17501 which is subject to the provisions of this section shall not be exempt from taxation under Section 17631 if it has engaged in a prohibited transaction after December 31, 1960.

(b) An organization described in Section 17501 shall be denied exemption from taxation under Section 17631 by reason of subsection (a) only for taxable years after the taxable year during which it is notified by the Franchise Tax Board that it has engaged in a prohibited transaction, unless such organization entered into such prohibited transaction with the purpose of diverting corpus or income of the organization from its exempt purposes, and such transaction involved a substantial part of the corpus or income of such organization.

SEC. 47. Section 17636 of said code is amended to read:

Applicability of provisions

17636. Sections 17635 to 17639, inclusive, apply to any organization described in Section 17501.

SEC. 48. Section 17637 of said code is amended to read:

"Prohibited transaction"

17637. For purposes of Sections 17635 to 17639, inclusive, the term "prohibited transaction" means any transaction which an organization subject to the provisions of Sections 17635 to 17639, inclusive—

(a) Lends any part of its income or corpus, without the receipt of adequate security and a reasonable rate of interest, to;

(b) Pays any compensation, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(c) Makes any part of its services available on a preferential basis to;

(d) Makes any substantial purchase of securities or any other property, for more than adequate consideration in money or money's worth, from;

(e) Sells any substantial part of its securities or other property, for less than an adequate consideration in money or money's worth to; or

(f) Engages in any other transaction which results in a substantial diversion of its income or corpus to;

the creator of such organization (if a trust); a person who has made a substantial contribution to such organization; a member of the family (as defined in Section 17289(d)) of an individual who is the creator of such trust or who has made a substantial contribution to such organization; or a corporation controlled by such creator or person through the ownership, directly or indirectly, of 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock of the corporation.

SEC. 49. Section 17638 of said code is amended to read:

Filing claim for exempted status

17638. Any organization described in Section 17501 or a trust which is denied exemption under Section 17631 by reason of Section 17635, with respect to any taxable year following the taxable year in which notice of denial of exemption was received, may, under regulations prescribed by the Franchise Tax Board, file claim for exemption, and if the Franchise Tax Board, pursuant to such regulations, is satisfied that such organization will not knowingly again engage in a prohibited transaction, such organization shall be exempt with respect to taxable years after the year in which such claim is filed.

SEC. 50. Section 17639 of said code is amended to read:

Loan made without adequate security Exception

17639. For purposes of Section 17637(a), a bond, debenture, note, or certificate or other evidence of indebtedness (hereinafter in this section referred to as "obligation") acquired by a trust described in Section 17501 shall not be treated as a loan made without the receipt of adequate security if—

(a) Such obligation is acquired—

(1) On the market, either (i) at the price of the obligation prevailing on a national securities exchange which is registered with the Securities and Exchange Commission, or (ii) if the obligation is not traded on such a national securities exchange, at a price not less favorable to the trust than the offering price for the obligation as established by current bid and asked prices quoted by persons independent of the issuer;

(2) From an underwriter, at a price (i) not in excess of the public offering price for the obligation as set forth in a prospectus or offering circular filed with the Securities and

Exchange Commission, and (ii) at which a substantial portion of the same issue is acquired by persons independent of the issuer; or

(3) Directly from the issuer, at a price not less favorable to the trust than the price paid currently for a substantial portion of the same issue by persons independent of the issuer;

(b) Immediately following acquisition of such obligation—

(1) Not more than 25 percent of the aggregate amount of obligations issued in such issue and outstanding at the time of acquisition is held by the trust, and

(2) At least 50 percent of the aggregate amount referred to in subparagraph (1) is held by persons independent of the issuer; and

(c) Immediately following acquisition of the obligation, not more than 25 percent of the assets of the trust is invested in obligations of persons described in Section 17637.

SEC. 51. Section 17640 of said code is amended to read:

Same

17640. Section 17637(a) shall not apply to a loan made by a trust described in Section 17501 to the employer (or to a renewal of such a loan or, if the loan is repayable upon demand, to a continuation of such a loan) if the loan bears a reasonable rate of interest, and if (in the case of a making or renewal)—

(a) The employer is prohibited (at the time of such making or renewal) by any law of the United States or regulation thereunder from directly or indirectly pledging, as security for such a loan, a particular class or classes of his assets the value of which (at such time) represents more than one-half of the value of all his assets;

(b) The making or renewal, as the case may be, is approved in writing as an investment which is consistent with the exempt purposes of the trust by a trustee who is independent of the employer, and no other such trustee had previously refused to give such written approval; and

(c) Immediately following the making or renewal, as the case may be, the aggregate amount loaned by the trust to the employer, without the receipt of adequate security, does not exceed 25 percent of the value of all the assets of the trust.

For purposes of paragraph (b), the term "trustee" means, with respect to any trust for which there is more than one trustee who is independent of the employer, a majority of such independent trustees. For purposes of paragraph (c), the determination as to whether any amount loaned by the trust to the employer is loaned without the receipt of adequate security shall be made without regard to Section 17639.

SEC. 52. Section 17645 of said code is hereby repealed. Repeal

SEC. 53. Section 17646 of said code is hereby repealed. Repeal

SEC. 54. Section 17647 of said code is hereby repealed. Repeal

SEC. 55. Section 17648 of said code is hereby repealed. Repeal

SEC. 56. Section 17649 of said code is hereby repealed. Repeal

SEC. 57. The title to Article 2 (commencing at Section 17651) of Chapter 7 of Part 10 of Division 2 of said code is amended to read:

Article 2. Taxation of Business Income of Certain Exempt Organizations

SEC. 58. Section 17651 of said code is amended to read:

Imposition of tax on unrelated business taxable income

17651. (a) There is hereby imposed for each taxable year on the unrelated business taxable income (as defined in Sections 17652, 17653 and 17654) of every trust a tax computed as provided in Section 17041. In making such computation for purposes of this section, the term "taxable income" as used in Section 17041 shall be read as "unrelated business taxable income" as defined in Sections 17652, 17653, and 17654.

(b) The tax imposed by subsection (a) shall apply in the case of any trust which is exempt, except as provided in this article, from taxation under this part by reason of Section 17501 and which, if it were not for such exemption, would be subject to Chapter 9 (commencing at Section 17731) relating to estates, trusts, beneficiaries, and decedents).

(c) The tax imposed by this section shall apply, in the case of a trust described in Section 17501, only for taxable years beginning after December 31, 1960.

SEC. 59. Section 17652 of said code is amended to read:

"Unrelated business taxable income"

17652. The term "unrelated business taxable income" means the gross income derived by any organization from any unrelated trade or business (as defined in Section 17655) regularly carried on by it, less the deductions allowed by this part which are directly connected with the carrying on of such trade or business, both computed with the exceptions, additions, and limitations provided in Section 17653. In the case of an organization described in Section 17651 which is a foreign organization, the unrelated business taxable income shall be its unrelated business taxable income derived from sources within this State.

SEC. 60. Section 17653 of said code is amended to read:

Exceptions, additions, and limitations

17653 The exceptions, additions, and limitations applicable in determining unrelated business taxable income are the following:

(a) There shall be excluded all dividends, interest, and annuities, and all deductions directly connected with such income.

(b) There shall be excluded all royalties (including overriding royalties) whether measured by production or by gross or taxable income from the property, and all deductions directly connected with such income.

(c) There shall be excluded all rents from real property (including personal property leased with the real property), and all deductions directly connected with such rents.

(d) Notwithstanding subsection (c), in the case of a business lease (as defined in Section 17657) there shall be included,

as an item of gross income derived from an unrelated trade or business, the amount ascertained under Section 17656(a), and there shall be allowed, as a deduction, the amount ascertained under Section 17656(b).

(e) There shall be excluded all gains or losses from the sale, exchange, or other disposition of property other than—

(1) Stock in trade or other property of a kind which would properly be includable in inventory if on hand at the close of the taxable year; or

(2) Property held primarily for sale to customers in the ordinary course of the trade or business.

This section shall not apply with respect to the cutting of timber which is considered, on the application of Section 17711, as a sale or exchange of such timber.

(f) There shall be excluded all income derived from research for (1) the United States, or any of its agencies or instrumentalities, or (2) any state or political subdivision thereof, and there shall be excluded all deductions directly connected with such income.

(g) In the case of a college, university, or hospital, there shall be excluded all income derived from research performed for any person, and all deductions directly connected with such income.

(h) In the case of an organization operated primarily for purposes of carrying on fundamental research the results of which are freely available to the general public, there shall be excluded all income derived from research performed for any person, and all deductions directly connected with such income.

(i) In the case of any trust described in Section 17651(a), the deduction allowed by Sections 17214, 17215, and 17216 (relating to charitable etc. contributions and gifts) shall be allowed (whether or not directly connected with the carrying on of the trade or business), and for such purpose a distribution made by the trust to a beneficiary described in Sections 17214, 17215, and 17216 shall be considered as a gift or contribution The deduction allowed by this subsection shall be allowed with the limitations prescribed in Section 17215(a) and (b) determined with reference to the unrelated business taxable income computed without the benefit of this subsection (in lieu of with reference to adjusted gross income).

(j) There shall be allowed a specific deduction of one thousand dollars ($1,000).

SEC. 61. Section 17654 of said code is amended to read:

Partnership involved in an unrelated trade or business

17654 If a trade or business regularly carried on by a partnership of which an organization is a member is an unrelated trade or business with respect to such organization, such organization in computing its unrelated business taxable income shall, subject to the exceptions, additions, and limitations contained in Section 17653, include its share (whether or not distributed) of the gross income of the partnership from such unrelated trade or business and its share of the partnership deductions directly connected with such gross income. If the

taxable year of the organization is different from that of the partnership, the amounts to be so included or deducted in computing the unrelated business taxable income shall be based upon the income and deductions of the partnership for any taxable year of the partnership ending within or with the taxable year of the organization.

SEC. 62. Section 17655 of said code is amended to read:

"Unrelated trade or business"

17655. The term "unrelated trade or business" means, in the case of—

(a) A trust computing its unrelated business taxable income under Sections 17652 and 17653 for purposes of Sections 17811 to 17818, inclusive; or

(b) A trust described in Section 17501 which is exempt from tax under Section 17631;

any trade or business regularly carried on by such trust or by a partnership of which it is a member.

SEC. 63. Section 17656 is added to said code, to read:

Computation

17656. In computing under Sections 17652 and 17653 the unrelated business taxable income for any taxable year—

(a) There shall be included with respect to each business lease, as an item of gross income derived from an unrelated trade or business, an amount which is the same percentage (but not in excess of 100 percent) of the total rents derived during the taxable year under such lease as (1) the business lease indebtedness, at the close of the taxable year, with respect to the premises covered by such lease is of (2) the adjusted basis, at the close of the taxable year, of such premises.

(b) There shall be allowed with respect to each business lease, as a deduction to be taken into account in computing unrelated business taxable income, an amount determined by applying the percentage derived under subsection (a) to the sum determined under subsection (c).

(c) The sum referred to in subsection (b) is the sum of the following deductions allowable under this part:

(1) Taxes and other expenses paid or accrued during the taxable year on or with respect to the real property subject to the business lease.

(2) Interest paid or accrued during the taxable year on the business lease indebtedness.

(3) A reasonable allowance for exhaustion, wear and tear (including a reasonable allowance for obsolescence) of the real property subject to such lease.

Where only a portion of the real property is subject to the business lease, there shall be taken into account under paragraphs (1), (2), and (3) only those amounts which are properly allocable to the premises covered by such lease.

SEC. 64. Section 17657 is added to said code, to read:

"Business lease"

17657. (a) For purposes of Sections 17656 to 17660, inclusive, the term "business lease" means a lease for a term of more than five years of real property by an organization (or by a partnership of which it is a member), if at the close of

the lessor's taxable year there is a business lease indebtedness (as defined in Section 17659) with respect to such property.

(b) For purposes of subsection (a)—

(1) In computing the term of a lease which contains an option for renewal or extension, the term of such lease shall be considered as including any period for which such option may be exercised; and the term of any lease made pursuant to an exercise of such option shall include the period during which the prior lease was in effect. If real property is acquired subject to a lease, the term of such lease shall be considered to begin on the date of such acquisition.

(2) If the property has been occupied by the same lessee for a total period of more than five years commencing not earlier than the date of acquisition of the property by the organization or trust (whether such occupancy is under one or more leases, renewals, extensions, or continuations thereof), the occupancy of such lessee shall be considered to be under a lease for a term of more than five years within the meaning of subsection (a). However, Section 17656 shall apply in the case of a tenancy described in this paragraph (and not within paragraph (1)) only with respect to the sixth and succeeding years of occupancy by the same lessee For purposes of this paragraph, the term "same lessee" shall include any lessee of the property whose relationship with a lessee of the same property is such that losses in respect of sales or exchanges of property between the two lessees would be disallowed under Section 17287(a).

SEC. 65. Section 17658 is added to said code, to read:

17658. (a) No lease shall be considered a business lease if— Exception

(1) Such lease is entered into primarily for purposes which are substantially related (aside from the need of such organization for income or funds or the use it makes of the rents derived) to the purpose or function constituting the basis for exemption under Sections 17631 and 17632;

(2) The lease is of premises in a building primarily designed for occupancy, and occupied, by the organization

(b) If a lease for more than five years to a tenant is for only a portion of the real property, and space in the real property is rented during the taxable year under a lease for not more than five years to any other tenant of the organization, leases of the real property for more than five years shall be considered as business leases during the taxable year only if—

(1) The rents derived from the real property during the taxable year under leases for more than five years (not including, as a lease for more than five years, an occupancy which is considered as such a lease by reason of Section 17657(b)(2)) represent 50 percent or more of the total rents derived during the taxable year from the real property; or the area of the premises occupied under leases for more than five years (not including, as a lease for more than five years, an occupancy which is considered as such a lease by reason of

Section 17567(b)(2)) represents, at any time during the taxable year, 50 percent or more of the total area of the real property rented at such time; or

(2) The rent derived from the real property during the taxable year from any tenant under a lease for more than five years (including as a lease for more than five years an occupancy which is considered as such a lease by reason of Section 17657(b)(2), or from a group of tenants (under such leases) who are either members of an affiliated group or partners, represents more than 10 percent of the total rents derived during the taxable year from such property; or the area of the premises occupied by any one such tenant, or by any such group of tenants, represents at any time during the taxable year more than 10 percent of the total area of the real property rented at such time

In the application of paragraph (1), if during the last half of the term of a lease a new lease is made to take effect after the expiration of such lease, the unexpired portion of such lease on the date the second lease is made shall not be treated as a part of the term of the second lease.

SEC. 66. Section 17659 is added to said code, to read:

"Business lease indebtedness"

17659 (a) The term "business lease indebtedness" means, with respect to any real property leased for a term of more than five years, the unpaid amount of—

(1) The indebtedness incurred by the lessor in acquiring or improving such property;

(2) The indebtedness incurred before the acquisition or improvement of such property if such indebtedness would not have been incurred but for such acquisition or improvement; and

(3) The indebtedness incurred after the acquisition or improvement of such property if such indebtedness would not have been incurred but for such acquisition or improvement and the incurrence of such indebtedness was reasonably foreseeable at the time of such acquisition or improvement.

(b) Where real property is acquired subject to a mortgage or other similar lien, the amount of the indebtedness secured by such mortgage or lien shall be considered (whether the acquisition was by gift, devise, or purchase) as an indebtedness of the lessor incurred in acquiring such property even though the lessor did not assume or agree to pay such indebtedness, except that where real property was acquired by gift, bequest, or devise before January 1, 1951, subject to a mortgage or other similar lien, the amount of such mortgage or other similar lien shall not be considered as an indebtedness of the lessor incurred in acquiring such property.

(c) Where real property was acquired by gift, bequest, or devise before January 1, 1951, subject to a lease requiring improvements in such property on the happening of stated contingencies, indebtedness incurred in improving such property in accordance with the terms of such lease shall not be considered as an indebtedness for purposes of this section.

(d) In case of a trust described in Section 17501 or in the case of a corporation described in Section 23701h of Part 11 of Division 2 of this code, all of the stock of which was acquired prior to December 31, 1960, by a trust described in Section 17501, any indebtedness incurred by such trust or such corporation before December 31, 1960, in connection with real property which is leased before December 31, 1960, and any indebtedness incurred by such trust or such corporation on or after such date necessary to carry out the terms of such lease, shall not be considered as an indebtedness with respect to such trust or such corporation for purposes of this section.

(e) In determining the amount of the business lease indebtedness where only a portion of the real property is subject to a business lease, proper allocation to the premises covered by such lease shall be made of the indebtedness incurred by the lessor with respect to the real property.

(f) In the application of subsection (a), if a trust described in Section 17501 forming part of a stock bonus, pension, or profit-sharing plan of an employer lends any money to another trust described in Section 17501 forming part of a stock bonus, pension, or profit-sharing plan of the same employer, such loan shall not be treated as an indebtedness of the borrowing trust, except to the extent that the loaning trust—

(1) Incurs any indebtedness in order to make such loan;

(2) Incurred indebtedness before the making of such loan which would not have been incurred but for the making of such loan; or

(3) Incurred indebtedness after the making of such loan which would not have been incurred but for the making of such loan and which was reasonably foreseeable at the time of making such loan.

SEC. 67. Section 17660 is added to said code, to read:

"Real property"; "premises"

17660. For purposes of Sections 17656 to 17659, inclusive, the term "real property" and the term "premises" include personal property of the lessor leased by it to a lessee of its real estate if the lease of such personal property is made under, or in connection with, the lease of such real estate.

SEC. 68. Section 17501 of said code is amended to read:

Qualified trusts

17501. A trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries shall constitute a qualified trust under this article—

(a) If contributions are made to the trust by such employer, or employees, or both, or by another employer who is entitled to deduct his contributions under Section 17516(b) (relating to deduction for contributions to profit-sharing and stock bonus plan), for the purpose of distributing to such employees or their beneficiaries the corpus and income of the fund accumulated by the trust in accordance with such plan;

(b) If under the trust instrument it is impossible, at any time prior to the satisfaction of all liabilities with respect to

employees and their beneficiaries under the trust, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, purposes other than for the exclusive benefit of his employees or their beneficiaries;

(c) If the trust, or two or more trusts, or the trust or trusts and annuity plan or plans are designated by the employer as constituting parts of a plan intended to qualify under this section which benefits either—

(1) Seventy percent or more of all the employees, or 80 percent or more of all the employees who are eligible to benefit under the plan if 70 percent or more of all the employees are eligible to benefit under the plan, excluding in each case employees who have been employed not more than a minimum period prescribed by the plan, not exceeding five years, employees whose customary employment is for not more than 20 hours in any one week, and employees whose customary employment is for not more than five months in any calendar year, or

(2) Such employees as qualify under a classification set up by the employer and found by the Franchise Tax Board not to be discriminatory in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees; and

(d) If the contributions or benefits provided under the plan do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees.

(e) A classification shall not be considered discriminatory within the meaning of subsection (c)(2) or (d) merely because it excludes employees the whole of whose remuneration constitutes "wages" under Section 3121(a)(1) of the Internal Revenue Code (relating to the Federal Insurance Contributions Act) or merely because it is limited to salaried or clerical employees. Neither shall a plan be considered discriminatory within the meaning of such provisions merely because the contributions or benefits of or on behalf of the employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, or merely because the contributions or benefits based on that part of an employee's remuneration which is excluded from "wages" by Section 3121(a)(1) of the Internal Revenue Code, or of the California Unemployment Insurance Act differ from the contributions or benefits based on employee's remuneration not so excluded, or differ because of any retirement benefits created under state or federal law.

(f) A plan shall be considered as meeting the requirements of subsection (c) during the whole of any taxable year of the plan if on one day in each quarter it satisfied such requirements

SEC. 69. Section 17503 of said code is amended to read:

17503 (a) Except as provided in subsection (b), the amount actually distributed or made available to any distributee by any employees' trust described in Section 17501 which is exempt from tax under Section 17631 shall be taxable to him, in the year in which so distributed or made available, under Sections 17101 to 17112, inclusive, (relating to annuities) except that Section 17105(c) shall not apply The amount actually distributed or made available to any distributee shall not include net unrealized appreciation in securities of the employer corporation attributable to the amount contributed by the employee Such net unrealized appreciation and the resulting adjustments to basis of such securities shall be determined in accordance with regulations prescribed by the Franchise Tax Board. Tax on amount actually distributed

(b) In the case of an employees' trust described in Section 17501, which is exempt from tax under Section 17631, if the total distributions payable with respect to any employee are paid to the distributee within one taxable year of the distributee on account of the employee's death or other separation from the service, or on account of the death of the employee after his separation from the service, the amount of such distribution, to the extent exceeding the amounts contributed by the employee, which employee contributions shall be reduced by any amounts theretofore distributed to him which were not includable in gross income, shall be considered a gain from the sale or exchange of a capital asset held for more than six months

Where such total distributions include securities of the employer corporation, there shall be excluded from such excess the net unrealized appreciation attributable to that part of the total distributions which consists of the securities of the employer corporation so distributed. The amount of such net unrealized appreciation and the resulting adjustments to basis of the securities of the employer corporation so distributed shall be determined in accordance with regulations prescribed by the Franchise Tax Board.

(c) For purposes of this section—

(1) The term "securities" means only shares of stock and bonds or debentures issued by a corporation with interest coupons or in registered form. Definitions

(2) The term "securities of the employer corporation" includes securities of a parent or subsidiary corporation (as defined in Section 17535(a) and (b)) of the employer corporation.

(3) The term "total distributions payable" means the balance to the credit of an employee which becomes payable to a distributee on account of the employee's death or other separation from the service, or on account of his death after separation from the service.

SEC. 70. Section 17504 of said code is amended to read:

Inclusion in employee's gross income

17504. Contributions to an employees' trust made by an employer during a taxable year of the employer which ends within or with a taxable year of the trust for which the trust is not exempt from tax under Section 17631 shall be included in the gross income of an employee for the taxable year in which the contribution is made to the trust in the case of an employee whose beneficial interest in such contribution is nonforfeitable at the time the contribution is made. The amount actually distributed or made available to any distributee by any such trust shall be taxable to him, in the year in which so distributed or made available, under Sections 17101 to 17108, inclusive.

SEC. 71. Section 17514 of said code is amended to read:

Deductions for contributions to pension trust

17514. If the contributions are paid into a pension trust, and if such taxable year ends within or with a taxable year of the trust for which the trust is exempt under Section 17631, the amount deductible is determined as follows:

(a) An amount not in excess of 5 percent of the compensation otherwise paid or accrued during the taxable year to all the employees under the trust, but such amount may be reduced for future years if found by the Franchise Tax Board upon periodical examinations at not less than five-year intervals to be more than the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan, plus

(b) Any excess over the amount allowable under subsection (a) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount, or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the Franchise Tax Board, but if such remaining unfunded cost with respect to any three individuals is more than 50 percent of such remaining unfunded cost, the amount of such unfunded cost attributable to such individuals shall be distributed over a period of at least five taxable years, or

(c) In lieu of the amounts allowable under subsections (a) and (b) above, an amount equal to the normal cost of the plan, as determined under regulations prescribed by the Franchise Tax Board plus, if past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 percent of the cost which would be required to completely fund or purchase such pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the Franchise Tax Board, except that in no case shall a deduction be allowed for any amount (other than the normal cost) paid in after such pension or annuity credits are completely funded or purchased.

(d) Any amount paid in a taxable year in excess of the amount deductible in such year under the foregoing limitations shall be deductible in the succeeding taxable years in order of time to the extent of the difference between the

amount paid and deductible in each succeeding year and the maximum amount deductible for such year in accordance with the foregoing limitations.

SEC. 72. Section 17516 of said code is amended to read:

Deduction for contributions to stock bonus, etc., trust

17516. (a) A deduction shall be allowed in the taxable year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if such taxable year ends within or with a taxable year of the trust with respect to which the trust is exempt under Section 17631, in an amount not in excess of 15 percent of the compensation otherwise paid or accrued during the taxable year to all employees under the stock bonus or profit-sharing plan. If in any taxable year there is paid into the trust, or a similar trust then in effect, amounts less than the amounts deductible under the preceding sentence, the excess, or if no amount is paid, the amounts deductible, shall be carried forward and be deductible when paid in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any such succeeding taxable year shall not exceed 15 percent of the compensation otherwise paid or accrued during such succeeding taxable year to the beneficiaries under the plan. In addition, any amount paid into the trust in any taxable year in excess of the amount allowable with respect to such year under the preceding provisions of this section shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this section shall not exceed 15 percent of the compensation otherwise paid or accrued during such taxable year to the beneficiaries under the plan. The term "stock bonus or profit-sharing trust," as used in this section, shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarially as provided in Section 17514. If the contributions are made to two or more stock bonus or profit-sharing trusts, such trusts shall be considered a single trust for purposes of applying the limitations in this section.

(b) In the case of a profit-sharing plan, or a stock bonus plan in which contributions are determined with reference to profits, of a group of corporations which is an affiliated group within the meaning of Section 1504 of the Federal Internal Revenue Code, if any member of such affiliated group is prevented from making a contribution which it would otherwise have made under the plan, by reason of having no current or accumulated earnings or profits or because such earnings or profits are less than the contributions which it would otherwise have made, then so much of the contribution which such member was so prevented from making may be made, for the benefit of the employees of such member, by the other members of the group, to the extent of current or accumulated earnings or profits, except that such contribution by each such other

member shall be limited, where the group does not file a consolidated return, to that proportion of its total current and accumulated earnings or profits remaining after adjustment for its contribution deductible without regard to this subsection which the total prevented contribution bears to the total current and accumulated earnings or profits of all the members of the group remaining after adjustment for all contributions deductible without regard to this subsection. Contributions made under the preceding sentence shall be deductible under subsection (a) of this section by the employer making such contributions, and, for the purpose of determining amounts which may be carried forward and deducted under the second sentence of subsection (a) of this section in succeeding taxable years, shall be deemed to have been made by the employer on behalf of whose employees such contributions were made.

SEC. 73. Section 17517 of said code is amended to read:

Contributions to out-of-state trust

17517. If a stock bonus, pension, or profit-sharing trust would qualify for exemption under Section 17631 except for the fact that it is a trust created or organized outside of this State, contributions to such a trust by an employer which is a resident, or corporation, or other entity of this State, shall be deductible under the preceding sections.

SEC. 74. Section 17522 of said code is amended to read:

Other employer contributions

17522. If contributions are paid by an employer—

(a) Under a plan under which such contributions are held in trust for the purpose of paying (either from principal or income or both) for the benefit of employees and their families and dependents at least medical or hospital care, and pensions on retirement or death of employees; and

(b) Such plan was established prior to January 1, 1955, as a result of an agreement between employee representatives and the government of the United States during a period of government operation, under seizure powers, of a major part of the productive facilities of the industry in which such employer is engaged,

such contributions shall not be deductible under this section nor be made nondeductible by this section, but the deductibility thereof shall be governed solely by Section 17202 (relating to trade or business expenses). This section shall have no application with respect to amounts contributed to a trust on or after any date on which such trust is qualified for exemption from tax under Section 17631.

SEC. 75. Section 17583 is added to said code, to read:

Prepaid subscription income

17583. (a) Prepaid subscription income to which this section applies shall be included in gross income for the taxable years during which the liability described in subsection (d)(2) exists.

(b) In the case of any prepaid subscription income to which this section applies—

(1) If the liability described in subsection (d)(2) ends, then so much of such income as was not includable in gross

income under subsection (a) for preceding taxable years shall be included in gross income for the taxable year in which the liability ends.

(2) If the taxpayer dies or ceases to exist, then so much of such income as was not includable in gross income under subsection (a) for preceding taxable years shall be included in gross income for the taxable year in which such death, or such cessation of existence, occurs.

(c) (1) This section shall apply to prepaid subscription income if and only if the taxpayer makes an election under this section with respect to the trade or business in connection with which such income is received. The election shall be made in such manner as the Franchise Tax Board may by regulations prescribe. No election may be made with respect to a trade or business if in computing taxable income the cash receipts and disbursements method of accounting is used with respect to such trade or business

(2) An election made under this section shall apply to all prepaid subscription income received in connection with the trade or business with respect to which the taxpayer has made the election; except that the taxpayer may, to the extent permitted under regulations prescribed by the Franchise Tax Board, include in gross income for the taxable year of receipt the entire amount of any prepaid subscription income if the liability from which it arose is to end within 12 months after the date of receipt. An election made under this section shall not apply to any prepaid subscription income received before the first taxable year for which the election is made.

(3) (A) A taxpayer may, with the consent of the Franchise Tax Board, make an election under this section at any time.

(B) A taxpayer may, without the consent of the Franchise Tax Board, make an election under this section for his first taxable year (i) which begins after December 31, 1960, and (ii) in which he receives prepaid subscription income in the trade or business. Such election shall be made not later than the time prescribed by law for filing the return for the taxable year (including extensions thereof) with respect to which such election is made.

(4) An election under this section shall be effective for the taxable year with respect to which it is first made and for all subsequent taxable years, unless the taxpayer secures the consent of the Franchise Tax Board to the revocation of such election. For purposes of this part, the computation of taxable income under an election made under this section shall be treated as a method of accounting.

(d) For purposes of this section—

(1) The term "prepaid subscription income" means any amount (includable in gross income) which is received in connection with, and is directly attributable to, a liability which extends beyond the close of the taxable year in which

"Prepaid subscription income"

"Liability" such amount is received, and which is income from a subscription to a newspaper, magazine, or other periodical.

(2) The term "liability" means a liability to furnish or deliver a newspaper, magazine, or other periodical.

(3) Prepaid subscription income shall be treated as received during the taxable year for which it is includable in gross income under Section 17571 (without regard to this section).

(e) Notwithstanding the provisions of this section, any taxpayer who has, for taxable years prior to the first taxable year to which this section applies, reported his income under an established and consistent method of practice of accounting for prepaid subscription income (to which this section would apply if an election were made) may continue to report his income for taxable years to which this part applies in accordance with such method or practice.

SEC. 76. Section 17611 of said code is amended to read:

Computation of net income in "year of the change" 17611. In computing the taxpayer's taxable income for any taxable year (referred to in Sections 17611 to 17614, inclusive, as the "year of the change")—

(a) If such computation is under a method of accounting different from the method under which the taxpayer's taxable income for the preceding taxable year was computed; then

(b) There shall be taken into account those adjustments which are determined to be necessary solely by reason of the change in order to prevent amounts from being duplicated or omitted, except there shall not be taken into account any adjustment in respect of any taxable year to which Sections 17611 to 17614, inclusive, do not apply unless the adjustment is attributable to a change in the method of accounting initiated by the taxpayer.

SEC. 77. Section 17612 of said code is amended to read:

Limit on taxable income 17612. (a) If—

(1) The method of accounting from which the change is made was used by the taxpayer in computing his taxable income for the two taxable years preceding the year of the change, and

(2) The increase in taxable income for the year of the change which results solely by reason of the adjustments required by Section 17611(b), other than the amount of such adjustments to which Section 17612.1 or 17612.2 applies, exceeds three thousand dollars ($3,000),

then the tax under this part attributable to such increase in taxable income shall not be greater than the aggregate increase in the taxes under this part (or under the corresponding provisions of prior income tax laws) which would result if one-third of such increase in taxable income were included in taxable income for the year of the change and one-third of such increase were included for each of the two preceding taxable years.

(b) If—

(1) The increase in taxable income for the year of the change which results solely by reason of the adjustments required by Section 17611(b), other than the amount of

such adjustments to which Section 17612.1 or 17612.2 applies, exceeds three thousand dollars ($3,000); and

(2) The taxpayer establishes his taxable income (under the new method of accounting) for one or more taxable years consecutively preceding the taxable year of the change for which the taxpayer in computing taxable income used the method of accounting from which the change is made;

then the tax under this part attributable to such increase in taxable income shall not be greater than the net increase in the taxes under this part (or under the corresponding provisions of prior income tax laws) which would result if the adjustments required by Section 17611(b), other than the amount of such adjustments to which Section 17612.1 or 17612.2 applies, were allocated to the taxable year or years specified in paragraph (2) to which they are properly allocable under the new method of accounting and the balance of the adjustments required by Section 17611(b), other than the amount of such adjustments to which Sections 17612.1 or 17612.2 applies, was allocated to the taxable year of the change.

(c) The increase or decrease in the tax for any taxable year for which an assessment of any deficiency, or a credit or refund of any overpayment, is prevented by any law or rule of law, shall be determined by reference to the tax previously determined for such year.

SEC. 78. Section 17612.1 is added to said code, to read:

Adjustments taken into account

17612.1. Except as provided in Sections 17612.2 and 17612.3—

(a) The net amount of the adjustments required by Section 17611, to the extent that such amount does not exceed the net amount of adjustments which would have been required if the change in method of accounting had been made in the first taxable year beginning after December 31, 1954, shall be taken into account by the taxpayer in computing taxable income in the manner provided in subsection (b), but only if such net amount of such adjustment would increase the taxable income of such taxpayer by more than three thousand dollars ($3,000).

(b) One-tenth of the net amount of the adjustments described in subsection (a) shall (except as provided in subsection (c)) be taken into account in each of the 10 taxable years beginning with the year of the change. The amount to be taken into account for each taxable year in the 10-year period shall be taken into account whether or not for such year the assessment of tax is prevented by operation of any law or rule of law. If the year of the change was a taxable year ending before January 1, 1961, and if the taxpayer so elects (at such time and in such manner as the Franchise Tax Board shall by regulations prescribe), the 10-year period shall begin with the first taxable year which begins after December 31, 1960. If the taxpayer elects under the preceding sentence to begin the 10-year period with the first taxable year which begins after December 31, 1960, the 10-year period shall be reduced by the

number of years, beginning with the year of the change, in respect of which assessment of tax is prevented by operation of any law or rule of law on the date of the enactment of this section.

(c) The net amount of any adjustments described in subsection (a), to the extent not taken into account in prior taxable years under subsection (b)—

(i) In the case of a taxpayer who is an individual, shall be taken into account in the taxable year in which he dies or ceases to engage in a trade or business or

(ii) In the case of a taxpayer who is a partner, his distributive share of such net amount shall be taken into account in the taxable year in which the partnership terminates, or in which the entire interest of such partner is transferred or liquidated.

(d) The provisions of this section shall not apply with respect to changes in methods of accounting made in taxable years beginning after December 31, 1964.

SEC. 79. Section 17612.2 is added to said code, to read:

Change to accrual method applicable to estate

17612.2. A change from the cash receipts and disbursements method to the accrual method in any case involving the use of inventories, made on or after December 31, 1954, and before January 1, 1961, for a taxable year to which Sections 17611 to 17614, inclusive, apply, by the executor or administrator of a decedent's estate in the first return filed by such executor or administrator on behalf of the decedent, shall be given effect in determining taxable income, and, if the net amount of any adjustments required by Section 17611 in respect of taxable years to which Sections 17611 to 17614, inclusive, do not apply would increase the taxable income of the decedent by more than three thousand dollars ($3,000), then the tax attributable to such net adjustments shall not exceed an amount equal to the tax that would have been payable on the cash receipts and disbursements method for the years for which the executor or administrator filed returns on behalf of the decedent, computed for each such year as though a ratable portion of the taxable income for such year had been received in each of 10 taxable years beginning and ending on the same dates as the taxable year for which the tax is being computed.

SEC. 80. Section 17612.3 is added to said code, to read:

Election under Section 17612, (a) or (b)

17612.3. Section 17612.1 shall not apply with respect to any taxpayer, if the taxpayer elects to take the net amount of the adjustments described in Section 17612.1(a) into account in the manner provided by Section 17612(a) or (b). An election to take the net amount of such adjustments into account in the manner provided by Section 17612(a) or (b) may be made only if the taxpayer consents in writing to the assessment, within such period as may be agreed on with the Franchise Tax Board of any deficiency for the year of the change, to the extent attributable to taking the net amount of the adjustments described in Section 17612.1(a) into account

in the manner provided by Section 17612(a) or (b), even though at the time of filing such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law An election under this section shall be made at such time and in such manner as the Franchise Tax Board shall by regulations prescribe.

SEC. 81. Section 17612.4 is added to said code, to read:

Applicability of provisions

17612.4. (a) The provisions of Sections 17612.1, 17612.2, and 17612.3, and the amendments to Sections 17611 and 17612 shall apply with respect to any change in a method of accounting where the year of the change (within the meaning of Sections 17611 through 17614) is a taxable year beginning after December 31, 1954.

(b) The amendments to Sections 17611 and 17612 shall not apply if before the date of enactment of this section—

(i) The taxpayer applied for a change in the method of accounting in the manner provided by regulations prescribed by the Franchise Tax Board, and

(ii) The taxpayer and the Franchise Tax Board agreed to the terms and conditions for making the change.

SEC. 82. Section 17711 of said code is amended to read:

Cutting of timber

17711. If the taxpayer so elects upon his return for a taxable year, the cutting of timber (for sale or for use in the taxpayer's trade or business) during such year by the taxpayer who owns, or has a contract right to cut, such timber (providing he has owned such timber or has held such contract right for a period of more than six months prior to the beginning of such year) shall be considered as a sale or exchange of such timber cut during such year. In case such election has been made, gain or loss to the taxpayer shall be recognized in an amount equal to the difference between the adjusted basis for depletion of such timber in the hands of the taxpayer and the fair market value of such timber. Such fair market value shall be the fair market value as of the first day of the taxable year in which such timber is cut, and shall thereafter be considered as the cost of such cut timber to the taxpayer for all purposes for which such cost is a necessary factor. If a taxpayer makes an election under this section such election shall apply with respect to all timber which is owned by the taxpayer or which the taxpayer has a contract right to cut and shall be binding upon the taxpayer for the taxable year for which the election is made and for all subsequent years, unless the Franchise Tax Board, on showing of undue hardship, permits the taxpayer to revoke his election; such revocation, however, shall preclude any further elections under this section except with the consent of the Franchise Tax Board. For purposes of this section and Section 17712, the term "timber" includes evergreen trees which are more than six years old at the time severed from the roots and are sold for ornamental purposes.

SEC. 83. Section 17865 of said code is amended to read:

No deduction for certain sale or exchange losses

17865. (a) No deduction shall be allowed in respect of losses from sales or exchanges of property (other than an interest in the partnership), directly or indirectly, between—

(1) A partnership and a partner owning, directly or indirectly, more than 50 percent of the capital interest, or the profits interest, in such partnership; or

(2) Two partnerships in which the same persons own, directly or indirectly, more than 50 percent of the capital interests or profits interests.

In the case of a subsequent sale or exchange by a transferee described in this subsection, Section 17290 shall be applicable as if the loss were disallowed under Section 17287(a).

(b) In the case of a sale or exchange, directly or indirectly, of property, which, in the hands of the transferee, is property other than a capital asset as defined in Section 18161—

(1) Between a partnership and a partner owning, directly or indirectly, more than 80 percent of the capital interest, or profits interest, in such partnership; or

(2) Between two partnerships in which the same persons own, directly or indirectly, more than 80 percent of the capital interests or profits interests;

any gain recognized shall be considered as gain from the sale or exchange of property other than a capital asset.

(c) For purposes of subsections (a) and (b), the ownership of a capital or profits interest in a partnership shall be determined in accordance with the rules for constructive ownership of stock provided in Section 17289 other than subsection (c) of such section.

SEC. 84. Section 18051.1 is added to said code, to read:

18051.1. (a) If—

Basis of gifts

(1) The property is acquired by gift on or after the date of the enactment of this section, the basis shall be the basis determined under Section 18049, increased (but not above the fair market value of the property at the time of the gift) by the amount of federal gift tax paid with respect to such gift, or

(2) The property was acquired by gift before the date of the enactment of this section and has not been sold, exchanged, or otherwise disposed of before such date, the basis of the property shall be increased on such date by the amount of federal gift tax paid with respect to such gift, but such increase shall not exceed an amount equal to the amount by which the fair market value of the property at the time of the gift exceeded the basis of the property in the hands of the donor at the time of the gift.

Gift tax

(b) For purposes of subsection (a), the amount of federal gift tax paid with respect to any gift is an amount which bears the same ratio to the amount of gift tax paid under Chapter 12 of the Internal Revenue Code of 1954 with respect to all gifts made by the donor for the calendar year in which such gift is made as the amount of such gift bears to the taxable gifts (as defined in Section 2503(a) of the Internal

Revenue Code of 1954 but computed without the deduction allowed by Section 2521 of the Internal Revenue Code of 1954) made by the donor during such calendar year. For purposes of the preceding sentence, the amount of any gift shall be the amount included with respect to such gift in determining (for the purposes of Section 2503(a) of the Internal Revenue Code of 1954) the total amount of gifts made during the calendar year, reduced by the amount of any deduction allowed with respect to such gift under Section 2522 of the Internal Revenue Code of 1954 (relating to charitable deduction) or under Section 2523 of the Internal Revenue Code of 1954 (relating to marital deduction).

(c) For purposes of subsection (a), where the donor and his spouse elected, under Section 2513 of the Internal Revenue Code of 1954 to have the gift considered as made one-half by each, the amount of gift tax paid with respect to such gift under Chapter 12 of the Internal Revenue Code of 1954 shall be the sum of the amounts of tax paid with respect to each half of such gift (computed in the manner provided in subsection (b)).

(d) For purposes of Section 18053(d), an increase in basis under subsection (a) shall be treated as an adjustment under Section 18052.

(e) With respect to any property acquired by gift before 1955, references in this section to any provision of the Internal Revenue Code shall be deemed to refer to the corresponding provision of the Internal Revenue Code of 1939 or prior federal revenue laws which was effective for the year in which such gift was made.

SEC. 85. Section 18052 of said code is amended to read:

Adjustments in property acquired by gift

18052. Proper adjustment in respect of the property shall in all cases be made—

(a) For expenditures, receipts, losses, or other items, properly chargeable to capital account, but no such adjustment shall be made—

(1) For taxes or other carrying charges described in Section 17286; or

(2) For expenditures described in Section 17222 (relating to circulation expenditures);

for which deductions have been taken by the taxpayer in determining taxable income for the taxable year or prior taxable years;

(b) To the extent sustained prior to January 1, 1935, and for periods thereafter, for exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent of the amount—

(1) Allowed as deductions in computing taxable income under this part or prior income tax law; and

(2) Resulting (by reason of the deductions so allowed) in a reduction for any taxable year of the taxpayer's taxes under this part;

but not less than the amount allowable under this part or prior income tax laws Where no method has been adopted under Sections 17208 to 17212, inclusive (relating to depreciation deduction), the amount allowable shall be determined under Section 17208(b)(1).

(c) In respect to any period—

(1) Before January 1, 1935; and

(2) Since December 31, 1934, during which such property was held by a person or an organization not subject to income taxation under this part or prior income tax laws; for exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent sustained;

(d) In the case of stock (to the extent not provided for in the foregoing subsection) for the amount of distributions previously made which, under the law applicable to the year in which the distribution was made, either were tax-free or were applicable in reduction of basis (not including distributions made by a corporation which was classified as a personal service corporation under the provisions of the Revenue Act of 1918 (40 Stat. 1057), or the Revenue Act of 1921 (42 Stat. 227), out of its earnings or profits which were taxable in accordance with the provisions of Section 218 of the Revenue Act of 1918 or 1921);

(e) In the case of any bond (as defined in Section 17220) the interest on which is wholly exempt from the tax imposed by this part, to the extent of the amortizable bond premium disallowable as a deduction pursuant to Section 17217;

(f) In the case of any municipal bond (as defined in Section 17116), to the extent provided in Section 17115(b);

(g) In the case of a residence the acquisition of which resulted, under Sections 18091 to 18100, inclusive, in the nonrecognition of any part of the gain realized on the sale, exchange, or involuntary conversion of another residence, to the extent provided in Sections 18091 to 18100, inclusive;

(h) In the case of property pledged to the Commodity Credit Corporation, to the extent of the amount received as a loan from the Commodity Credit Corporation and treated by the taxpayer as income for the year in which received pursuant to Section 17117, and to the extent of any deficiency on such loan with respect to which the taxpayer has been relieved from liability;

(i) For amounts allowed as deductions as deferred expenses under Section 17692(b) (relating to certain expenditures in the development of mines) and resulting in a reduction of the taxpayer's taxes under this part, but not less than the amounts allowable under such section for the taxable year and prior years;

(j) For amounts allowed as deductions as deferred expenses under Section 17691(b) (relating to certain exploration expenditures) and resulting in a reduction of the taxpayer's taxes under this part, but not less than the amounts allowable under such section for the taxable year and prior years;

(k) For deductions to the extent disallowed under Section 17291 (relating to sale of land with unharvested crops), notwithstanding the provisions of any other subsection of this section.

(*l*) For amounts allowed as deductions as deferred expenses under Section 17223(b)(1) (relating to research and experimental expenditures) and resulting in a reduction of the taxpayer's taxes under this part, but not less than the amounts allowable under such section for the taxable year and prior years;

(m) For amounts allowed as deductions for expenditures treated as deferred expenses under Section 17227 (relating to trademark and trade name expenditures) and resulting in a reduction of the taxpayer's taxes under this part, but not less than the amounts allowable under such section for the taxable year and prior years.

SEC. 86. Section 18081 of said code is amended to read:

Exchanges for property of like kind

18081. (a) No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment.

(b) If an exchange would be within the provisions of subsection (a), of Section 18101, or of Section 18102, if it were not for the fact that the property received in exchange consists not only of property permitted by such provisions to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

(c) If an exchange would be within the provisions of subsection (a), of Section 18101, or of Section 18102, if it were not for the fact that the property received in exchange consists not only of property permitted by such provisions to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

Same Basis

(d) If property was acquired on an exchange described in this section, Section 18101, or Section 18102, then the basis shall be the same as that of the property exchanged decreased in the amount of any money received by the taxpayer and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized on such exchange. If the property so acquired consisted in part of the type of property permitted by this section, Section 18101, or Section 18102, to be received without the recognition of gain or loss, and in part of other property, the basis provided in this subsection shall be allocated between the properties (other than

money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. For purposes of this section, Section 18101, and Section 18102, where as part of the consideration to the taxpayer another party to the exchange assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability, such assumption or acquisition (in the amount of the liability) shall be considered as money received by the taxpayer on the exchange.

SEC. 87. Section 18082 of said code is amended to read:

Converted property

18082. If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted—

(a) Into property similar or related in service or use to the property so converted, no gain shall be recognized.

(b) Into money, and the disposition of the converted property occurred before January 1, 1953, no gain shall be recognized if such money is forthwith in good faith, under regulations prescribed by the Franchise Tax Board, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund. If any part of the money is not so expended, the gain shall be recognized to the extent of the money which is not so expended (regardless of whether such money is received in one or more taxable years and regardless of whether or not the money which is not so expended constitutes gain). For the purposes of this section and Section 18083, the term "disposition of the converted property" means the destruction, theft, seizure, requisition, or condemnation of the converted property, or the sale or exchange of such property under threat or imminence of requisition or condemnation. For purposes of this paragraph and paragraph (c) and Section 18083, the term "control" means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the corporation.

"Disposition of converted property"

"Control"

(c) Into money or into property not similar or related in service or use to the converted property, and the disposition of the converted property (as defined in subsections (b)) occurred after December 31, 1952, the gain (if any) shall be recognized except to the extent hereinafter provided in Section 18083.

SEC. 88. Section 18089 is added to said code, to read:

Irrigation projects

18089. For purposes of this part, if property lying within an irrigation project is sold or otherwise disposed of in order to conform to the acreage limitation provisions of federal reclamation laws, such sale or disposition shall be treated as an

involuntary conversion to which Sections 18082 to 18086, inclusive, apply.

SEC. 89. Section 18090 is added to said code, to read:

Livestock

18090 For purposes of this part, if livestock are destroyed by or on account of disease, or are sold or exchanged because of disease, such destruction or such sale or exchange shall be treated as an involuntary conversion to which Sections 18082 to 18086, inclusive, apply.

SEC. 90. Section 18090.1 is added to said code, to read:

Draft, etc., livestock

18090.1. For purposes of this part, the sale or exchange of livestock (other than poultry) held by a taxpayer for draft, breeding, or dairy purposes in excess of the number the taxpayer would sell if he followed his usual business practices shall be treated as an involuntary conversion to which Sections 18082 to 18086, inclusive, apply if such livestock are sold or exchanged by the taxpayer solely on account of drought.

SEC. 91. Section 18090.2 is added to said code, to read:

Real property held for productive use

18090.2. (a) For purposes of Sections 18082 through 18086, if real property (not including stock in trade or other property held primarily for sale) held for productive use in trade or business or for investment is (as the result of its seizure, requisition, or condemnation, or threat or imminence thereof) compulsorily or involuntarily converted, property of a like kind to be held either for productive use in trade or business or for investment shall be treated as property similar or related in service or use to the property so converted.

(b) (1) Subsection (a) shall not apply to the purchase of stock in the acquisition of control of a corporation described in Section 18083.

(2) Subsection (a) shall apply with respect to the compulsory or involuntary conversion of any real property only in the disposition of the converted property (within the meaning of Section 18082(b)) occurs after December 31, 1960.

SEC. 92. Section 18092 is added to said code, to read:

"Adjusted sales price"

18092. (a) For purposes of this article, the term "adjusted sales price" means the amount realized, reduced by the aggregate of the expenses for work performed on the old residence in order to assist in its sale.

(b) The reduction provided in subsection (a) applies only to expenses—

(1) For work performed during the 90-day period ending on the day on which the contract to sell the old residence is entered into;

(2) Which are paid on or before the 30th day after the date of the sale of the old residence; and

(3) Which are—

(A) Not allowable as deductions in computing taxable income under Section 17073(a) (defining taxable income); and

(B) Not taken into account in computing the amount realized from the sale of the old residence.

(c) The reduction provided in subsection (a) applies to expenses for work performed in any taxable year (whether

beginning before, on, or after January 1, 1961, but only in the case of a sale or exchange of an old residence which occurs after December 31, 1959.

SEC. 93. Section 18091 of said code is amended to read:

Sale and purchase of residence

18091. If property (hereinafter in this article called "old residence") used by the taxpayer as his principal residence is sold by him after December 31, 1952, and, within a period beginning one year prior to the date of such sale and ending one year after such date, property (hereinafter in this article called "new residence") is purchased and used by the taxpayer as his principal residence, gain (if any) from such sale shall be recognized only to the extent that the taxpayer's adjusted sales price (as defined in Section 18092) of the old residence exceeds the taxpayer's cost of purchasing the new residence.

SEC. 94. Section 18097 of said code is amended to read:

Allocation between spouses

18097. If the taxpayer and his spouse, in accordance with regulations which shall be prescribed by the Franchise Tax Board pursuant to this section, consent to the application of subdivision (b) of this section, then—

(a) For the purposes of Sections 18091 through 18100—

(1) The taxpayer's adjusted sales price of the old residence is the adjusted sales price (of the taxpayers, or of the taxpayer and his spouse) of the old residence, and

(2) The taxpayer's cost of purchasing the new residence is the cost (to the taxpayer, his spouse, or both) of purchasing the new residence (whether held by the taxpayer, his spouse, or the taxpayer and his spouse); and

(b) So much of the gain upon the sale of the old residence as is not recognized solely by reason of this section, and so much of the adjustment under Section 18095 to the basis of the new residence as results solely from this section shall be allocated between the taxpayer and his spouse as provided in such regulations.

This section shall apply only if the old residence and the new residence are each used by the taxpayer and his spouse as their principal residence. In case the taxpayer and his spouse do not consent to the application of subsection (b) of this section, then the recognition of gain upon the sale of the old residence shall be determined under this article without regard to the rules provided in this section.

SEC. 95. Section 18099 of said code is amended to read:

Involuntary conversions

18099. (a) For purposes of Sections 18091 to 18098, inclusive, the destruction, theft, seizure, requisition, or condemnation of property, or the sale or exchange of property under threat or imminence thereof—

(1) If occurring after December 31, 1952, and before January 1, 1955, shall be treated as the sale of such property; and

(2) If occurring after December 31, 1954, shall not be treated as the sale of such property.

(b) For purposes of Sections 18091 through 18098, the seizure, requisition, or condemnation of property, or the sale or

exchange of property under threat or imminence thereof, if occurring after December 31, 1960, shall, at the election of the taxpayer, be treated as the sale of such property. Such election shall be made at such time and in such manner as the Franchise Tax Board shall prescribe by regulations.

(c) For treatment of residences involuntarily converted after December 31, 1954, see Sections 18082 to 18088, inclusive (relating to involuntary conversions).

SEC. 96. Section 18121 of said code is amended to read:

Sale or exchange of property connected with radio broadcasting

18121. (a) If the sale or exchange of property (including stock in a corporation) is certified by the Federal Communications Commission to be necessary or appropriate to effectuate a change in a policy of, or the adoption of a new policy by the commission with respect to the ownership and control of radiobroadcasting stations, such sale or exchange shall, if the taxpayer so elects, be treated as an involuntary conversion of such property within the meaning of Sections 18082 to 18088, inclusive. For purposes of such sections as made applicable by the provisions of this section, stock of a corporation operating a radiobroadcasting station, whether or not representing control of such corporation, shall be treated as property similar or related in service or use to the property so converted. The part of the gain, if any, on such sale or exchange to which Sections 18082 to 18088, inclusive, is not applied shall nevertheless not be recognized, if the taxpayer so elects, to the extent that it is applied to reduce the basis for determining gain or loss on sale or exchange of property of a character subject to the allowance for depreciation under Sections 17208 and 17209, inclusive, remaining in the hands of the taxpayer immediately after the sale or exchange, or acquired in the same taxable year. The manner and amount of such reduction shall be determined under regulations prescribed by the Franchise Tax Board. Any election made by the taxpayer under this section shall be made by a statement to that effect in his return for the taxable year in which the sale or exchange takes place, and such election shall be binding for the taxable year and all subsequent taxable years.

(b) For basis of property acquired on a sale or exchange treated as an involuntary conversion under subsection (a), see Section 18088.

SEC. 97. Section 18194 of said code is amended to read:

Applicability of provisions to transfers

18194. Section 18192 shall be applicable with regard to any amounts received, or payments made, pursuant to a transfer described in Section 18192 in any taxable year beginning after December 31, 1954 regardless of the taxable year in which such transfer occurred.

SEC. 98. Section 18195 of said code is amended to read:

Same Other transfers

18195. Section 18192 shall not apply to any transfer, directly or indirectly, between persons specified within any one of the paragraphs of Section 17288; except that, in applying Sections 17288 and 17289 for purposes of Sections 18192 through 18195—

(a) The phrase "25 percent or more" shall be substituted for the phrase "more than 50 percent" each place it appears in Section 17288, and

(b) Section 17289(d) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants.

SEC. 99. Section 18197 of said code is amended to read:

Subdivided property

18197. Any lot or parcel which is part of a tract of real property in the hands of a taxpayer shall not be deemed to be held primarily for sale to customers in the ordinary course of trade or business at the time of sale solely because of the taxpayer having subdivided such tract for purposes of sale or because of any activity incident to such subdivision or sale, if—

(a) Such tract, or any lot or parcel thereof, had not previously been held by such taxpayer primarily for sale to customers in the ordinary course of trade or business (unless such tract at such previous time would have been covered by this section) and, in the same taxable year in which the sale occurs, such taxpayer does not so hold any other real property; and

(b) No substantial improvement that substantially enhances the value of the lot or parcel sold is made by the taxpayer on such tract while held by the taxpayer or is made pursuant to a contract of sale entered into between the taxpayer and the buyer. For purposes of this subsection, an improvement shall be deemed to be made by the taxpayer if such improvement was made by—

(1) The taxpayer or members of his family (as defined in Section 17289(d)), by a corporation controlled by the taxpayer, or by a partnership which included the taxpayer as a partner; or

(2) A lessee, but only if the improvement constitutes income to the taxpayer; or

(3) Federal, state, or local government, or political subdivision thereof, but only if the improvement constitutes an addition to basis for the taxpayer; and

(c) Such lot or parcel, except in the case of real property acquired by inheritance or devise, is held by the taxpayer for a period of five years.

SEC. 100. Section 18198 of said code is amended to read:

Sale of tracts by parcels

18198. (a) If more than five lots or parcels contained in the same tract of real property are sold or exchanged, gain from any sale or exchange (which occurs in or after the taxable year in which the sixth lot or parcel is sold or exchanged) of any lot or parcel which comes within the provisions of Section 18197 shall be deemed to be gain from the sale of property held primarily for sale to customers in the ordinary course of the trade or business to the extent of 5 percent of the selling price.

(b) For the purpose of computing gain under subsection (a), expenditures incurred in connection with the sale or exchange of any lot or parcel shall neither be allowed as a deduction in computing taxable income, nor treated as reducing

the amount realized on such sale or exchange; but so much of such expenditures as does not exceed the portion of gain deemed under subsection (a) to be gain from the sale of property held primarily for sale to customers in the ordinary course of trade or business shall be so allowed as a deduction, and the remainder, if any, shall be treated as reducing the amount realized on such sale or exchange.

(c) No improvement shall be deemed a substantial improvement for purposes of Section 18197 if the lot or parcel is held by the taxpayer for a period of 10 years and if—

(1) Such improvement is the building or installation of water, sewer, or drainage facilities or roads (if such improvement would except for this paragraph constitute a substantial improvement);

(2) It is shown to the satisfaction of the Franchise Tax Board that the lot or parcel, the value of which was substantially enhanced by such improvement, would not have been marketable at the prevailing local price for similar building sites without such improvement; and

(3) The taxpayer elects, in accordance with regulations prescribed by the Franchise Tax Board, to make no adjustment to basis of the lot or parcel, or of any other property owned by the taxpayer, on account of the expenditures for such improvements. Such election shall not make any item deductible which would not otherwise be deductible.

The requirements of subparagraphs (2) and (3) shall not apply in the case of property acquired through the foreclosure of a lien thereon which secured the payment of an indebtedness to the taxpayer.

SEC. 101. Section 18246 is added to said code, to read:

Recovery of damages

18246. (a) If an amount representing damages is received or accrued by a taxpayer during a taxable year as a result of an award in a civil action for breach of contract or breach of a fiduciary duty or relationship, then the tax attributable to the inclusion in gross income for the taxable year of that part of such amount which would have been received or accrued by the taxpayer in a prior taxable year or years but for the breach of contract, or breach of a fiduciary duty or relationship, shall not be greater than the aggregate of the increases in taxes which would have resulted had such part been included in gross income for such prior taxable year or years.

(b) The taxpayer in computing said tax shall be entitled to deduct all credits and deductions for depletion, depreciation, and other items to which he would have been entitled, had such income been received or accrued by the taxpayer in the year during which he would have received or accrued it, except for such breach of contract or for such breach of a fiduciary duty or relationship. The credits, deductions, or other items referred to in the prior sentence, attributable to property, shall be allowed only with respect to that part of the award which represents the taxpayer's share of income from the actual operation of such property.

(c) Subsection (a) shall not apply unless the amount representing damages is three thousand dollars ($3,000) or more.

SEC. 102. Section 18247 is added to said code, to read:

Recovery of damages under Clayton Act

18247. (a) If an amount representing damages is received or accrued during a taxable year as a result of an award in, or settlement of, a civil action brought under Section 4 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (commonly known as the Clayton Act), for injuries sustained by the taxpayer in his business or property by reason of anything forbidden in the antitrust laws, then the tax attributable to the inclusion of such amount in gross income for the taxable year shall not be greater than the aggregate of the increases in taxes which would have resulted if such amount had been included in gross income in equal installments for each month during the period in which such injuries were sustained by the taxpayer.

(b) This section shall apply to taxable years ending after the date that this section is enacted, but only with respect to amounts received or accrued after such date as a result of awards or settlements made after such date.

SEC. 103. Section 18246 of said code is amended and renumbered to read:

Fractional part of month

18248. (a) For purposes of this article, a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it should be considered as a month.

(b) For the purpose of computing the tax attributable to the amount of an item of gross income allocable under this article to a particular taxable year, such amount shall be considered income only of the person who would be required to include the item of gross income in a separate return filed for the taxable year in which such item was received or accrued.

(c) Subsection (c) of Section 18241 and subsection (b) of this section shall apply only to amounts received or accrued after December 31, 1954. Notwithstanding any other provision of this part, Sections 17054 to 17059, inclusive, of the Personal Income Tax Law of 1954 shall apply to amounts received or accrued as a partner on or before December 31, 1954, under this section and to the computation of tax on amounts received or accrued on or before December 31, 1954.

SEC. 104. Section 18362 is added to said code, to read:

Contract price redeterminations

18362. (a) If, pursuant to a price redetermination provision in a subcontract to which this section applies, a repayment with respect to an amount paid under the subcontract is made by one party to the subcontract (hereinafter referred to as the "payor") to another party to the subcontract (hereinafter referred to as the "payee"), then—

(1) The tax of the payor for prior taxable years shall be recomputed as if the amount received or accrued by him with respect to which the repayment is made did not include an amount equal to the amount of the repayment, and

(2) The tax of the payee for prior taxable years shall be recomputed as if the amount paid or incurred by him with respect to which the repayment is made did not include an amount equal to the amount of the repayment.

(b) Subsection (a) shall apply only to a subcontract which is subject to renegotiation under the applicable federal renegotiation act.

(c) Subsection (a) shall not apply to any repayment to the extent that Sections 18351 to 18361, inclusive, apply to the amount repaid.

(d) The amount of any repayment to which subsection (a) applies shall not be taken into account by the payor or payee for the taxable year in which the repayment is made, but any overpayment or underpayment of tax resulting from the application of subsection (a) shall be treated as if it were an overpayment or underpayment for the taxable year in which the repayment is made.

(e) This section shall apply only with respect to subcontracts entered into after December 31, 1960, and only to repayments for taxable years beginning after December 31, 1960.

Tax levy

SEC. 105. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into effect immediately.

CHAPTER 848

An act to add Article 1.5 (commencing with Section 13187) to Chapter 2, Division 10 of, and to amend Section 12902 of, the Education Code, relating to the certification of school personnel.

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Article 1.5 (commencing with Section 13187) is added to Chapter 2, Division 10 of the Education Code, to read:

Article 1.5. Licensing of Certificated Personnel Law of 1961

Credentials

13187. Except as otherwise provided in Sections 13187.1, 13117, 13118, 13119, 13271, 13185, 13149, 13150, 13151, 13197.5, and 13292, the State Board of Education shall, on and after the operative date of this article, issue only the following five types of credentials:

(a) A standard teaching credential with specializations in elementary teaching, secondary teaching, or junior college teaching.

(b) A standard designated subjects teaching credential.

(c) A standard designated services credential.

(d) A standard supervision credential.

(e) A standard administration credential.

Prior credentials Validity

13187.1. (a) A credential which was issued prior to the operative date of this article shall remain in force as long as it is valid and continues to be valid under the law and regulations of the State Board of Education. The State Board of Education may not by regulation invalidate such valid credential unless it issues to the holder thereof, in substitution, a new credential authorized by other sections of this article of an equivalent type and which new credential is no less restrictive than the credential for which it is substituted with respect to the kind of service which it authorizes, and the grades or classes of types of schools in which it authorizes service.

Renewal

(b) The State Board of Education may renew credentials issued prior to the operative date of this article.

Issuance pursuant to prior provisions

(c) The State Board of Education shall issue the appropriate credentials authorized by the law and the rules and regulations of the State Board of Education in effect prior to the operative date of this article to any person who has completed two years of college and is, on such operative date, enrolled in a teacher education curriculum at any institution of higher learning approved by the California State Board of Education after such person has completed the requirements for such credential and if the person is otherwise qualified for such credential under the law and rules and regulations. No credential shall be issued under this subdivision after the expiration of five years from the effective date of this article However, no person shall be denied the issuance of a prior credential if he holds a provisional credential authorized by Sections 13117, 13118, and 13119, and was working toward meeting the requirements of that prior regular credential in accordance with State Board of Education regulations; nor shall any person who was working toward meeting the requirements of a prior regular credential and was enrolled in a teacher education program, be denied the issuance of a prior credential if because of active military service since this article became effective he was prevented from meeting the educational requirements of a prior credential.

13188. As used in this article:

Definitions

(a) "Academic subject matter area" refers exclusively to the natural sciences, the social sciences (other than education and educational methodology), the humanities, mathematics, and the fine arts. The State Board of Education may consider a given subject matter major, whatever its title, to be an academic subject matter major if it finds that at the specific institution the required courses and the content of such courses within the major are equivalent to those of an academic subject matter major.

(b) "Specialized preparation" means training and education designed to prepare a person to serve as a librarian and to teach librarianship or to serve as a teacher of exceptional children, as designated on the credential.

Standard teaching credential: Requirements

13189. The minimum requirements for the standard teaching credential with a specialization in elementary teaching shall be five years (with the fifth year to be completed within five years of the first employment of the certificated employee in elementary teaching), or its equivalent of university or college education, including each of the following:

(a) A baccalaureate degree or higher degree from an institution approved by the State Board of Education, with a major and a minor, one of which shall be in an academic subject matter area and one of which may be in a nonacademic subject matter area, normally taught in the public schools. The State Board of Education may promulgate regulations defining the terms "major" and "minor." The State Board of Education shall by regulation establish and approve a diversified major consisting of academic subject matter courses. Such diversified major shall recognize the need of elementary school teachers for generalized preparation in such fields as English grammar, literature, mathematics, science, social studies, music, and art. Such diversified major may be substituted for the major required above Specialized preparation may be substituted for the minor required above.

(b) Such additional requirements as may be prescribed by the State Board of Education In promulgating any additional requirements the State Board of Education is hereby directed to emphasize academic and subject matter preparation, professional preparation, and student teaching or its equivalent in teaching experience. Such additional requirement shall be prescribed by the board on or before July 1, 1963.

Same: Specialization in elementary teaching

13190. The standard teaching credential with a specialization in elementary teaching shall authorize the holder to:

(a) Teach, in kindergarten or grades one to nine, inclusive, any courses except courses in special education which shall require completion of appropriate specialized preparation approved by the State Board of Education provided, however, that persons qualifying for teaching credentials under Section 13189 on the basis of a nonacademic subject matter major are authorized to teach in kindergarten or grades 1-9, inclusive, only in subject matter areas in which they have majored or minored.

(b) Teach, in classes organized primarily for adults, any courses

(c) Teach in grades 10 to 14, inclusive, any courses in an area in which the holder has completed specialized preparation.

(d) Serve as a librarian in an elementary school, junior high school, high school, or junior college, if the holder has completed the specialized preparation area of librarianship.

Same Specialization in secondary teaching

13191. The minimum requirements for the standard teaching credential with a specialization in secondary teaching shall be five years, or its equivalent, of university or college education, including each of the following:

(a) A baccalaureate degree or higher degree from an institution approved by the State Board of Education with a major

and a minor, one of which shall be in an academic subject matter area and one of which may be in a nonacademic subject matter area normally taught in the public schools. Specialized preparation may be substituted for the minor. The State Board of Education may promulgate regulations defining the terms "major" and "minor."

(b) One year of college or university education in addition to the requirements for a baccalaureate degree secured in an institution approved by the State Board of Education.

(c) Such additional requirements as may be prescribed by the State Board of Education. In promulgating any additional requirements, the State Board of Education is hereby directed to emphasize academic and subject matter preparation, professional preparation, and student teaching or its equivalent in teaching experience. Additional requirements shall be prescribed by the board on or before July 1, 1963.

Same

13192. The standard teaching credential with a specialization in secondary teaching shall authorize the holder to:

(a) Teach, in grades 7 to 12, inclusive, any course in which the holder has completed a subject matter major or subject matter minor.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in kindergarten and grades 1 to 14, inclusive, any courses in which the holder has completed a specialized area of preparation.

(d) Teach, in grades 7 to 12, inclusive, any courses, except courses in special education, and in grades 13 and 14 any course, except in special education, in which the holder has completed a subject matter major, which the governing board of the district maintaining such grades specifically authorizes the holder to teach by resolution adopted by the board. Such authorization shall remain valid for one year. The authorization may be renewed annually by resolution of the governing board.

(e) Serve as a librarian in an elementary school, junior high school, high school, or junior college, if the holder has completed the specialized preparation area of librarianship.

Same: Specialization in junior college teaching

13193. The minimum requirements for the standard teaching credential with a specialization in junior college teaching shall be five years, or its equivalent, of college or university education in an institution approved by the State Board of Education, including each of the following:

(a) A major and a minor, one of which shall be in an academic subject matter area and one of which may be in a nonacademic subject matter area, normally taught in the public schools. Specialized preparation may be substituted for the minor.

(b) A master's degree, a doctor's degree, or other postgraduate degree approved by the State Board of Education requiring not less than five years of college or university edu-

cation secured in an institution approved by the State Board of Education.

(c) Such additional requirements as may be prescribed by the State Board of Education. In promulgating any additional requirements, the State Board of Education is hereby directed to emphasize academic and subject matter preparation, professional preparation, and student teaching or its equivalent. Additional requirements shall be prescribed by the board on or before July 1, 1963.

A holder of such credential shall not be authorized to teach below grade 13 any courses except as specified in subdivision (d) of Section 13194 unless he has completed a course of practice teaching or its equivalent as prescribed by the State Board of Education.

Same

13194. The standard teaching credential with a specialization in junior college teaching shall authorize the holder to:

(a) Teach, in grades 11 to 14, inclusive, any courses in which the holder has completed a subject matter major.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in grades 13 and 14, courses in which the holder has completed a subject matter minor if the governing board of the district specifically authorizes the holder to teach such courses by resolution adopted by the governing board. The authorization may be renewed annually by resolution of the governing board.

(d) Teach, in grades 7 to 14, inclusive, courses in which the holder has completed a specialized area of preparation in special education.

(e) Serve as a librarian in an elementary school, junior high school, high school, or junior college if the holder has completed the specialized preparation area of librarianship.

Standard designated subjects teaching credential. Requirements

13195. The minimum requirements for the standard designated subjects teaching credential shall be such general standards and such specific standards relating to the subject or trade to be taught as the State Board of Education shall determine, provided, however, that the board shall establish a specialization in vocational trade and technical teaching as hereinafter provided. The board by regulation may require education courses and student teaching for this credential. This credential shall authorize the holder to serve in such subject or trade at such grade level approved by the State Board of Education and designated on the credential.

Specialization in vocational trade and technical teaching

The specialization in vocational trade and technical teaching shall require:

(a) Adequate, successful, and recent experience in the trade or technical occupation named on the credential as the State Board of Education shall determine.

(b) Adequate professional preparation including education courses and courses approved by the State Board of Education as related to the technical aspects of the occupation named on the credential and such other specific and general standards

relating to the trade or technical subject to be taught as the board shall determine.

Same: Specialization in pupil personnel services

13196. The minimum requirements for the standard designated services credential with a specialization in pupil personnel services shall be all of the following:

(a) A baccalaureate or higher degree from an institution approved by the State Board of Education.

(b) One year of college or university education in addition to the requirement for the baccalaureate degree secured in an institution approved by the State Board of Education. Except where inappropriate, the fifth year shall be substantially devoted to academic and clinical training for the services in which the credential is sought.

(c) Such additional requirements as may be prescribed by the State Board of Education. Such additional requirements shall be prescribed by the board on or before July 1, 1963.

The standard designated services credential with a specialization in pupil personnel services shall authorize the holder to perform, at all grade levels, the pupil personnel service approved by the State Board of Education as designated on the credential.

Same: Specialization in health

13197. The minimum requirements for the standard designated services credential with a specialization in health shall be five (5) years, or its equivalent, of college or university education, or five (5) years of professional preparation approved by the State Board of Education, and which education or preparation shall include each of the following:

(a) A baccalaureate or higher degree from an institution approved by the State Board of Education.

(b) Such additional requirements as may be prescribed by the State Board of Education.

The standard designated services credential with a specialization in health shall authorize the holder to perform, at all grade levels, the health service approved by the State Board of Education as designated on the credential.

Standard supervision credential Requirements

13197.1. The minimum requirements for the standard supervision credential shall be all of the following except that for the purposes of supervision of trade and industrial education and of trade and industrial schools, the State Board of Education may by rule establish the total education required as other than that required in subdivision (a) and (c) below:

(a) Six (6) years, or its equivalent, of college or university education including (1) a baccalaureate or higher degree from an institution approved by the State Board of Education and (2) two years of acceptable postgraduate education in a college or university approved by the State Board of Education.

(b) Five (5) years of successful full-time classroom teaching experience in the public elementary or secondary schools, or in private schools of equivalent status

(c) The possession of (1) a valid standard teaching credential with a specialization in elementary teaching, secondary

teaching, or junior college teaching, or a valid standard designated subjects teaching credential, or a standard designated services credential, or (2) a valid credential authorizing public school teaching or service issued or renewed under Article 1 of this chapter or issued or renewed under Section 13187.1.

(d) Such additional requirements as may be prescribed by the State Board of Education. Such additional requirements shall be prescribed by the board on or before July 1, 1963.

Same

13197.15. The standard supervision credential shall authorize the holder to serve as a supervisor, consultant, co-ordinator or equivalent supervisorial or intermediate administrative position at all grade levels and in all areas his credential, as specified in subdivision (c) of Section 13197.1, authorizes him to teach or serve. The credential shall also authorize the holder to serve as a principal of any school in which he is authorized to teach by the holding of (1) a valid basic standard teaching credential with a specialization in elementary teaching, secondary teaching, or junior college teaching, if his college or university preparation included a major in an academic subject matter area, or a diversified major as provided for in Section 13189, or (2) a valid teaching credential issued or renewed pursuant to Article 1 of this chapter or Section 13187.1 if his college or university preparation included a major in an academic subject matter area.

Standard administration credential: Requirements

13197.2. The minimum requirements for the standard administration credential shall be all of the following:

(a) Seven (7) years, or its equivalent, of college or university education which shall include all of the following:

(1) A baccalaureate or higher degree from an institution approved by the State Board of Education.

(2) Three (3) years of acceptable postgraduate education in a college or university approved by the State Board of Education.

(3) An approved undergraduate or graduate major in an academic subject matter area.

(b) The possession of (1) a valid standard teaching credential with a specialization in elementary teaching, secondary teaching, or junior college teaching or (2) a valid general teaching credential issued or renewed pursuant to Article 1 of this chapter or Section 13187.1.

(c) A minimum of five (5) years of successful full-time classroom teaching experience in the public elementary or secondary schools, or in private schools of equivalent status.

(d) Such additional requirements as may be prescribed by the State Board of Education. Such additional requirements shall be prescribed by the board on or before July 1, 1963.

Same

13197.25. The standard administration credential shall authorize the holder to serve as a superintendent, associate superintendent, deputy superintendent, assistant superintendent, or in an equivalent or intermediate level administrative position; also to serve as a principal and supervisor at all grade levels when he possesses (1) a valid standard

teaching credential with a specialization in elementary, secondary, or junior college teaching if his college or university preparation included a major in an academic subject matter area, or (2) a valid general teaching credential issued or renewed pursuant to Article 1 of this chapter or Section 13187.1, if his college or university preparation included a major in an academic subject matter area.

Conditional issuance

13197.3. The State Board of Education may issue a credential provided for by this article to any person who has partially fulfilled the minimum requirements for the credential set forth in this article on the condition that such person completely fulfill such requirements within a reasonable period of time. The State Board of Education may by rule establish the requirements for granting a credential under this section and establish the period of time which is reasonable.

Annual reports of special assignments

13197.4. The governing board of each school district shall report annually any assignments made pursuant to subdivision (d) of Section 13192 or pursuant to subdivision (c) of Section 13194, including the reasons for such assignments. The report shall also show for that year the percentage of employees of the district employed in positions requiring certification qualifications who are assigned to teach courses by resolution of the governing board, pursuant to subdivision (d) of Section 13190 or of Section 13192 or pursuant to subdivision (c) of Section 13194, including reasons why they have been so assigned.

The report shall include such other information which the State Board of Education deems pertinent. The report shall be on forms which the State Department of Education shall prescribe. This section shall become operative on July 1, 1964.

Credentials to persons of outstanding eminence

13197.5. Upon the recommendation of the governing board of a school district and with the approval of the County Board of Education, the State Board of Education may issue a standard designated subjects teaching credential to any person who has achieved outstanding eminence in a field of endeavor commonly taught in the public schools of California. This credential shall authorize service in the public schools in the subject or subject area and at the educational level or levels approved by the State Board of Education as designated on the credential.

All credentials so issued shall be issued for one-year periods and may be renewed for one-year periods by the State Board of Education, upon the request of the governing board of the school district.

Regulations

13197.6. Except as otherwise specifically required in this article, the State Board of Education shall establish regulations pertaining to the expiration dates of initially issued and renewed credentials. Any standard teaching credential with a specialization in elementary teaching, secondary teaching, or junior college teaching, standard designated subjects teaching credential, standard designated services credential with a specialization in pupil personnel services, standard designated services credential with a specialization in health, standard

supervision credential, and standard administration credential issued pursuant to this article shall be valid during the life of the person to whom issued unless sooner suspended or revoked, except that a credential issued pursuant to Section 13197.3 shall be valid for the period designated by the State Board of Education in accordance with such section.

Same

13197.7. The State Board of Education shall by rule prescribe which of the nonteaching positions in a school district shall require supervisory or administrative credentials.

SEC. 2. Section 12902 of the Education Code is amended to read:

"Education position" or "position requiring certification qualifications"

12902. "Education position" or "position requiring certification qualifications" includes every type of service for which certification qualifications are established by Sections 12901 to 12913, inclusive, Sections 13101 to 13112, inclusive, Sections 13117 to 13186, inclusive, Sections 13251 and 13292, and Article 1.5 (commencing with Section 13187) of Chapter 2 of this division.

Operative date

SEC. 3. This act shall become operative on July 1, 1963.

CHAPTER 849

An act authorizing the Director of Finance to sell to the City of Visalia certain real property belonging to the State in the City of Visalia, and providing for the disposition of the proceeds from the sale thereof, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

In effect immediately

The people of the State of California do enact as follows:

Land sale to Visalia

SECTION 1. The Director of Finance is hereby authorized to sell to the City of Visalia, at the price prescribed in Section 2, and upon such terms and conditions and with such reservations and exceptions as in his opinion may be for the best interest of the State, the following described real property:

Approximately 0.53 acre, being a portion of the south one-half of Lot 24 of Stephenson's Addition to Visalia, in the City of Visalia, County of Tulare, State of California, and comprising the former office of the California Highway Patrol.

Consideration

SEC. 2. As consideration for the sale of the real property described in Section 1, the City of Visalia shall pay to the State of California the sum of twenty-two thousand five hundred dollars ($22,500), of which amount ten thousand dollars ($10,000) shall represent the value of the land and twelve thousand five hundred dollars ($12,500) shall represent the value of the building located on said land.

Costs

SEC. 3. Any costs or expenses necessarily incurred in the sale of the real property described in Section 1 shall be reimbursed from the proceeds of the sale.

Deed

SEC. 4. A copy of the deed of conveyance executed and delivered by the Director of Finance pursuant to this act shall be delivered to the State Lands Commission.

Distribution of money received

SEC. 5. Subject to Section 3 hereof, any money received from the sale of the real property described in Section 1 shall be distributed as follows:

(a) Ten thousand dollars ($10,000) of said amount shall be paid into the State Highway Fund in the State Treasury and shall be credited to the then current allocation of funds for expenditure within the City of Visalia made by California Highway Commission pursuant to Section 194 of the Streets and Highways Code and shall be available for expenditure on city streets therein in addition to any other funds allocated pursuant to Section 194.

(b) The remainder of said amount shall be deposited in the funds in the State Treasury from which the moneys for the construction and repair of the building were expended in the same proportion that the amount expended from each of such funds for the construction and repair of said building bears to the total amount so expended from all of such funds, as determined by the State Controller.

Urgency

SEC 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The former office of the California Highway Patrol is presently standing idle and is urgently needed by the City of Visalia. The land on which this building is located was not purchased or condemned by the State, but was given to the State by the City of Visalia with no reversionary clause in the event the State ceased to use the land. Since the time of said gift the State has in many instances accepted similar gifts of land with a reversionary clause, so that the title to the land will revert to the original owner if the State ceases to use it. The purpose of this act is to permit the early sale of the land and building to the City of Visalia and to make the portion of the consideration equivalent to the value of the land given to the State by the City of Visalia available for expenditure upon city streets in the city. For the reasons cited above, it is essential that this act go into immediate effect.

CHAPTER 850

An act to add Article 6 (commencing at Section 11850) to Chapter 7, Division 10, of the Health and Safety Code, and to add Chapter 11 (commencing with Section 6400) and Chapter 12 (commencing with Section 6550) to Title 7 of Part 3 of, and to amend Sections 1237 and 1466 of, the Penal Code, and to amend Section 1755.5 of the Welfare and Institutions Code, relating to narcotics.

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing at Section 11850) is added to Chapter 7, Division 10, of the Health and Safety Code, to read:

Article 6. Registration of Narcotic Offenders

Registration with chief of police or sheriff

11850. Any person who is hereafter convicted in the State of California of a violation of Section 11500, 11500.5, 11501, 11502, 11503, 11530, 11530.5, 11531, 11532, 11540, 11557, 11715, or 11721 of the Health and Safety Code or any person who is hereafter discharged or paroled from a penal institution where he was confined because of the commission of any such offense, or any person who is hereafter convicted in any other state of any offense which, if committed or attempted in this State, would have been punishable as a violation of any such section of the Health and Safety Code, shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time, register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

Notice of registration requirement

11851. Any person who, after the effective date of this section, is discharged or paroled from a jail, prison, school, road camp, or other institution where he was confined because of the commission or attempt to commit one of the offenses described in Section 11850 shall, prior to such discharge, parole, or release, be informed of his duty to register under that section by the official in charge of the place of confinement and the official shall require the person to read and sign such form as may be required by the State Bureau of Criminal Identification and Investigation, stating that the duty of the person to register under this section has been explained to him. The official in charge of the place of confinement shall obtain the address where the person expects to reside upon his discharge, parole, or release and shall report such address to the State Bureau of Criminal Identification and Investigation. The official in charge of the place of confinement shall give one copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation,

which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

Same

11852. Any person who, after the effective date of this section, is convicted in the State of California of the commission or attempt to commit any of the above-mentioned offenses and who is released on probation or discharged upon payment of a fine shall, prior to such release or discharge, be informed of his duty to register under Section 11850 by the court in which he has been convicted and the court shall require the person to read and sign such form as may be required by the State Bureau of Criminal Identification and Investigation, stating that the duty of the person to register under this section has been explained to him. The court shall obtain the address where the person expects to reside upon his release or discharge and shall report within three days such address to the State Bureau of Criminal Identification and Investigation. The court shall give one copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

Content of registration

11853. The registration required by Section 11850 shall consist of (a) a statement in writing signed by such person, giving such information as may be required by the State Bureau of Criminal Identification and Investigation, and (b) the fingerprints and photograph of such person. Within three days thereafter the registering law enforcement agency shall forward such statement, fingerprints and photograph to the State Bureau of Criminal Identification and Investigation.

If any person required to register hereunder changes his residence address he shall inform, in writing within 10 days, the law enforcement agency with whom he last registered of his new address. The law enforcement agency shall, within three days after receipt of such information, forward it to the State Bureau of Criminal Identification and Investigation. The State Bureau of Criminal Identification and Investigation shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

Termination of registration requirement

All registration requirements set forth in this article shall terminate five years after the discharge from prison, release from jail or termination of probation or parole of the person convicted. Nothing in this section shall be construed to conflict with the provisions of Section 1203.4 of the Penal Code concerning termination of probation and release from penalties and disabilities of probation.

Any person required to register under the provisions of this section who shall knowingly violate any of the provisions thereof is guilty of a misdemeanor.

The statements, photographs and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer.

SEC. 2. Chapter 11 (commencing with Section 6400) is added to Title 7 of Part 3 of the Penal Code, to read:

CHAPTER 11. COMMITMENT AND CORRECTIVE TREATMENT OF NARCOTIC ADDICTS

Article 1. Administration

Narcotic detention, etc., facility

6400. The narcotic detention, treatment and rehabilitation facility referred to herein shall be one within the Department of Corrections whose principal purpose shall be the receiving, segregation, confinement, employment, education, treatment and rehabilitation of persons under the custody of the Department of Corrections or any agency thereof who are or have been addicted to narcotics or who by reason of repeated use of narcotics are in imminent danger of becoming addicted.

Prisoners

6401. Every person confined pursuant to this chapter shall be deemed a prisoner committed to a state prison for the purposes of the laws punishing escape.

Custody of patients

6402. The director may enter into agreements with the Director of Mental Hygiene pursuant to which persons committed to the custody of either for narcotic addiction or imminent narcotic addiction can be transferred to an institution under the jurisdiction of the other.

Certification for parole

6403. After an initial confinement of six months and subject to rules and policies established by the Director of Corrections, whenever a person committed under Article 2 or Article 3 of this chapter has recovered from his addiction or imminent danger of addiction to such an extent that in the opinion of the Director of Corrections such person is worthy of an opportunity on parole, the director shall certify such fact to the Adult Authority. Upon such certification, the Adult Authority may release such person upon parole subject to all the parole rules and regulations, and subject to being retaken and reconfined in the same manner as other parolees are retaken. Wherever the words "Adult Authority" are used in this chapter it shall be deemed to refer to the Board of Trustees of the California Institution for Women with respect to females.

Parole rules

6404. The parole rules shall include, but not be limited to, close supervision of the parolee after release from the facility, periodic and surprise testing for narcotic use, counseling and return to inpatient status at the narcotic detention and treatment facility at the discretion of the Adult Authority if from the reports of the parole officer, or other evidence as to the conduct of the parolee, the Adult Authority concludes that it is for the best interests of the parolee and society that this be done. The Director of Corrections is authorized to establish a halfway house in a large metropolitan area as a pilot project

in order to determine the effectiveness of such control upon the addict's rehabilitation, particularly upon his release from the narcotic detention and treatment facility. Rules and regulations governing the operation of such halfway house shall be established by the Director of Corrections and shall provide for control of the earnings of parolees during their residence in such halfway house, from which shall be deducted such charges for maintenance as the Director of Corrections may prescribe.

Research program

6405. The Director of the Department of Corrections shall engage in a program of research in the detention, treatment and rehabilitation of narcotic addicts

Commitment

6406. No commitment under Article 2 or 3 of this chapter shall be ordered until such time as the Director of Corrections designates a place or places for the reception of persons committed thereunder and unless space is available therein.

"Narcotic addict"

6407. "Narcotic addict" as used in this chapter refers to any person, whether adult or minor, who is addicted to the unlawful use of any narcotic as defined in Division 10 of the Health and Safety Code, except marijuana.

Copies of reports

6408. When a court commits a person to the custody of the Director of Corrections pursuant to this chapter, the court shall immediately after making the order of commitment, mail to the Department of Corrections, at the facility to which the person committed is delivered, a copy of such reports as the probation officer may have made relative to such person.

Article 2. Involuntary Commitment of Persons Charged With a Crime

Commitment of persons charged with a crime

6450 Upon conviction of a defendant of any crime in a municipal or justice court, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics, such judge shall adjourn the proceedings or suspend the imposition of the sentence and certify the defendant to the superior court.

The superior court shall direct the sheriff to file a petition to ascertain if such defendant is addicted to narcotics or is in imminent danger of becoming addicted thereto. Proceedings shall be conducted in substantial compliance with Sections 5353, 5053, 5054, and 5055 of the Welfare and Institutions Code.

If, after a hearing and examination, the judge shall find that the defendant charged is a narcotic drug addict, or by reason of repeated use of narcotics is in imminent danger of becoming addicted thereto, and is not ineligible for the program under the application of Section 6452 hereof, he shall make an order committing such defendant to the custody of the Director of Corrections for a period of five years, except as this chapter permits earlier discharge. If, upon the hearing, the judge shall find that the defendant is not a narcotic drug addict and is

not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the municipal or justice court which certified such defendant to the superior court for such further proceedings as the judge of such municipal or justice court deems warranted.

If a person committed pursuant to this section, after conviction of a misdemeanor other than a violation of Section 11721 of the Health and Safety Code, is dissatisfied with the order of the court, he may demand a hearing by a judge or jury in substantial compliance with the provisions of Section 5125 of the Welfare and Institutions Code.

Same

6451. Upon conviction of a defendant for any crime in any superior court, if the judge ascertains that the defendant is addicted or by reason of repeated use of narcotics is in imminent danger of becoming addicted to narcotics he shall adjourn the proceedings or suspend the imposition of the sentence and direct the sheriff to file a petition to ascertain if such person is addicted to narcotics or in imminent danger thereof unless in the opinion of the judge the defendant's record and probation report indicate such a pattern of criminality that he does not constitute a fit subject for commitment under this section. If a petition is ordered filed, proceedings shall be conducted in substantial compliance with Sections 5353, 5053, 5054, and 5055 of the Welfare and Institutions Code.

If, after a hearing and examination, the judge shall find that the person charged is a narcotic drug addict, or by reason of repeated use of narcotics is in imminent danger of becoming addicted to narcotics, he shall make an order committing such person to the custody of the Director of Corrections for confinement in the facility for a period of 10 years, except as this chapter permits earlier discharge. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for such further proceedings on the criminal charges as the judge of such department deems warranted

Application

6452. Sections 6450 and 6451 shall not apply to persons convicted of, or who have been previously convicted of murder, assault with intent to commit murder, attempt to commit murder, kidnaping, robbery, burglary in the first degree, mayhem, a violation of Section 245 or a violation of any provision of Chapter 1 (commencing with Section 261) of Title 9 of Part 1 of the Penal Code (but excepting subdivision 1 of Section 261) any felonies involving bodily harm or attempt to inflict bodily harm or any offense set forth in Article 1 (commencing with Section 11500) or 2 (commencing with Section 11530) of Chapter 5 of Division 10 of the Health and Safety Code, or in Article 4 (commencing with Section 11710) of Chapter 7 of such Division 10 for which the minimum term prescribed by law is more than five years in state prison.

6453. If at any time the Director of Corrections concludes that the person is not a fit subject for confinement or treatment in such narcotic detention, treatment and rehabilitation facility, he shall return the defendant to the court in which the case originated for such further proceedings on the criminal charges as that court may deem warranted.

Registration not required

6454. A person committed to the custody of the Director of Corrections pursuant to this article is not required to register pursuant to Article 6 (commencing with Section 11850) of Chapter 7, Division 10 of the Health and Safety Code.

Article 3. Involuntary Commitment of Persons Not Charged With a Crime

Involuntary commitment

6500. A sheriff, chief of police, minister, physician, probation officer, a relative, friend or any other person who believes that a person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use or any person who believes himself to be addicted or about to become addicted may report such belief to the district attorney who may petition the superior court for a commitment of such person to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility.

Contriving to unlawfully commit a person Misdemeanor

6501. Every person who knowingly contrives to have any person adjudged a narcotic addict under this article, unlawfully or improperly, is guilty of a misdemeanor.

Examination by court order

6502. Upon the filing of a proper petition pursuant to Section 6500, the court shall order the person sought to be committed to be examined by a physician or physicians, by order similar in form to the order for examination prescribed by Section 5050.1 of the Welfare and Institutions Code. The court may also order that the person be confined pending hearing in a county hospital or other suitable institution if the petition is accompanied by the affidavit of a physician alleging that he has examined such person within three days prior to the filing of the petition and has concluded that, unless confined, such person is likely to injure himself or others or become a menace to the public.

Personal service

6503. At least one day before the time of the examination as fixed by the court order, a copy of the petition and order for examination shall be personally delivered to the person.

Report of examination

6504. The report of the examination by the physician shall be delivered to the court, and if the report is to the effect that the person is not addicted nor in imminent danger of addiction, it shall order the petition dismissed. If the report is to the effect that the person is addicted or in imminent danger of addiction, the court shall set a time and place of hearing and cause notice thereof to be served on the person.

Subpoenas

6505. The court may issue subpoenas for attendance of witnesses at the hearing and the person sought to be committed shall have the right to have subpoenas issued for such

purpose. At the hearing the person shall have the right to be represented by counsel, to present witnesses on his behalf, and to cross-examine witnesses. If he is unable financially to employ counsel, the court shall, if requested, appoint counsel for him.

Determination of addiction

6506. At the hearing the court shall determine whether the person is addicted to the use of narcotics or in imminent danger of addiction. If that issue is determined in the negative, the petition shall be denied. If the issue is determined in the affirmative, the court shall order the person committed to the custody of the Director of Corrections for a period of five years, except as this chapter permits earlier discharge.

Waiver of the hearing

6507. Hearing may be waived by consent of the person sought to be committed, expressed in open court.

Hearings

6508. If the person so committed or any friend in his behalf is dissatisfied with the order of the court, he may demand a hearing by judge or jury in substantial compliance with the provisions of Section 5125 of the Welfare and Institutions Code.

Discharge of persons committed

6509. If at any time the Director of Corrections concludes that a person committed pursuant to this article is not a fit subject for confinement or treatment in a facility of the Department of Corrections, he may order such person discharged.

Registration not required

6510. A person committed to the custody of the Director of Corrections pursuant to this article is not required to register pursuant to Article 6 (commencing with Section 11850) of Chapter 7, Division 10 of the Health and Safety Code.

Article 4. Discharge of Narcotic Addicts

Discharge from program

6520. If at any time the Adult Authority is of the opinion that a person committed pursuant to Article 3 of this chapter while on parole has abstained from the use or narcotics for at least three consecutive years and has otherwise complied with the conditions of parole it shall discharge such person from the program.

If at any time the Adult Authority is of the opinion that a defendant committed pursuant to Article 2 of this chapter while on parole has abstained from the use of narcotics for at least three consecutive years and has otherwise complied with the conditions of parole it may file with the superior court of the county in which the defendant was committed a certificate alleging such facts and recommending to the court the discharge of the defendant from the program. The Adult Authority shall serve a copy of such certificate upon the district attorney of the county. Upon filing such certificate the court shall discharge the defendant from the program and may dismiss the criminal charges of which such defendant was convicted. Where such defendant was certified to the superior court from a municipal or justice court, the defendant shall be returned to such court, which may dismiss the original charges. In any case where the criminal charges are not dis-

missed and the defendant is sentenced thereon, time served while under commitment pursuant to Article 2 of this chapter shall be credited on such sentence. Such dismissal shall have the same force and effect as a dismissal under Section 1203.4 of the Penal Code, except the conviction is a prior conviction for purposes of this division.

Same At expiration of term of commitment

6521. If a person committed pursuant to Article 2 has not been discharged from the program prior to expiration of the term of his commitment, the Director of Corrections shall, on the expiration of such person's term, return him to the court in which criminal proceedings were adjourned, or the imposition of sentence suspended, prior to his commitment or certification to the superior court.

SEC. 3 Chapter 12 (commencing with Section 6550) is added to Title 7 of Part 3 of the Penal Code, to read:

CHAPTER 12. CALIFORNIA REHABILITATION CENTER

California Rehabilitation Center

6550. There is hereby established an institution, and branches thereof, under the jurisdiction of the Department of Corrections to be known as the California Rehabilitation Center.

Purpose

6551. The principal purpose of the California Rehabilitation Center shall be the receiving, segregation, confinement, employment, education, treatment and rehabilitation of persons under the custody of the Department of Corrections or any agency thereof who are addicted to the use of narcotics or are in imminent danger of becoming so addicted.

Buildings

6552. The Director of Corrections shall acquire, or construct, and equip, in accordance with law, suitable buildings, structures and facilities for the California Rehabilitation Center.

Rules and regulations

6553. The Director of Corrections shall make rules and regulations for the government of the California Rehabilitation Center and the management of its affairs.

Superintendent and civil service employees

6554. A superintendent shall be appointed for the California Rehabilitation Center pursuant to Section 6050, and the Director of Corrections shall appoint, subject to civil service, such other officers and employees as may be necessary.

Responsibility

6555. The supervision, management and control of the California Rehabilitation Center and the responsibility for the care, custody, training, discipline, employment and treatment of the persons confined therein are vested in the Director of Corrections. The provisions of Part 3 of this code apply to said institution as a prison under the jurisdiction of the Department of Corrections and to the persons confined therein insofar as such provisions may be applicable.

SEC. 4. Section 1755.5 of the Welfare and Institutions Code is amended to read:

Transfer to jurisdiction of Department of Corrections

1755 5. Notwithstanding any provisions of Section 553 or Section 742, the Youth Authority may transfer to and cause to be confined in the Medical Facility, the Correctional Train-

ing Facility at Soledad, the California Institution for Women at Corona, the California Rehabilitation Center, or the California Institution for Men under the jurisdiction of the Department of Corrections for general study, diagnosis, and treatment, or any of them, any person over the age of 18 years who is subject to the custody, control, and discipline of the Youth Authority; and the Director of Corrections may receive and keep in any of the said institutions any person so transferred thereto by the Youth Authority, with the same powers as if the person had been placed therein or transferred thereto pursuant to the provisions of the Penal Code.

The provisions of Part 3 of the Penal Code, so far as those provisions may be applicable, apply to persons so transferred to and confined in the institutions, except that, whenever by reason of any law governing the commitment of a person to the Youth Authority or to an institution under the jurisdiction of the Youth Authority the person is deemed not to be a person convicted of a crime, the transfer or placement of the person in the Medical Facility, the Correctional Training Facility at Soledad, the California Institution for Women at Corona, the California Rehabilitation Center, or the California Institution for Men shall not affect the status or rights of the person and shall not be deemed to constitute a conviction of a crime. Section 644 of the Penal Code shall not apply to any person who has been placed in the Medical Facility, the Correctional Training Facility at Soledad, the California Institution for Women at Corona, the California Rehabilitation Center or the California Institution for Men by the Youth Authority pursuant to this section, in respect to the time he remains therein under such placement.

SEC. 5. Section 1237 of the Penal Code is amended to read:

1237. An appeal may be taken by the defendant: Appeal by defendant

1. From a final judgment of conviction; a sentence or an order granting probation shall be deemed to be a final judgment within the meaning of this section; upon appeal from a final judgment the court may review any order denying a motion for a new trial, except when an appeal from an order denying a motion for a new trial has previously been finally determined in cases where the defendant has been committed for sexual psychopathy, insanity, or narcotics addiction.

2. From an order denying a motion for a new trial, in cases where the defendant is committed before final judgment for sexual psychopathy, insanity, or narcotics addiction. Such an appeal shall be dismissed if while it is pending an appeal is taken under subdivision 1.

3. From any order made after judgment, affecting the substantial rights of the party.

SEC. 6. Section 1466 of said code is amended to read:

1466. An appeal may be taken from a judgment or order of an inferior court, in a criminal case, to the superior court of the county in which such inferior court is located, in the following cases. Appeal to superior court

1. By the people:

(a) From an order or judgment dismissing or otherwise terminating the action before the defendant has been placed in jeopardy or where the defendant has waived jeopardy;

(b) From a judgment for the defendant upon the sustaining of a demurrer;

(c) From an order granting a new trial;

(d) From an order arresting judgment;

(e) From any order made after judgment affecting the substantial rights of the people.

2. By the defendant:

(a) From a final judgment of conviction; a sentence shall be deemed to be a final judgment within the meaning of this section; upon appeal from a final judgment or an order granting probation the court may review any order denying a motion for a new trial, except when an appeal from an order denying a motion for a new trial has previously been finally determined in cases where the defendant has been committed for sexual psychopathy, insanity, or narcotics addiction;

(b) From any order made after judgment affecting his substantial rights;

(c) From an order denying a motion for a new trial in cases where the defendant is committed before final judgment for sexual psychopathy, insanity, or narcotics addiction; such an appeal shall be dismissed if while it is pending an appeal is taken under subdivision (a) or (d);

(d) From an order granting or denying probation.

Effect: Stats. 1961, Ch. 650

SEC. 7. Sections 1237 and 1466 of the Penal Code as amended by Section 5 and Section 6 of this act shall become operative only if Senate Bill No. 867 is enacted by the Legislature at its 1961 Regular Session and in that event Sections 1237 and 1466 of the Penal Code as amended by this act shall supersede the same sections as amended by Senate Bill No. 867.

CHAPTER 851

An act to add Section 17262 to the Revenue and Taxation Code, relating to personal income taxes, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 17262 is added to the Revenue and Taxation Code, to read:

17262. (a) There shall be allowed as a deduction expenses paid during the taxable year by a taxpayer who is a woman or a widower for the care of one or more dependents (as defined in subsection (c)(1)), but only if such care is for the purpose of enabling the taxpayer to be gainfully employed.

(b) (1) The deduction under subsection (a)—

(A) Shall not exceed six hundred dollars ($600) for any taxable year; and

(B) Shall not apply to any amount paid to an individual with respect to whom the taxpayer is allowed for his taxable year a deduction under Section 17181 (relating to deductions for personal exemptions).

(2) In the case of a woman who is married, the deduction under subsection (a)—

(A) Shall not be allowed unless she files a joint return with her husband for the taxable years; and

(B) Shall be reduced by the amount (if any) by which the adjusted gross income of the taxpayer and her spouse exceeds four thousand five hundred dollars ($4,500).

This paragraph shall not apply if the taxpayer's husband is incapable of self-support because mentally or physically defective.

(c) For purposes of this section—

(1) The term "dependent" means a person with respect to whom the taxpayer is entitled to an exemption under Section 17181(d)—

(A) Who has not attained the age of 12 years and who (within the meaning of Section 17182) is a son, stepson, daughter, or stepdaughter of the taxpayer; or

(B) Who is physically or mentally incapable of caring for himself.

(2) The term "widower" includes an unmarried individual who is legally separated from his spouse under a final decree of divorce or a decree of separate maintenance.

(3) A woman shall not be considered as married if she is legally separated from her spouse under a final decree of divorce or a decree of separate maintenance at the close of the taxable year.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into effect immediately.

Tax levy

CHAPTER 852

An act to amend Section 17203 of the Revenue and Taxation Code, relating to personal income taxes, to take effect immediately.

[Approved by Governor June 24, 1961 Filed with Secretary of State June 26, 1961]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 17203 of the Revenue and Taxation Code is amended to read:

17203. (a) There shall be allowed as a deduction all interest paid or accrued within the taxable year on indebtedness. However, no deduction shall be allowed to the extent that it

is connected with income not taxable under this part. The proper apportionment and allocation of the deduction with respect to taxable and nontaxable income shall be determined under rules and regulations prescribed by the Franchise Tax Board.

(b) (1) If personal property is purchased under a contract—

(A) Which provides that payment of part of all of the purchase price is to be made in installments; and

(B) In which carrying charges are separately stated but the interest charge cannot be ascertained;

then the payments made during the taxable year under the contract shall be treated for purposes of this section as if they included interest equal to 6 percent of the average unpaid balance under the contract during the taxable year. For purposes of the preceding sentence, the average unpaid balance is the sum of the unpaid balance outstanding on the first day of each month beginning during the taxable year, divided by 12.

(2) In the case of any contract to which paragraph (1) applies, the amount treated as interest for any taxable year shall not exceed the aggregate carrying charges which are properly attributable to such taxable year.

Tax levy

SEC. 2 This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into effect immediately.

CHAPTER 853

An act to add Section 17053 to the Revenue and Taxation Code, relating to personal income taxes, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 17053 is added to the Revenue and Taxation Code, to read:

17053. (a) In the case of an individual who has received earned income before the beginning of the taxable year, there shall be allowed as a credit against the tax imposed by this part for the taxable year an amount equal to the amount received by such individual as retirement income (as defined in subsection (c) and as limited by subsection (d)), multiplied by the rate provided in Section 17041 for the first two thousand five hundred dollars ($2,500) of taxable income; but the credit provided by this section shall not exceed the tax imposed under this part reduced by the credit allowable under Chapter 12 (relating to taxes paid to other states)

(b) For purposes of subsection (a), an individual shall be considered to have received earned income if he has received,

in each of any 10 calendar years before the taxable year, earned income (as defined in subsection (g)) in excess of six hundred dollars ($600). A widow or widower whose spouse had received such earned income shall be considered to have received earned income.

(c) For purposes of subsection (a), the term "retirement income" means—

(1) In the case of an individual who has attained the age of 65 before the close of the taxable year, income from—

(A) Pensions and annuities,

(B) Interest,

(C) Rents, and

(D) Dividends, or

(2) In the case of an individual who has not attained the age of 65 before the close of the taxable year, income from pensions and annuities under a public retirement system (as defined in subsection (f)),

to the extent included in gross income without reference to this section, but only to the extent such income does not represent compensation for personal services rendered during the taxable year.

(d) For purposes of subsection (a), the amount of retirement income shall not exceed one thousand two hundred dollars ($1,200) less—

(1) In the case of any individual, any amount received by the individual as a pension or annuity—

(A) Under Title II of the Social Security Act,

(B) Under the Railroad Retirement Acts of 1935 or 1937, or

(C) Otherwise excluded from gross income, and

(2) In the case of any individual who has not attained the age of 72 before the close of the taxable year, any amount of earned income (as defined in subsection (g))—

(A) In excess of nine hundred dollars ($900) received by the individual in the taxable year if such individual has not attained the age of 65 before the close of the taxable year, or

(B) In excess of one thousand two hundred dollars ($1,200) received by the individual in the taxable year if such individual has attained the age of 65 before the close of the taxable year.

(e) Subsection (d)(1) shall not apply to any amount excluded from gross income under Sections 17101 to 17112, inclusive (relating to annuities), 17131 to 17135, inclusive (relating to life insurance proceeds), 17138 (relating to compensation for injuries or sickness), 17139 relating to amounts received under accident and health plans), 17503 to 17507, inclusive, (relating to taxability of beneficiary of employees' trust), or 17511 and 17512 (relating to taxation of employee annuities).

(f) For purposes of subsection (c)(2), the term "public retirement system" means a pension, annuity, retirement, or similar fund or system established by the United States, a state, a territory, a possession of the United States, any polit-

ical subdivision of any of the foregoing, or the District of Columbia.

(g) For purposes of subsections (b) and (d)(2), the term "earned income" has the meaning assigned to such term in Section 911(b) of the Internal Revenue Code of 1954, except that such term does not include any amount received as a pension or annuity.

Tax levy

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into immediate effect.

CHAPTER 854

An act to amend Sections 17138, 17253, 17254, 17255, 17256, 17259 and 17261 of, and to add Sections 17257 and 17258 to the Revenue and Taxation Code, relating to personal income taxes, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 17138 of the Revenue and Taxation Code is amended to read:

Exclusions from gross income

17138. (a) Except in the case of amounts attributable to (and not in excess of) deductions allowed under Sections 17253 to 17258, inclusive (relating to medical, etc., expenses) for any prior taxable year, gross income does not include—

(1) Amounts received under workmen's compensation acts as compensation for personal injuries or sickness;

(2) The amount of any damages received (whether by suit or agreement) on account of personal injuries or sickness;

(3) Amounts received through accident or health insurance for personal injuries or sickness (other than amounts received by an employee, to the extent such amounts (A) are attributable to contributions by the employer which were not includable in the gross income of the employee, or (B) are paid by the employer); and

(4) Amounts received as a pension, annuity, or similar allowance for personal injuries or sickness resulting from active service in the armed forces of any country or in the Coast and Geodetic Survey or the Public Health Service, or as a disability annuity payable under the provisions of Section 831 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1081; 60 Stat. 1021).

(b) (1) For exclusion from employee's gross income of employer contributions to accident and health plans, see Section 17140.

(2) For exclusion of part of disability retirement pay from the application of subsection (a)(4) of this section, see Section 402(h) of the Career Compensation Act of 1949 (37 U.S.C. 272(h)).

SEC. 2. Section 17253 of said code is amended to read:

Deductions for medical care

17253. There shall be allowed as a deduction the following amounts of the expenses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his spouse, or a dependent (as defined in Section 17182):

(a) If neither the taxpayer nor his spouse has attained the age of 65 before the close of the taxable year—

(1) The amount of such expenses for the care of any dependent who—

(i) Is the mother or father of the taxpayer or of his spouse, and

(ii) Has attained the age of 65 before the close of the taxable year, and

(2) The amount by which such expenses for the care of the taxpayer, his spouse, and such dependents (other than any dependent described in subparagraph (1)) exceed 3 percent of the adjusted gross income.

(b) If either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year—

(1) The amount of such expenses for the care of the taxpayer and his spouse,

(2) The amount of such expenses for the care of any dependent described in paragraph (A)(1), and

(3) The amount by which such expenses for the care of such dependents (other than any dependent described in paragraph (A)(1)) exceed 3 percent of the adjusted gross income.

SEC. 3. Section 17254 of said code is amended to read:

Deduction for medicine and drugs

17254. Amounts paid during the taxable year for medicine and drugs which (but for this section) would be taken into account in computing the deduction under Section 17253 shall be taken into account only to the extent that the aggregate of such amounts exceeds 1 percent of the adjusted gross income.

SEC. 4. Section 17255 of said code is amended to read:

Limitation on deduction

17255. Except as provided in subsection (c) the deduction under Sections 17253 and 17254 shall not exceed;

(a) One thousand two hundred fifty dollars ($1,250) if the taxpayer is single and not the head of a household (as defined in Section 17042) or is married but files a separate return; or

(b) Two thousand five hundred dollars ($2,500) if the taxpayer files a joint return with his spouse under Section 18402, or is the head of a household (as defined in Section 17042) or a surviving spouse (as defined in Section 17046).

(c) (1) Subject to the provisions of paragraph (2), the deduction under this section shall not exceed—

(A) Fifteen thousand dollars ($15,000), if the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, or if his spouse has attained the age of 65 before the close of the taxable year and is disabled and if his spouse does not make a separate return for the taxable year, or

(B) Thirty thousand dollars ($30,000), if both the taxpayer and his spouse have attained the age 65 before the

close of the taxable year and are disabled and if the taxpayer files a joint return with his spouse under Section 18402.

(2) For purposes of paragraph (1)—

(A) Amounts paid by the taxpayer during the taxable year for medical care, other than amounts paid for—

(i) His medical care, if he has attained the age of 65 before the close of the taxable year and is disabled, or

(ii) The medical care of his spouse, if his spouse has attained the age of 65 before the close of the taxable year and is disabled,

shall be taken into account only to the extent that such amounts do not exceed the maximum limitation provided in subsection (c) which would (but for the provisions of this subsection) apply to the taxpayer for the taxable year;

(B) If the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, amounts paid by him during the taxable year for his medical care shall be taken into account only to the extent that such amounts do not exceed fifteen thousand dollars ($15,000); and

(C) If the spouse of the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, amounts paid by the taxpayer during the taxable year for the medical care of his spouse shall be taken into account only to the extent that such amounts do not exceed fifteen thousand dollars ($15,000).

(3) For purposes of paragraph (1), an individual shall be considered to be disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered to be disabled unless he furnishes proof of the existence thereof in such form and manner as the Franchise Tax Board may require.

(4) For purposes of paragraph (1), the determination as to whether the taxpayer or his spouse is disabled shall be made as of the close of the taxable year of the taxpayer, except that if his spouse dies during such taxable year such determination shall be made with respect to his spouse as of the time of such death.

SEC. 5. Section 17256 of said code is amended to read:

Medical expenses prior to death

17256. (a) For purposes of Section 17253, expenses for the medical care of the taxpayer which are paid out of his estate during the one-year period beginning with the day after the date of his death shall be treated as paid by the taxpayer at the time incurred.

(b) Subsection (a) shall not apply if the amount paid is claimed as a deduction for inheritance tax purposes, but this subsection shall not apply if (within the time and in the manner and form prescribed by the Franchise Tax Board) there is filed—

(1) A statement that such amount has not been allowed as a deduction, and

(2) A waiver of the right to have such amount allowed at any time as a deduction for inheritance tax purposes.

SEC. 6. Section 17259 of said code is amended to read:

17259. (a) In computing taxable income, there shall be allowed as a deduction, except as limited under subsections (b) and (c), any expenses paid or incurred by the taxpayer or his spouse in connection with the adoption of a child by them. Such expenses include any medical and hospital expenses of the mother of an adopted child which are incident to the child's birth, and any welfare agency, legal and other fees or costs relating to the adoption. Deduction for adoption expenses

(b) A husband and wife who file a joint return may deduct only those adoption expenses which exceed 3 percent of the aggregate adjusted gross income of the husband and wife, and the maximum deduction in any such return for any such expenses shall not exceed two thousand five hundred dollars ($2,500).

(c) A taxpayer who files a separate return may deduct only those adoption expenses which exceed 3 percent of the adjusted gross income of the taxpayer, and the maximum deduction in any such return for any such expenses shall not exceed one thousand two hundred fifty dollars ($1,250).

SEC. 7. Section 17261 of said code is amended to read:

17261. A husband and wife who have paid or incurred both medical expenses and adoption expenses which in the aggregate exceed 3 percent of the aggregate adjusted gross income of the husband and wife shall be allowed a deduction in the amount of such excess, subject to the usual applicable limitations, notwithstanding that the amount paid or incurred for each such type of expenses does not exceed 3 percent of the aggregate adjusted gross income. Deduction for both types of expense

A taxpayer who files a separate return and who has paid or incurred both medical expenses and adoption expenses which in the aggregate exceed 3 percent of his adjusted gross income shall be allowed a deduction in the amount of such excess, subject to the usual applicable limitations, notwithstanding that the amount paid or incurred for each such type of expenses does not exceed 3 percent of the adjusted gross income.

SEC. 8. Section 17257 is added to said code, to read:

17257. The term "medical care" means amounts paid— "Medical care"

(a) For the diagnosis, cure, mitigation, treatment, or prevention of disease, or for the purpose of affecting any structure or function of the body (including amounts paid for accident or health insurance); or

(b) For transportation primarily for and essential to medical care referred to in subsection (a).

SEC. 9. Section 17258 is added to said code, to read:

17258. Any expense allowed as a deduction under Section 17262 shall not be treated as an expense paid for medical care. Exception

SEC. 10. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into effect immediately. Tax levy

CHAPTER 855

An act to amend Section 24422 of, and to add Section 24377 to the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations and Massachusetts trusts, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 24422 of the Revenue and Taxation Code is amended to read:

24422. No deduction shall be allowed for—

No deduction allowed

(a) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate. This subsection shall not apply to—

(1) Expenditures for the development of mines or deposits deductible under Section 24836;

(2) Soil and water conservation expenditures deductible under Section 24369; or

(3) Expenditures for farmers for fertilizer, etc, deductible under Section 24377.

(b) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made.

SEC. 2. Section 24377 is added to said code, to read:

Farming business

24377. (a) A taxpayer engaged in the business of farming may elect to treat as expenses which are not chargeable to capital account expenditures (otherwise chargeable to capital account) which are paid or incurred by it during the income year for the purchase or acquisition of fertilizer, lime, ground limestone, marl, or other materials to enrich, neutralize, or condition land used in farming, or for the application of such materials to such land. The expenditures so treated shall be allowed as a deduction.

"Land used in farming"

(b) For purposes of subsection (2), the term "land used in farming" means land used (before or simultaneously with the expenditures described in subsection (a)) by the taxpayer or its tenant for the production of crops, fruits, or other agricultural products or for the sustenance of livestock.

(c) The election under subsection (a) for any income year shall be made within the time prescribed by law (including extensions thereof) for filing the return for such income year. Such election shall be made in such manner as the Franchise Tax Board may by regulations prescribe. Such election may not be revoked except with the consent of the Franchise Tax Board.

Tax levy

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into immediate effect.

CHAPTER 856

An act to amend Section 17283 of and to add Section 17232 to the Revenue and Taxation Code, relating to personal income taxes, to take effect immediately.

[Approved by Governor June 24, 1961 Filed with Secretary of State June 26, 1961]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 17283 of the Revenue and Taxation Code is amended to read:

17283 No deduction shall be allowed for—

(a) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate This subsection shall not apply to— No deduction allowed

(1) Expenditures for the development of mines or deposits deductible under Section 17690;

(2) Soil and water conservation expenditures deductible under Section 17224; or

(3) Expenditures for farmers for fertilizer, etc., deductible under Section 17232.

(b) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made.

SEC. 2. Section 17232 is added to said code, to read:

17232. (a) A taxpayer engaged in the business of farming may elect to treat as expenses which are not chargeable to capital account expenditures (otherwise chargeable to capital account) which are paid or incurred by him during the taxable year for the purchase or acquisition of fertilizer, lime, ground limestone, marl, or other materials to enrich, neutralize, or condition land used in farming, or for the application of such materials to such land. The expenditures so treated shall be allowed as a deduction. Farming business

(b) For purposes of subsection (a) the "land used in farming" means land used (before or simultaneously with the expenditures described in subsection (a)) by the taxpayer or his tenant for the production of crops, fruits, or other agricultural products or for the sustenance of livestock. "Land used in farming"

(c) The election under subsection (a) for any taxable year shall be made within the time prescribed by law (including extensions thereof) for filing the return for such taxable year. Such election shall be made in such manner as the Franchise Tax Board may by regulations prescribe. Such election may not be revoked except with the consent of the Franchise Tax Board.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into effect immediately. Tax levy

CHAPTER 857

An act to amend Sections 23701, 23731a, 23735a, 23736, 23736.1, 23736.2, 23736.3 and 23736.4 of, and to add Section 23701n to the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations and Massachusetts trusts, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 23701 of the Revenue and Taxation Code is amended to read:

Exemption from taxes

23701. The organizations specified in this article are exempt from the taxes imposed under this part, except as provided in Article 2 of this chapter.

SEC. 2. Section 23731a of the Revenue and Taxation Code is amended to read:

Application of tax

23731a. The tax imposed under Section 23731 shall apply in the case of any organization (other than a church, a convention or association of churches) which is exempt, except as provided in this article, from taxation under this part by reason of Sections 23701a, 23701d, 23701e or 23701n. Such taxes shall also apply to an organization described in Section 23701h if the income is payable to an organization which itself is subject to the tax imposed under Section 23731 or to a church or to a convention or association of churches.

SEC. 3. Section 23735a of the Revenue and Taxation Code is amended to read:

"Article 2 lease indebtedness"

23735a. (1) The term "Article 2 lease indebtedness" means, with respect to any real property leased for a term of more than five years, the unpaid amount of—

(A) The indebtedness incurred by the lessor in acquiring or improving such property;

(B) The indebtedness incurred prior to the acquisition or improvement of such property if such indebtedness would not have been incurred but for such acquisition or improvement; and

(C) The indebtedness incurred subsequent to the acquisition or improvement of such property if such indebtedness would not have been incurred but for such acquisition or improvement and the incurrence of such indebtedness was reasonably foreseeable at the time of such acquisition or improvement.

(2) Where real property is acquired subject to a mortgage or other similar lien, the amount of the indebtedness secured by such mortgage or lien shall be considered (whether the acquisition was by gift, devise, or purchase) as an indebtedness of the lessor incurred in acquiring such property even though the lessor did not assume or agree to pay such indebtedness, except that where real property was acquired by

a gift, bequest, or devise prior to January 1, 1951, subject to a mortgage or other similar lien, the amount of such mortgage or other similar lien shall not be considered as an indebtedness of the lessor incurred in acquiring such property.

(3) Where real property was acquired by gift, bequest, or devise prior to January 1, 1951, subject to a lease requiring improvements in such property upon the happening of stated contingencies, indebtedness incurred in improving such property in accordance with the terms of such lease shall not be considered as an indebtedness for purposes of this section. In the case of a corporation described in Section 23701h, all of the stock of which was acquired prior to January 1, 1951, by an organization described in Sections 23701a, 23701d or 23701e (and more than one-third of such stock was acquired by such organization by gift or bequest), any indebtedness incurred by such corporation prior to January 1, 1951, and any indebtedness incurred by such corporation on or after such date in improving real property in accordance with the terms of a lease entered into prior to such date, shall not be considered as an indebtedness with respect to such corporation or such organization for purposes of this article. In determining the amount of the Article 2 lease indebtedness where only a portion of the real property is subject to an Article 2 lease, proper allocation to the premises covered by such lease shall be made of the indebtedness incurred by the lessor with respect to the real property.

SEC. 4. Section 23736 of the Revenue and Taxation Code is amended to read:

Applicability of provisions

23736. Sections 23736.1 to 23736.4, inclusive, shall apply to any organization described in Section 23701d or Section 23701n except—

(a) A religious organization (other than a trust);

(b) An educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on;

(c) An organization which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under Section 23701d) from the United States or any state or political subdivision thereof or from direct or indirect contributions from the general public;

(d) An organization which is operated, supervised, controlled, or principally supported by a religious organization (other than a trust) which is itself not subject to the provisions of this article; and

(e) An organization the principal purposes or functions of which are the providing of medical or hospital care or medical education or medical research.

SEC. 5. Section 23736.1 of the Revenue and Taxation Code is amended to read:

"Prohibited transaction"

23736.1. (a) For the purposes of this article, the term "prohibited transaction" means any transaction in which an organization subject to the provisions of this article—

(1) Lends any part of its income or corpus, without the receipt of adequate security and a reasonable rate of interest, to;

(2) Pays any compensation, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(3) Makes any part of its services available on a preferential basis to;

(4) Makes any substantial purchase of securities or any other property, for more than adequate consideration in money or money's worth, from;

(5) Sells any substantial part of its securities or other property, for less than an adequate consideration in money or money's worth, to; or

(6) Engages in any other transaction which results in a substantial diversion of its income or corpus to;

the creator of such organization (if a trust); a person who has made a substantial contribution to such organization; a member of the family (as defined in Section 17289(d) of this code) of an individual who is the creator of such trust or who has made a substantial contribution to such organization; or a corporation controlled by such creator or person through the ownership, directly or indirectly, of 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock of the corporation.

(b) For purposes of subsection (a), a bond, debenture, note, or certificate or other evidence of indebtedness (hereinafter in this section referred to as "obligation") acquired by a trust described in Section 23701n shall not be treated as a loan made without the receipt of adequate security if—

(1) Such obligation is acquired—

(A) On the market, either (i) at the price of the obligation prevailing on a national securities exchange which is registered with the Securities and Exchange Commission, or (ii) if the obligation is not traded on such a national securities exchange, at a price not less favorable to the trust than the offering price for the obligation as established by current bid and asked prices quoted by persons independent of the issuer;

(B) From an underwriter, at a price (i) not in excess of the public offering price for the obligation as set forth in a prospectus or offering circular filed with the Securities and Exchange Commission, and (ii) at which a substantial portion of the same issue is acquired by persons independent of the issuer; or

(C) Directly from the issuer, at a price not less favorable to the trust than the price paid currently for a substantial portion of the same issue by persons independent of the issuer;

(2) Immediately following acquisition of such obligation—

(A) Not more than 25 percent of the aggregate amount of obligations issued in such issue and outstanding at the time of acquisition is held by the trust, and

(B) At least 50 percent of the aggregate amount referred to in subparagraph (A) is held by persons independent of the issuer; and

(3) Immediately following acquisition of the obligation, not more than 25 percent of the assets of the trust is invested in obligations of persons described in subsection (a). Subsection (a) shall not apply to a loan made by a trust described in Section 23701n to the employer (or to a renewal of such a loan or, if the loan is repayable upon demand, to a continuation of such a loan) if the loan bears a reasonable rate of interest, and if (in the case of a making or renewal)—

(A) The employer is prohibited (at the time of such making or renewal) by any law of the United States or regulation thereunder from directly or indirectly pledging, as security for such a loan, a particular class or classes of his assets the value of which (at such time) represents more than one-half of the value of all his assets;

(B) The making or renewal, as the case may be, is approved in writing as an investment which is consistent with the exempt purposes of the trust by a trustee who is independent of the employer, and no other such trustee had previously refused to give such written approval; and

(C) Immediately following the making or renewal, as the case may be, the aggregate amount loaned by the trust to the employer, without the receipt of adequate security, does not exceed 25 percent of the value of all the assets of the trust.

"Trustee" For purposes of paragraph (B) the term "trustee" means, with respect to any trust for which there is more than one trustee who is independent of the employer, a majority of such independent trustees. For purposes of paragraph (3), the determination as to whether any amount loaned by the trust to the employer is loaned without the receipt of adequate security shall be made without regard to subsection (b).

(4) (A) In the case of a trust described in Section 23701n, or in the case of a corporation described in Section 23701h, all of the stock of which was acquired before January 1, 1961, by a trust described in Section 23701n, any indebtedness incurred by such trust or such corporation before January 1, 1961, in connection with real property which is leased before January 1, 1961, and any indebtedness incurred by such trust or such corporation on or after such date necessary to carry out the terms of such lease, shall not be considered as an indebtedness with respect to such trust or such corporation for purposes of this section.

(B) In the application of subsection (1), if a trust described in Section 23701n forming part of a supplemental unemployment compensation benefit plan lends any money to another trust described in Section 23701n forming part of the same plan, such loan shall not be treated as an indebtedness of the borrowing trust, except to the extent that the loaning trust—

(i) Incurs any indebtedness in order to make such loan,

(ii) Incurred indebtedness before the making of such loan which would not have been incurred but for the making of such loan, or

(iii) Incurred indebtedness after the making of such loan which would not have been incurred but for the making of such loan and which was reasonably foreseeable at the time of making such loan.

SEC. 6. Section 23736.2 of the Revenue and Taxation Code is amended to read:

Loss of exempt status

23736.2. An organization described in Section 23701d which is subject to the provisions of this article, except those specified in Sections 23736, shall not be exempt from taxation under Article 1 of this chapter if it has engaged in a prohibited transaction after January 1, 1951; and an organization described in Section 23701n which is subject to the provisions of this article shall not be exempt from taxation under Article 1 of this chapter if it has engaged in a prohibited transaction after December 31, 1960.

SEC. 7. Section 23736.3 of the Revenue and Taxation Code is amended to read:

Same

23736.3. An organization described in Section 23701n or Section 23701d, except as specified in Section 23736, shall be denied exemption under Section 23736.2 only for income years subsequent to the income years during which it is notified by the Franchise Tax Board that it has engaged in a prohibited transaction, unless such organization entered into such prohibited transaction with the purpose of diverting corpus or income of the organization from its exempt purposes, and such transaction involved a substantial part of the corpus or income of such organization.

SEC. 8. Section 23736.4 of the Revenue and Taxation Code is amended to read:

Claim for exemption

23736.4. Any organization denied exemption under Section 23701d or Section 23701n by reason of the provisions of Section 23736.2 with respect to any income year following the income year in which notice of denial of exemption was received, may, under regulations prescribed by the Franchise Tax Board, file claim for exemption, and if the Franchise Tax Board pursuant to such regulations, is satisfied that such organizations will not knowingly again engage in a prohibited transaction, such organization shall be exempt with respect to income years subsequent to the year in which such claim is filed.

SEC. 9. Section 23701n is added to the Revenue and Taxation Code, to read:

Supplemental unemployment compensation benefit trust

23701n. (1) A trust or trusts forming part of a plan providing for the payment of supplemental unemployment compensation benefits, if—

(A) Under the plan, it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees under the plan, for any part of the corpus or income to be (within the income year or thereafter) used for, or diverted to, any purpose other than the providing of supplemental unemployment compensation benefits,

(B) Such benefits are payable to employees under a classification which is set forth in the plan and which is found by the Franchise Tax Board not to be discriminatory in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees, and

(C) Such benefits do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees. A plan shall not be considered discriminatory within the meaning of this clause merely because the benefits received under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan.

(2) In determining whether a plan meets the requirements of subparagraph (1), any benefits provided under any other plan shall not be taken into consideration, except that a plan shall not be considered discriminatory—

(A) Merely because the benefits under the plan which are first determined in a nondiscriminatory manner within the meaning of subparagraph (1) are then reduced by any sick, accident, or unemployment compensation benefits received under state or federal law (or reduced by a portion of such benefits if determined in a nondiscriminatory manner), or

(B) Merely because the plan provides only for employees who are not eligible to receive sick, accident, or unemployment compensation benefits under state or federal law the same benefits (or a portion of such benefits if determined in a nondiscriminatory manner) which such employees would receive under such laws if such employees were eligible for such benefits, or

(C) Merely because the plan provides only for employees who are not eligible under another plan (which meets the requirements of subparagraph (1)) of supplemental unemployment compensation benefits provided wholly by the employer the same benefits (or a portion of such benefits if determined in a nondiscriminatory manner) which such employees would receive under such other plan if such employees were eligible under such other plan, but only if the employees were eligible under both plans would make a classification which would be nondiscriminatory within the meaning of subparagraph (1).

(3) A plan shall be considered to meet the requirements of subparagraph (1) during the whole of any year of the plan if on one day in each quarter it satisfies such requirements.

"Supplemental unemployment compensation benefits"

(4) The term "supplemental unemployment compensation benefits" means only—

(A) Benefits which are paid to an employee because of his involuntary separation from the employment of the employer (whether or not such separation is temporary) resulting directly from a reduction in force, the discontinuance of a plant or operation, or other similar conditions, and

(B) Sick and accident benefits subordinate to the benefits described in clause (A).

(5) Exemption shall not be denied under this article to any organization entitled to such exemption as an association described in Section 23701i merely because such organization provides for the payment of supplemental unemployment benefits (as defined in subparagraph (4)(A)).

Tax levy

SEC. 10. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into immediate effect.

CHAPTER 858

An act to amend Section 18057 of the Education Code, relating to transportation of public school pupils, declaring the urgency thereof to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 18057 of the Education Code is amended to read:

18057. He shall compute for each group of two or more school districts which have been continuously from a time prior of July 1, 1949, governed by boards of identical personnel during the preceding fiscal year and have maintained a single transportation system for all of such districts which provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year.

(a) He shall, if such group comprises an elementary school district and a high school district not maintaining a junior college and each district provided for the transportation of pupils, or comprises an elementary school district, a high school district, and a junior college district and each district except the junior college district provided for the transportation of pupils residing in the district, or comprises a high school district and a junior college district and each district provided for the transportation of pupils, then determine what rate of tax

levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of that one of such districts providing for the transportation of pupils which has the largest assessed valuation as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than three cents ($0.03) he shall allow the district (1) 50 percent of the amount which would be produced by not more than twelve cents ($0.12) of the computed tax rate less three cents ($0.03) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of twelve cents ($0.12).

(b) He shall, if such group comprises an elementary school district, and a high school district maintaining a junior college, each of which provided for the transportation of pupils, including those attending the junior college, or comprises an elementary school district, a high school district, and a junior college district (other than one providing transportation only for pupils not residing in the district), each of which provided for the transportation of pupils, then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of that one of such districts providing for the transportation of pupils which had the largest assessed valuation as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents ($0.04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than sixteen cents ($0.16) of the computed tax rate less four cents ($0.04) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of sixteen cents ($0.16).

He shall then allow to each district in the group the same ratio of the total amount computed for the group as the governing boards of the districts in the groups certify to him is the ratio the amount expended for such transportation in such district during the preceding fiscal year was of the total expenditures of all districts in the group for such transportation during the preceding fiscal year.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

At least one group of three school districts with a common administration and a single transportation system, which provide for transportation of pupils residing within district boundaries only in the case of pupils of two of the districts, have for one or more fiscal years received State School Fund transportation allowances computed on formulas applicable to situations where such transportation is being offered to such

pupils residing in all three of the districts. Those formulas contemplate a higher district contribution rate where transportation is being afforded on a three-district basis. In order to make allowances for three district transportation systems computable under the two-district formula where resident pupil transportation is provided only with respect to pupils of two of the districts, to remove the present inequities in allowances, and to enable the newly applicable procedures to be effective at the beginning of the fiscal year for which the allowances are payable, it is necessary that this act take effect immediately.

CHAPTER 859

An act to add Article 2.5 (commencing with Section 6350) to Chapter 4, Part 4, Division 8 of the Harbors and Navigation Code, relating to port districts, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Article 2.5 (commencing with Section 6350) is added to Chapter 4, Part 4, Division 8 of the Harbors and Navigation Code, to read:

Article 2.5. Additional Stockton Port District Bonds

Additional bonded debt

6350 Pursuant to this article, the Stockton Port District may also create an additional bonded debt up to but not in excess of 3 percent of the assessed value of all taxable real and personal property within the district.

Purpose

6350.1. This bonded indebtedness may be created solely for the purpose of providing funds for the acquisition or construction of revenue-producing harbor improvements of a self-liquidating character.

Concurrence required

6350.2. All bonds issued pursuant to this article shall be authorized by ordinance passed by two-thirds of all of the members of the board concurred in by ordinance of the Stockton City Council. But an election need not be held within the district and it is unnecessary to secure the approval of the electors within the district for the issuance of bonds for the purposes and within the limitations of this article.

Maturity

6350.3. The bonds shall be payable within 30 years from their date and shall mature serially at such times as may be fixed by the board, but the earliest maturity of the principal of the bonds shall be fixed at a date not more than 10 years from the date of issue.

Denominations

6350.4. The bonds may be issued in such denominations as the board determines, except that no bond shall be of a de-

nomination less than one hundred dollars ($100) nor of a greater denomination than one thousand dollars ($1,000).

The bonds shall be payable on the day and at the place or places fixed in such bonds, with interest at the rate specified in the bonds, which rate shall not be in excess of 6 percent per annum of the face amount, payable annually or semiannually.

The board may provide for redemption of the bonds before maturity at prices and upon terms and conditions determined by it. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital on its face to that effect.

Validity of signatures, etc.

6350 5. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature is nevertheless as valid and sufficient for all purposes as if he had remained in office.

The bonds may be issued and sold by the board for not less than their par value and accrued interest to date of delivery, at such time and under such conditions as may be designated by the board.

The proceeds shall be placed in the treasury of the district to the credit of the proper improvement fund and applied exclusively to the objects and purposes mentioned in the ordinance.

Form of bonds

6350.6. The form of the bonds shall be prescribed by the board and they shall be signed by the officer or officers that the board designates. The coupons appertaining to the bonds shall be numbered consecutively and shall be signed by the facsimile signature of the officer or officers that the board has designated.

Deposit of income or revenue

6350 7. The income and revenue derived or to be realized from the harbor improvement acquired or to be acquired from the proceeds of the bonds shall be deposited in a special fund and kept separate and apart from all other revenues of the district. It shall be applied, firstly, to the creation of an interest fund, herein designated as "interest fund," for the payment of the annual interest due or to become due upon the bonds during the next ensuing fiscal year and before the time for the fixing of the next general tax levy in the county in which the district is located.

"Interest fund"

"Sinking fund"

6350.8. The special fund shall be applied, secondly, to the creation of a sinking fund, herein designated as "sinking fund," to provide for the payment of the principal of the bonds at or before their maturity date or dates.

"Operation fund"

6350.9. Any additional revenues over and above the amounts required to be deposited in the interest fund and the sinking fund, may be deposited in an operation fund, herein designated as "operation fund," to be applied to the costs of operation and maintenance, including reasonable repairs and depreciation, of the particular revenue-producing harbor improvement acquired by the issuance and sale of the bonds.

Surplus revenues

6351. Surplus revenues in the operation fund may be deposited either in the interest fund or the sinking fund, but money allocated to the interest fund or the sinking fund shall not be transferred to any other fund or used for any other

purpose than the payment of the bonds and the interest thereon so long as the bonds are outstanding.

Hypothecation of revenues

6351.5. The board, in and by the ordinance authorizing the issuance of the bonds, shall hypothecate and allocate all of the revenues to be realized from the revenue-producing harbor improvement to be acquired or constructed from the proceeds of the bonds to the payment of both principal and interest.

The allocation and hypothecation is irrevocable until all bonds and the accrued interest thereon are paid.

The allocation and hypothecation shall be made in each case for the exclusive benefit of the bonds to be issued for the purpose of acquiring or constructing the particular revenue-producing harbor improvement, and as additional security for the payment of the principal and interest of the bonds.

But the allocation and hypothecation do not constitute the exclusive source of payment. The bonds constitute general obligations of the district and both principal and interest may be paid from any money or sources of revenue of any kind, including taxes, on hand and available for that purpose.

Insufficient revenues

6352. Whenever the revenues of the district are, or in the opinion of the board will be insufficient to provide for the payment in full of the principal or interest on the bonds, the board may, and if the revenues in the interest fund are insufficient to meet the next ensuing fiscal year's interest on the bonds issued and then outstanding or if the moneys in the sinking fund are insufficient to pay or provide for the payment of any bonds maturing during the next ensuing fiscal year, it shall cause a tax to be levied and collected, upon all of the taxable property in the district, sufficient to meet all sums coming due for principal and interest on the bonds during the next ensuing fiscal year and before the time for fixing the next general tax levy in the county in which the district is located.

The tax shall be levied and collected annually in the manner provided by Chapter 5 (commencing with Section 6360) of this part, and shall be in addition to all other taxes authorized to be levied and collected. When collected, the tax shall not be used for any purpose other than the payment of the bonds and the accruing interest thereon.

General law not applicable

6353. The Legislature hereby finds and declares that because of the unique, complex problems existing with respect to the Stockton Port District, as a large inland port district, it is necessary that special legislation be enacted to authorize additional, limited financing provisions for said port district, and that a general law cannot be made applicable.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act would provide additional, limited financing provisions for the Stockton Port District in order to enable said

district to finance the acquisition or construction of urgently needed revenue-producing harbor improvements In order that such financing may be commenced at the earliest possible time, it is necessary that this act go into effect immediately.

CHAPTER 860

An act to amend Sections 6, 12, 13, 13.1, and 25 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), relating to the Lake County Flood Control and Water Conservation District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1961 Filed with Secretary of State June 26, 1961]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 6 of the Lake County Flood Control and Water Conservation District Act is amended to read:

Board of Directors:

Sec. 6. The Board of Supervisors of Lake County shall be and is hereby designated as, and empowered to act as, ex officio the Board of Directors of the Lake County Flood Control and Water Conservation District. As used elsewhere in this act the terms "board" and "board of supervisors" mean the Board of Directors of the Lake County Flood Control and Water Conservation District.

Expenses

Each member of the board of directors of the district shall receive his actual and necessary expenses in the performance of official duties under this act, payable from the funds of said district in addition to his salary as county supervisor.

Ordinances, etc

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of directors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Lake.

SEC. 2. Section 12 of said act is amended to read:

Formation of zones

Sec. 12. The board may institute proceedings for the formation of single zones and also institute projects for single zones and joint projects for two or more zones that may involve the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. The board may also institute separate projects for operation and maintenance of works or improvements for any such zones whether such works or improvements have been constructed by the board or by the State of California or the federal government or by any agency or authority or either, or both of them. Any such zone shall include, as far as practicable, all lands which will be benefited by any project proposed for such zone. Proceedings for the formation of any

zone and for the establishment of any project for such zone may be conducted jointly. For the purpose of establishing any such zone or participating zones or of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to establish such zone or zones or to undertake such project, or both thereof, together with the engineering and other estimates of the cost of same to be borne by the particular zone and in the case of participating zones the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution; and said resolution shall refer to a map or maps showing the boundaries of each such zone and the general location and general construction of said project. Said resolution shall also describe the boundaries of any zone proposed to be established; otherwise adequate reference to any established zone involving such project shall be sufficient.

Publication of notice of hearing

Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or in each of said participating zones. Publication shall be completed at least seven days before the date of the hearing. Said notice shall contain a copy of said resolution. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the map or maps of each proposed single zone and any project for a single zone or the joint project for participating zones may be seen by any interested person, and said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

Hearing

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed zone or project.

Inclusions, exclusions

If it is shown that any land is improperly included in the boundaries proposed for the zone the board, in its order for formation of the zone, shall exclude such land therefrom. If the board shall conclude that lands that will be benefited by the zone are improperly omitted from the proposed zone and the owners thereof have not appeared at the hearing the board shall continue the hearing and direct that notice be given to the nonappearing landowners to appear before the board and show cause why their lands should not be included in the proposed zone. Such notice shall be given either by publication or posting in the same manner and for the same period as the original notice of hearing or by personal service on each such landowner. Any personal service shall be made at least three days prior to the date fixed for further hearing. Proof of the notice given must be filed with the clerk of the board on or before the day to which the hearing is continued.

The board may continue the hearing from time to time, by order entered upon its minutes, to the end that a full hearing may be had.

Boundaries of zone

If an order for formation of the zone is made at the conclusion of the hearing such order shall describe the exterior boundaries of the zone as determined by the board, shall be be signed by the chairman of the board and attested by the clerk thereof and be recorded by the county recorder in his official records.

Conclusion of hearing, action, etc

Upon the conclusion of the hearing the board may abandon the proposed zone or project or proceed with the same, unless prior to the conclusion of said hearing a written protest against the proposed zone or project signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones, be filed with the board, in which event further proceedings relating to such zone or project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

Assessment roll of Lake County

In all matters in this section referred to, the last equalized assessment roll of the County of Lake next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and numbers of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone or within any of the participating zones for which the project was initiated.

Representatives' protest

Executors, administrators, special administrators, and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced

Multiple owners' protest

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, that the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do, duly acknowledged by the consenting co-owners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county. Any joint owner or partner or tenant in common may sign and thus be counted independently for his proportionate share of the assessed valuation of any such real property as shall be deter-

mined by division of such valuation by the number of jointly interested owners thereof.

Trustee's protest

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

Corporation's or association's protest

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board

Real property owner's protest

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Real property vendee's protest

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

Annual assessment amount

In its resolution of intention on the institution of any project for operation and maintenance of works or improvements for any zone and in the order of adoption of such project the board shall fix a total sum that it will raise annually thereafter by assessments under Section 13.1 to pay the expenses of such operation and maintenance and the Lake County Flood Control and Water Conservation District shall pay any expenses incurred for such purposes which are in excess of said sum; and where any zone has already been formed prior to this enactment, the board, after notice of hearing therefor in the manner provided in this section, may likewise fix a total sum that it will raise annually for the same

purposes for such zone, and thereafter in respect of such zone, the Lake County Flood Control and Water Conservation District shall pay any expenses incurred for such purposes which are in excess of said sum.

Inclusion of additional lands

After any zone has been established the board may include additional lands therein or exclude lands therefrom through and by the procedures which are prescribed in Sections 53620 to 53678, inclusive, of the Water Code, insofar as they are consistent with this act, and said sections are hereby incorporated in and made a part of this act and shall be applicable and be adjusted and applied under this act to the full possible extent thereof as though expressly enacted, originally, as part of this act.

SEC. 3. Section 13 of said act is amended to read:

Powers of the board

SEC. 13. The board shall have power, in any year:

Taxation, assessments

1. To levy ad valorem taxes or assessments upon all real property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district; provided, however, that said ad valorem tax or assessments shall not exceed fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation; and

Taxation, assessments

2. To levy ad valorem taxes or assessments upon all real property in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones It is declared that for the purposes of any tax or assessment levied under this subdivision, all property within a given zone is equally benefited.

Assessments

3. To levy assessments upon all real property in each or any of said zones, according to the special benefits derived or to be derived by such properties, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such properties, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zone or zones.

In the event of project co-operation with any of the governmental bodies as authorized in subdivision 6 of Section 5 of this act, and requiring the making of a contract with any such governmental body for the purposes set forth in said subdivision 6 by the terms of which work other than operation and maintenance is to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said proposed contract the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may, after pro-

ceedings in the manner prescribed in Section 12 of this act, levy and collect either an ad valorem tax or assessment or a special benefit assessment upon the real property in such zone, or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Said ad valorem taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said ad valorem taxes or assessments shall be paid into the county treasury to the credit of said district, or the proper zone or zones thereof.

Said special benefit assessments may be levied and collected as provided in Sections 51230 to 51260, inclusive, 51500 to 51522, inclusive, 51600 to 51654, inclusive, and 51660 to 51894, inclusive, of the Water Code; and said sections of the Water Code, insofar as they are consistent with this act, are hereby incorporated in and made a part of this act and in the proper case shall be applicable and be adjusted and applied under this act to the full possible extent thereof as though expressly enacted, originally, as part of this act.

Expenditures

The board shall have the power to control and order the expenditure for said purposes of all funds so raised; provided, however, that no revenues, or portions thereof, derived in any zone from the taxes or assessments levied under the provisions of subdivision 2 or 3 of this section shall be expended for constructing, maintaining, operating, extending, repairing, or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones. The total amount that may be taxed or assessed against any zone annually for operation and maintenance expenses shall not exceed the amount established in the order prescribed in Section 12 hereof and any expenses in excess of such limitation shall be borne by the Lake County Flood Control and Water Conservation District; but this provision shall not prevent the Lake County Flood Control and Water Conservation District from agreeing to carry a larger share of such expenses.

SEC. 4. Section 13.1 of said act is amended to read:

Operation of zones

Sec. 13.1. Where, pursuant to Section 12, a zone has been established and the project adopted therefor is that of operation and maintenance of works or improvements for such zone which have been constructed by the State of California or the federal government or any agency or authority of either or both of them other than the board and the board has been requested in writing to provide such operation and maintenance of such works or improvements by said zone, funds for

such purpose shall be raised by assessment in the manner, and only in the manner, herein provided, namely:

(1) The board shall appoint three valuation assessment commissioners who have no interest in any real property within the zone and each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real property within the zone, directly or indirectly, and that he will perform the duties of a commissioner to the best of his ability. At least one of the commissioners shall be a civil engineer who has had experience in the establishment of valuation assessments in reclamation districts. For purposes of satisfying this requirement it shall be sufficient that such civil engineer shall have had experience in assessment work in the zone covered in this act or assessment work in the district.

(2) The commissioners shall view and fix upon the real property in the zone an assessment valuation at a per acre rate for each parcel which is in proportion to the benefits to be derived from the continuance in operation and maintenance of such works or improvements.

(3) The commissioners shall prepare an operation and maintenance assessment roll in duplicate containing the following information in separate columns:

(a) A description of each parcel assessed by legal subdivisions, swampland surveys, or other boundaries sufficient to identify the same.

(b) The number of acres, or part of an acre, in each parcel.

(c) The names of the owners of each parcel, if known, and if unknown, that fact.

(d) The assessment valuation per acre rate of each parcel assessed.

(e) The total assessment valuation of each parcel.

(f) A blank column for rate to be fixed as shown hereinafter.

(g) A blank column for amount of assessment to be computed as shown hereinafter.

The board, by resolution, may direct the assessment commissioners, in the preparation of the valuation assessment roll, to divide the zone into numbered subzones which shall be described in such resolution. In such case the assessment valuations on the lands in each subzone shall be separately grouped on such assessment roll under the proper number for each such zone. Before assessment valuations are placed by the assessment commissioner on any real property within any subzone they shall first ascertain and fix the comparative shares of any operation and maintenance assessment on the entire zone which shall be borne by each subzone and only thereafter shall establish the assessment valuations upon the real property in each zone.

(4) No error in the name of the owner or supposed owner of any parcel assessed, and no error in any other particular, shall render the assessment thereof invalid.

(5) Such assessment valuations shall be used as a basis for levying assessments against the parcels described in such assessment roll for the purpose of raising such funds, including expenses of levying, calling and collecting such assessments.

(6) The assessment roll shall be filed with the clerk of the board. Thereupon the board shall appoint a time when it will meet for the purpose of hearing objections thereto.

(7) No objection to any assessment valuations on such roll shall be considered by the board, or allowed in any other action or proceeding, unless the objection is made in writing to the board either before or on the hearing.

(8) Notice of the hearing shall be given by publication once a week for two successive weeks in some newspaper of general circulation published in the principal county and having circulation within such zone.

(9) At the hearing, the board shall hear any evidence offered in support of the written objections and may modify or amend the assessment valuations.

(10) The board shall then make an order approving the assessment valuation or any modification thereof and shall endorse the order on the assessment roll. The endorsement shall be signed by the chairman of the board and attested by the clerk thereof.

(11) The decision of the board in approving the assessment roll is final, and thereafter the endorsed assessment roll is conclusive evidence that the assessment valuations were determined and fixed according to law, except in an action commenced pursuant to subdivision (12) of this section.

(12) Within 30 days after an operation and maintenance assessment roll is approved by the board any person aggrieved by the decision may commence an action in the superior court of the principal county to have the assessment valuations corrected, modified or annulled.

(13) If the action is not commenced within 30 days after approval of the operation and maintenance assessment roll, no action or defense shall thereafter be maintained attacking the legality of the assessment valuations therein.

(14) When the board determines that it is necessary to raise any sum for a purpose specified in subdivision (5) of this section it shall, by order entered in its minutes, state the total amount necessary to be raised and fix a rate designating the number of cents to be levied on each one hundred dollars ($100) of assessment valuation shown on the operation and maintenance assessment roll.

(15) In lieu of completing the operation and maintenance assessment roll, the board may, following each levy of assessment, cause a supplement to be prepared and filed with the county treasurer setting forth the rate and total assessment as determined by the board, and when so filed it shall be deemed a part of the original operation and maintenance assessment roll to the same extent and purpose as if said rate and total

assessment had actually been inserted in said original operation and maintenance assessment roll.

(16) The board, by order entered upon its minutes and endorsed on or made a part of the operation and maintenance assessment roll or supplement, may direct that the payment of the assessment be made in one installment or in more than one annual or semiannual installment over a period not to exceed five years.

(17) If the board orders payment of the total assessment inserted in column (g) in installments over a period of years, the due date and the amount of each installment shall be endorsed by, or under the direction of, the board, on the operation and maintenance assessment roll or supplement.

(18) When the operation and maintenance assessment roll or supplement has been completed by inserting the rate and assessment in columns (f) and (g), and an order has been entered providing for the payment of all or any part thereof, it shall be filed forthwith in the office of the county treasurer.

(19) An assessment levy is a lien upon the parcels against which it is levied from the date the completed operation and maintenance assessment roll or supplement is filed in the office of the county treasurer until paid, and bears interest until paid from a date 60 days from the date of such filing.

(20) The rate of interest on unpaid operation and maintenance assessments is 7 percent per year unless the board, by resolution, adopts a lesser rate and files a certified copy of the resolution with the county treasurer for insertion in the operation and maintenance assessment roll.

(21) Additional operation and maintenance assessment levies may be made by the board, as required, so long as the operation and maintenance assessment roll remains in effect.

(22) The operation and maintenance assessment roll shall be returned to and held by the board except during such periods as it is filed in the office of the county treasurer during the period of assessment or installment collections or while any warrants of the district payable from such assessment levy are outstanding and unpaid. Such operation and maintenance assessment roll shall be the original roll, or a copy thereof, certified by the secretary of the board as correctly setting forth the subject matter of the original roll, together with all reapportioned assessment valuations of all subdivisions of any original assessment parcel.

(23) The operation and maintenance assessment roll shall be used for the purposes specified in subdivision (5) of this section until the board, on its own motion or on petition by landowners representing at least 15 percent of the zone lands, makes an order directing the valuation assessment commissioners who made the original operation and maintenance assessment roll or new valuation assessment commissioners, to be named in the order, to prepare a new operation and maintenance assessment roll.

(24) Valuation assessment commissioners appointed to prepare a new operation and maintenance assessment roll shall have the same qualifications and take the same oath as the original assessment commissioners.

(25) The new operation and maintenance assessment roll when prepared by the valuation assessment commissioners shall be filed with the clerk of the board and shall be subject to the same provisions as an original operation and maintenance assessment roll.

(26) No bonds shall be issued for funds for the payment of the principal or interest of any bonded indebtedness of the zone raised on the basis of operation and maintenance assessments.

(27) When the board has ordered an operation and maintenance assessment levy and has fixed the installments, the secretary shall enter in the minutes of the board a notice in substantially the following form:

(Name of zone, location of principal place of business.)

Notice is hereby given that at a meeting of the Board of the Lake County Flood Control and Water Conservation District held on the (date) an installment of (amount) was ordered paid within 60 days from (date assessment levy will be filed in the office of county treasurer) to _____, at _____. Any installment which shall remain unpaid on the (day fixed) will be delinquent, together with accrued interest (if any be due) and 10 percent will be added thereto and collected for the use of the zone.

(28) The notice shall be personally served upon each owner of land in the zone, or in lieu of personal service, shall be mailed to the owner at his place of residence, if known or entered upon the assessment roll of the county, and if not known, at the place where the principal office of the zone is situated, or be published once a week for two weeks successively in some newspaper having circulation within the zone and, if no such newspaper has circulation within the zone, then published in a newspaper of general circulation which is published in the county seat of the county.

(29) The county treasurer shall, immediately following the expiration of the period of 60 days from the date of the order, report all payments of assessments on each parcel and shall also report all parcels which are delinquent, and the amount of delinquencies thereon.

(30) All money collected on such assessment, including interest and penalties derived by sale or otherwise, from original and additional assessments shall be placed by the county treasurer to the credit of the zone in a special fund designated "maintenance fund" of the zone.

(31) When the operation and maintenance assessment levy is to be paid in more than one installment the secretary shall give notice for 60 days immediately preceding the due date of each installment in substantially the form prescribed in subdivision (27) of this section.

(32) The maintenance fund shall be disbursed only upon warrants of the board drawn in payment of the cost or expense of maintenance and operation of the works or improvements of the zone and of levying, calling and collecting assessments.

(33) In other matters appertaining to the levy, call and enforcement of such assessments and the dispositions of funds collected thereby and of any real property acquired thereunder the following sections of the Water Code, namely Sections 51600 to 51618, inclusive, Sections 51660 to 51757, inclusive, and Sections 51890 to 51894, inclusive, are, insofar as they are consistent with this act, hereby incorporated herein and made a part of this act and shall be applicable and be adjusted and applied under this act to the full, possible extent thereof as though expressly enacted, originally, as part of this act.

(34) In any assessment under this section the board, to provide a reserve fund for use in emergencies, may include not more than an additional 10 percent of the amount which the board shall establish under subparagraph (14) of this section.

(35) The total amount of all assessments levied in any year for operation and maintenance charges and a reserve fund on the basis of benefits received shall not exceed an amount equal to the sum which can be produced by a rate of one dollar and fifty cents ($1.50) per one hundred dollars ($100) on the total of the assessed valuations of the lands in the zone as such valuations appear on the last equalized county assessment roll of the County of Lake.

(36) Operation and maintenance assessments under this section of the act shall be known and designated as special benefit assessments to distinguish them from ad valorem taxes or assessments.

SEC. 5. Section 25 of said act is amended to read:

Contracts Bidding, etc.

SEC. 25. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed four thousand dollars ($4,000), shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call in said district pursuant to Section 6066 of the Government Code inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board

conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Title 1, Division 5, Chapter 3 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids In the event no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of four thousand dollars ($4,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by day labor, under the direction of the board, by contract, or by a combination of the two. The district shall have the power to acquire in the open market without advertising for bids therefor, materials, equipment and supplies for use in any work or for any other purpose; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

Urgency

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act provides for increases in assessments which may be levied to pay general administrative expenses of the Lake County Flood Control and Water Conservation District. In order that the district may levy such assessments for operations during the fiscal year commencing with July 1, 1961, it is necessary that this act go into immediate effect.

CHAPTER 861

An act to repeal Sections 12.1 and 12.2 of, to add Sections 3.7, 3.8, 12.1, and 12.2 to, and to amend Sections 16 and 30.17 of, the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes of 1949), relating to the Sonoma County Flood Control and Water Conservation District, and declaring the urgency thereof, to take effect immediately.

In effect Immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 3.7 is added to the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes of 1949), to read:

Sec. 3.7. The district may produce, store, transmit, distribute, and sell or otherwise dispose of surface and ground water. Production, etc. of water

SEC. 2. Section 3.8 is added to said act, to read:

Sec. 3 8. The district may provide, operate, and maintain recreation in connection with flood control and water conservation works within the jurisdiction of the district. Provision, etc for recreation

SEC. 3. Section 12.1 of said act is repealed. Repeal

SEC. 4. Section 12.1 is added to said act, to read:

Sec. 12.1. The board in any year shall have the power to levy a tax, which shall be in addition to other taxes of the district, upon the taxable property in the district. The tax shall be levied and collected at the same time and in the same manner, together with and not separately from taxes for county purposes, and not to exceed, however, the sum of six cents ($0.06) on each one hundred dollars ($100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay for the construction, maintenance or repair of any flood control and drainage project in the district; provided, however, that the project, upon which funds derived from the tax authorized by this section are to be expended, shall be approved by the chief engineer of the district and by the board; and provided further, that the funds authorized to be expended by this section shall not be used to pay in excess of 25 percent of the construction cost of any such project, and the balance of the cost of any such project shall be paid by matching funds from private sources, the state or federal government or agencies thereof, public agencies or subdivisions, or funds derived from taxes levied within individual zones within the district. Power to levy tax

SEC. 5. Section 12 2 of said act is repealed. Repeal

SEC. 6. Section 12.2 is added to said act, to read:

Sec. 12 2. The board in any year shall have the power to levy a tax upon the taxable property in the district, which shall be in addition to other taxes of the district levied pursuant to Section 12 or Section 12.1 of this act and shall be in addition to other taxes of the district or any zone within the district levied pursuant to any other provision of this act. The tax shall be levied and collected at the same time and in the same manner, together with and not separately from taxes for county purposes, to pay or otherwise meet the district's contractual obligation or undertaking to the federal government or the federal government and the State of California of cost of construction of new Dry Creek projects or the maintenance, repair or extension of Dry Creek projects, which Dry Creek projects have involved or will involve beneficial cost participation by either the federal government or the federal government and the State of California, or which Dry Creek projects are projects which will be or have been constructed by either the federal government or the federal government and the State of California, or both, in consequence Power to levy tax

of, among other things, an undertaking by the Sonoma County Flood Control and Water Conservation District of local agency responsibilities by the district of construction cost participation or maintenance, repair, right-of-way or other incidental undertakings by the district or to repay a loan or advance of local agency share of costs or other expenses of such a project made to the district pursuant to the Water Supply Act of 1958 (Title III of Public Law 85-500, 85th Congress, Second Session). The term "Dry Creek project," as used herein, means and refers to planning for, engineering of, or construction, maintenance or operation of any flood control project and/or water conservation project within the Dry Creek watershed upstream from the confluence thereof of the Russian River.

"Dry Creek project"

SEC. 7. Section 16 of said act is amended to read:

Special election

Sec. 16. After the adoption of said report and estimate of the amount of money required to be raised the board shall call a special election and submit to the qualified voters of said district a proposition or propositions of incurring bonded indebtedness in order to carry out the provisions of this act.

Several separate propositions of incurring bonded indebtedness may be submitted separately to the voters at the same election if such respective propositions are separately stated in the resolution calling the election and on the ballot to be used at the election

Resolution

The resolution calling the special election shall recite the the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief general description of such objects and purposes; and said resolution shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 5 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the incurring of such indebtedness.

For the purpose of said election, the board shall, in its resolution, establish election precincts within the boundaries of said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such resolution, such election shall be held as nearly as practicable in conformity with the general election laws of the State.

At such election all persons whose names appear on the last great register of County of Sonoma as residing within the district shall be entitled to vote, except as hereinafter otherwise provided.

Such resolution calling such election shall be published in the district pursuant to Section 6062 of the Government Code. No further notice of such election need be given. Publication of resolution

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

If at such election, two-thirds or more of the votes are cast in favor of the incurring of such bonded indebtedness, then the bonds of said district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act.

Notwithstanding any other provision of this act, a majority vote shall be sufficient to authorize the issuance of revenue bonds, except when a vote of the electorate is not required by the provisions of Section 30.17, and a two-thirds vote shall be required only for the issuance of general obligation bonds.

SEC. 8. Section 30.17 of said act is amended to read:

Sec. 30.17. Notwithstanding any other provision of this act, the district may authorize, issue and sell revenue bonds pursuant to the provisions of Chapter 6, Part 1, Division 2, Title 5 of the Government Code to provide funds for the acquisition, construction, improving, or financing any one or more revenue-producing enterprises for any one or more of the purposes for which the district has been formed. "Enterprise" as used in the section means a revenue-producing system, plant, works, or undertaking used for or useful in carrying out any one or more of the purposes of the district. In connection with the authorization, issue and sale of revenue bonds pursuant to this section and so long as any of these bonds remain outstanding, the district may exercise, in addition to the powers covered by this section, any or all of the powers of local agencies provided for in said Chapter 6, Part 1, Division 2, Title 5 of the Government Code and inasmuch as the district has previously authorized, issued, and sold general obligation bonds for the acquisition and construction of water production and transmission facilities pursuant to a vote of the electorate, the district may authorize, issue, and sell revenue bonds for the acquisition and construction, or acquisition or construction, of any water production and transmission, or water production or transmission, improvements in the following manner: Other revenue bonds "Enterprise"

(a) The issuance of said bonds shall be authorized by ordinance adopted by two-thirds of all the members of the board, to take effect upon its publication. An election need not be held within the district and it is unnecessary to secure the approval of the electors within the district for the issuance of bonds for the purposes and within the limitations of this Section 30.17. Issuance of bonds by ordinance

(b) The clerk shall publish said ordinance once in a newspaper of general circulation printed in the district.

(c) Said ordinance shall specify the total amount, denomination, method of maturity, and the rate or maximum rate of interest of said bonds, and in general terms, the acquisitions and improvements to be constructed thereby; and, in addition,

shall contain such other and further provisions as in the judgment of the board are deemed advisable.

Disposition of proceeds

(d) The proceeds of said bonds shall be placed in an account in the treasury of the district to be entitled "Revenue Construction Fund No. ___", and used exclusively for the objects and purposes mentioned in the ordinance.

(e) The lien of said bonds of the same issue shall be prior and superior to all revenue bonds subsequently issued.

(f) Proceedings for the issuance of said bonds shall be had, the board shall have such powers and duties, and the bondholders shall have such rights and remedies, all in substantial accordance with and with like legal effect as provided in Sections 54344 to 54346, inclusive, 54347, 54348, 54350, 54351, 54352, and in Articles 4 (commencing with Section 54400) to 11 (commencing with Section 54660), inclusive, of Chapter 6, Part 1, Division 2, Title 5 of the Government Code. As used therein the word "resolution" shall mean ordinance, the words "local agency" shall mean district, and the words "legislative body" shall mean board.

Urgency

SEC. 9. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act will enable the Sonoma County Flood Control and Water Conservation District to undertake the financing and construction of flood control and water conservation works which are urgently needed in Sonoma County. It is therefore essential that this act go into immediate effect.

CHAPTER 862

An act to amend Section 6 of the Metropolitan Water District Act (Chapter 429 of the Statutes of 1927), relating to water rates.

In effect September 15, 1961

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 6 of the Metropolitan Water District Act (Chapter 429 of the Statutes of 1927) is amended to read:

Sec. 6. All powers, privileges and duties vested in or imposed upon any district incorporated hereunder shall be exercised and performed by and through a board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the offices created hereby or by the board of directors acting hereunder.

The board of directors herein referred to shall consist of at least one representative from each municipality, the area of

which shall lie within the metropolitan water district. Such representatives shall serve without compensation from the district and shall be designated and appointed by the chief executive officers of municipalities, respectively, with the consent and approval of the governing bodies of the municipalities, respectively. As a member of the board of directors, each representative shall be entitled to vote on all questions, orders, resolutions and ordinances coming before the board, and shall be entitled to cast one vote for each ten million dollars ($10,000,000), or major fractional part thereof, of assessed valuation of property taxable for district purposes in the city represented by him as shown by the assessment records of the county and evidenced by the certificate of the county auditor; provided, that each representative shall have at least one vote and no municipality shall have votes exceeding in number the total number of votes of all the other municipalities whose corporate areas are included in such district. In lieu of one representative any city may at its option designate and appoint several representatives not exceeding one additional representative for each five hundred million dollars ($500,000,000) of assessed valuation, but such representatives shall cast the vote to which such city would otherwise be entitled as a unit and as a majority of such representatives present shall determine; provided, that no incumbent representative shall be deprived of his office by reason of increase in the amount of assessed valuation required to authorize designation and appointment of additional representatives nor by reason of any decrease in assessed valuation of the municipality which he represents occurring after his assumption of office. The affirmative votes of members representing more than fifty (50) percent of the total number of votes of all the members shall be necessary and, except as otherwise herein provided, shall be sufficient to carry any order, resolution or ordinance coming before the board of directors. Any meeting may be adjourned or recessed from day to day or from time to time, by vote of the director or directors present, irrespective of the number of directors present or the number of votes represented at such meeting. For the purposes of this section, the term "major fractional part" shall be deemed to mean a fractional part larger than one-half. Members of the board of directors so constituted shall convene at the time and place fixed by the chief executive officer of the municipality initiating the proceedings hereunder, and immediately upon convening, such board of directors shall elect from its membership a chairman, a vice chairman, and a secretary, who shall serve for a period of two years, or until their respective successors shall be elected and qualified.

The board of directors shall have power:

(1) To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings.

(2) To make and pass ordinances, resolutions and orders not repugnant to the Constitution of the United States or of the

State of California, or to the provisions of this act, necessary for the government and management of the affairs of the district, for the execution of the powers vested in the district and for carrying into effect the provisions of this act. On all ordinances the roll shall be called and the ayes and noes recorded. Resolutions and orders may be adopted by viva voce, but on demand of any member the roll shall be called. No ordinance shall be adopted unless it shall have been introduced on a day previous to the time of such adoption except by unanimous vote of all the members of the board of directors present; provided, there shall be present directors from not less than three-fourths of all cities whose corporate areas are included in said metropolitan water district and representing not less than three-fourths of the total votes of said district; provided, that in lieu of such previous introduction or unanimous vote any ordinance may be mailed by registered mail, postage prepaid, to each member of the board of directors at least five (5) days prior to the day upon which such ordinance shall be presented for adoption. No ordinance adopted by the board of directors shall take effect until the expiration of thirty (30) days following the adoption thereof, except an ordinance ordering or otherwise relating to an election or to the issuance or sale of bonds or to the levying or collection of taxes or the fixing of water rates; and an ordinance necessary for the immediate preservation or protection of the property, interests or welfare of the district, which shall contain a specific statement showing its urgency, and is passed by three-fourths of the total vote of the board of directors but all ordinances of any of the classes heretofore excepted by this section shall take effect upon their adoption. All ordinances except those which shall take effect upon their adoption as provided in this section shall be subject to referendum in the manner provided by law for the legislative acts of boards of supervisors of counties.

(3) To fix the location of the principal place of business of the district and the location of all offices and departments maintained hereunder.

(4) To prescribe by ordinance a system of business administration and to create any and all necessary offices which shall include the offices of controller and of treasurer and to establish and re-establish the powers and duties and compensation of all officers and employees and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the district.

(5) To prescribe by ordinance a system of civil service.

(6) To delegate and redelegate by ordinance to officers of the district power to employ clerical, legal and engineering assistants and labor, and under such conditions and restrictions as shall be fixed by the directors, power to bind the district by contract.

(7) To prescribe a method of auditing and allowing or rejecting claims and demands; also to prescribe methods for the construction of works and for the letting of contracts for

the construction of works, structures or equipment, or the performance or furnishing of labor, materials or supplies, required for the carrying out of any of the purposes of this act; provided that, in cases where work is not to be done by the district itself by force account, and the amount involved shall be ten thousand dollars ($10,000), or more, the board of directors shall provide for the letting of contracts to the lowest responsible bidder, after publication of notices inviting bids, subject to the right of said board to reject any and all proposals; provided, likewise, that the board of directors in advertising for bids and in letting contracts as above provided, may require all articles to be furnished to the district thereunder to be manufactured, produced or fabricated in the United States or its territories, and may prohibit the use in, or employment in connection with, the carrying out of such contracts by the contractor or any subcontractor, of all machinery or materials except such as shall have been manufactured, produced or fabricated in the United States or its territories, if such are available, the question of such availability to be determined by the board of directors; provided further, that contracts, in writing or otherwise, may be let without advertising for or inviting bids, when any repairs, alterations, or other work, or the purchase of materials, supplies, equipment or other property, shall be deemed by the board of directors to be of urgent necessity, and shall be authorized by a two-thirds vote thereof.

(8) To fix the rate or rates at which water shall be sold. Such rates, in the discretion of the board, may differ with reference to different sources from which water shall be obtained by the district. The board of directors, under conditions and on terms found and determined by the board to be equitable, may fix rates for the sale and delivery to constituent municipalities of water obtained by the district from one source of supply in substitution for water obtained by the district from another and different source of supply, and may charge for such substitute water at the rate fixed for the water for which it is so substituted. The board of directors, so far as practicable, shall fix such rate or rates for water as will result in revenue which will pay the operating expenses of the district, provide for repairs and maintenance, provide for payment of the purchase price or other charges for property or services or other rights acquired by the district, and provide for the payment of the interest and principal of the bonded debt subject to the applicable provisions of this act authorizing the issuance and retirement of the bonds. Such rates, subject to the foregoing provisions of this paragraph (8), shall be uniform for like classes of service throughout the district.

CHAPTER 863

An act to add Section 15517 to the Education Code, relating to school buildings declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 15517 is added to the Education Code, to read:

15517. The governing board of a school district may undertake the installation of fire sprinkler systems or other fire prevention facilities recommended to the governing board by the State Fire Marshal in connection with any school building under the jurisdiction of the governing board without compliance with the procedures otherwise prescribed by this article.

The maximum rate of tax of any school district for any school year is hereby increased by such amount as will produce the amount necessary to effect the installation of fire sprinkler systems or other fire facilities recommended by the State Fire Marshal, as provided in the preceding paragraph, as shown by the budget of the district for such school year, as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from revenue from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed ten cents ($0.10) for each one hundred dollars ($100) of the assessed valuation of property within the district in each fiscal year.

If at the end of any school year, there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for expenditures of the school district during that school year required for purposes of this section.

This section shall remain in effect until July 1, 1965.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the installation of the urgently needed fire prevention facilities authorized by this bill may be commenced as soon as possible, it will be necessary that the forthcoming school budget proceedings include consideration thereof, and that the tax rates established for the forthcoming fiscal year be such as will raise the necessary revenue. Since those procedural matters are carried on very early in the fiscal year, it is necessary that this act take effect immediately rather than on the 91st day after adjournment of the 1961 Regular Session.

CHAPTER 864

An act to amend Section 5780.15 of the Public Resources Code, relating to recreation and park districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 5780.15 of the Public Resources Code is amended to read:

5780.15. Any district previously organized or reorganized under the provisions of this chapter or any statutory predecessor of this chapter, shall submit to the Secretary of State an affidavit reciting the facts of such organization or reorganization, together with certified copies of any documentary proof of such organization or reorganization, and a description of the boundaries of such district, and shall specify one of the methods of selecting the board of directors of the district, provided for in Section 5781.4. Upon receipt of the affidavit the Secretary of State shall issue to the district board of such district a certificate evidencing the existence of such district under such organization or reorganization.

Not less than twenty (20) days nor more than forty (40) days after receipt by the governing board of the certificate evidencing the existence of the district, the governing board of the district shall call for elections in accordance with Article 5 (commencing with Section 5783) of this chapter, whenever the affidavit specifies that the method of selecting the governing board shall be by election.

At such election the three nominees receiving the largest vote shall be considered as having been elected for four-year terms and the two nominees receiving the fourth and fifth largest number of votes shall be considered as having been elected for two-year terms.

Upon qualification of the members of the governing board selected, in accordance with the provisions of this chapter, the terms of all members of the governing board holding office under any statutory predecessor of this chapter shall expire.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

There is presently a considerable amount of confusion as a result of the lack of provision for changeover and reorganization of boards of districts which are reorganized as, or come under the law regarding recreation and park districts, lack of provision for termination of existing terms so that much of the action of boards not yet reorganized or even reorgan-

ized but having no statutory method which to follow, is clouded.

As a result of these clouds, potential bond issues for development and even tax rate levies might be in jeopardy. It is, therefore imperative that this act take effect immediately.

CHAPTER 865

An act to add Section 19594.5 to the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 19594.5 is added to the Education Code, to read:

19594.5. This section applies only to the approval of an application for an apportionment for a construction project by the board prior to August 12, 1959, and to a conditional apportionment which was made to a district under such application prior to August 12, 1959, and with respect to which the following events occurred: (a) as a result of error in the amount of the assessed value of property in the district, the board required the district to issue and sell an amount of district bonds which was insufficient to qualify the district for an apportionment under the requirements of Section 19590; (b) thereafter, the county superintendent of schools of the county having jurisdiction over such district certified to the board and the State Controller that at an election called, held and conducted in the district for that purpose, two-thirds of the qualified electors of the district voting thereat authorized the governing board of the applicant school district to accept, expend, and repay an apportionment under the provisions of this chapter; (c) such county superintendent of schools, prior to nine months after the making of the conditional apportionment, certified to the board and the State Controller that the amount of district bonds in the amount required by the board, as a condition to the apportionment becoming final, was issued and sold and the proceeds thereof made available for the purposes of the application; (d) subsequently, the board discovered the error in the amount of assessed valuation and the conditional apportionment became void.

Such conditional apportionment is hereby revived and shall, notwithstanding Section 19590 or any other section, become final upon the effective date of this section, in the amount of the original conditional apportionment, but not exceeding sixteen thousand dollars ($16,000).

The approval of the application under which the conditional apportionment was made is hereby ratified and made fully ef-

fective and the board may approve the remaining portion or portions of the construction project for which the application referred was made and may make an additional apportionment or apportionments, not exceeding the total amount applied for in the application, within three years after the original approval without requiring the applicant district to issue additional bonds.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

As a result of an error beyond the control of a school district, the building program of a district has been interrupted to serious detriment of the pupils of the district. In order that school buildings be provided for pupils whose education will otherwise be impaired by the lack of adequate educational facilities, it is necessary that this act take effect immediately

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CHAPTER 866

An act to add Section 6369 to the Revenue and Taxation Code, relating to exemptions from sales and use taxes, to take effect immediately.

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 6369 is added to the Revenue and Taxation Code, to read:

6369. There are exempted from the taxes imposed by this part the gross receipts from the sale, and the storage, use, or other consumption, in this State of medicines prescribed for the treatment of a human being by a person authorized to prescribe the medicines, and dispensed on prescription filled by a registered pharmacist in accordance with law. "Medicines" includes any drug defined pursuant to Section 4031 of the Business and Professions Code. "Medicines" do not include (a) any auditory, prosthetic, ophthalmic or ocular device or appliance nor (b) any alcoholic beverage the manufacture, sale, purchase, possession or transportation of which is licensed and regulated by the Alcoholic Beverage Control Act (Division 9, commencing with Section 23000, of the Business and Professions Code).

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, this act shall not become operative until January 1, 1962. Tax levy

Operative date

CHAPTER 867

An act to add Chapter 10 (commencing with Section 11900) to Part 3 of Division 6 of the Water Code, and to amend Section 5900 of the Fish and Game Code, relating to fish and wildlife and recreation in connection with state water projects.

In effect September 15, 1961

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 10 (commencing with Section 11900) is added to Part 3 of Division 6 of the Water Code, to read:

CHAPTER 10. FISH AND WILDLIFE AND RECREATION IN CONNECTION WITH STATE WATER PROJECTS

Article 1. State Policy

Preservation of fish and wildlife

11900. The Legislature finds and declares it to be necessary for the general public health and welfare that preservation of fish and wildlife be provided for in connection with the construction of state water projects.

The Legislature further finds and declares it to be necessary for the general public health and welfare that facilities for the storage, conservation or regulation of water be constructed in a manner consistent with the full utilization of their potential for the enhancement of fish and wildlife and to meet recreational needs; and further finds and declares that the providing for the enhancement of fish and wildlife and for recreation in connection with water storage, conservation, or regulation facilities benefits all of the people of California and that the project construction costs attributable to such enhancement of fish and wildlife and recreation features should be borne by them.

The Legislature further finds and declares it to be the policy of this State that recreation and the enhancement of fish and wildlife resources are among the purposes of state water projects; that the acquisition of real property for such purposes be planned and initiated concurrently with and as a part of the land acquisition program for other purposes of state water projects; and that facilities for such purposes be ready and available for public use when each state water project having a potential for such uses is completed.

Purpose

11901. It is the purpose of this chapter to provide for the planning and construction of water storage, conservation, and regulation facilities and associated fish and wildlife and recreation features consistent with this declaration and to make provision for funds therefor on a continuing basis, and to provide for the operation and maintenance of such fish and wildlife and recreation features.

In enacting this chapter, however, it is not the intent of the Legislature to diminish any existing powers of the Department of Water Resources, the Department of Natural Resources, or the Department of Fish and Game, but rather to provide specifically for the preservation and enhancement of fish and wildlife resources and for a system of public recreation facilities at state water projects as part of a co-ordinated plan for multipurpose use of these projects.

Article 2. Definitions

"Project" 11903. As used in this chapter, "project" means any physical structure to provide for the conservation, storage, regulation, transportation, or use of water, constructed by the State itself or by the State in co-operation with the United States.

Article 3. Application

Application 11905. The provision of this chapter shall apply to the Central Valley Project and every other project constructed by the State itself or by the State in co-operation with the United States, including, but not limited to, the State Water Resources Development System.

Article 4. Planning and Construction of Projects

Additional features for preservation of fish and wildlife 11910. There shall be incorporated in the planning and construction of each project such features (including, but not limited to, additional storage capacity) as the department, after giving full consideration to any recommendations which may be made by the Department of Fish and Game, the Department of Natural Resources or any division thereof, including but not limited to, the Division of Small Craft Harbors and the Division of Beaches and Parks, any federal agency, and any local governmental agency with jurisdiction over the area involved, determines necessary or desirable for the preservation of fish and wildlife, and necessary or desirable to permit, on a year-round basis, full utilization of the project for the enhancement of fish and wildlife and for recreational purposes to the extent that such features are consistent with other uses of the project, if any. It is the intent of the Legislature that there shall be full and close co-ordination of all planning for the preservation and enhancement of fish and wildlife and for recreation in connection with state water projects by and between the Department of Water Resources, the Department of Natural Resources, the Department of Fish and Game, and all appropriate federal and local agencies.

Recreational purposes 11910.5. Such recreational purposes include, but are not limited to, those recreational pursuits generally associated with the out-of-doors, such as camping, picnicking, fishing, hunting, water contact sports, boating, and sightseeing, and the associated facilities of campgrounds, picnic areas, water and

sanitary facilities, parking areas, view points, boat launching ramps, and any others necessary to make project land and water areas available for use by the public.

General project formulation activities

11911. The planning for public recreation use and fish and wildlife preservation and enhancement in connection with state water projects shall be a part of the general project formulation activities of the Department of Water Resources, in consultation and co-operation with the departments and agencies specified in Section 11910, through the advance planning stage, including, but not limited to, the development of data on benefits and costs, recreation land use planning, and the acquisition of land In planning and constructing any project, the department shall, to the extent possible, acquire all lands and locate and construct, or cause to be constructed, the project and all works and features incidental to its construction in such a manner as to permit the use thereof for the preservation and enhancement of fish and wildlife and for recreational purposes upon completion of the project.

Prices, rates, etc

11912. The department, in fixing and establishing prices, rates, and charges for water and power, shall include as a reimbursable cost of any state water project an amount sufficient to repay all costs incurred by the department, directly or by contract with other agencies, for the preservation of fish and wildlife and determined to be allocable to the costs of the project works constructed for the development of such water and power, or either. Costs incurred for the enhancement of fish and wildlife or for the development of public recreation shall not be included in the prices, rates, and charges for water and power, and shall be nonreimbursable costs.

Intent of the Legislature

11913. The Legislature hereby declares its intent that there shall be included in the budget for the department for the 1962-1963 fiscal year and each succeeding fiscal year, and in the Budget Act for that fiscal year and each succeeding fiscal year, an appropriation from the General Fund of the funds necessary for enhancement of fish and wildlife and for recreation in connection with state water projects as provided in this chapter.

Revisions in allocations of costs

11914. The department shall make any necessary revisions in the allocation of costs of any state water project works constructed for the development of water and power, or either, which would result from the expenditure of funds under this chapter for enhancement of fish and wildlife and recreation in connection with such works.

Article 5. Powers and Duties of the Department of Fish and Game and the Department of Natural Resources

Management

11917. The Department of Fish and Game shall manage fish and wildlife resources at state water projects, including any such additional resources as are created by such projects, in a manner compatible with the other uses of such projects.

11918. The Department of Natural Resources is authorized to design, construct, operate, and maintain public recreation facilities at state water projects. Before commencing the construction of any such facilities, the Department of Natural Resources shall submit its plans and designs to the local governmental agencies having jurisdiction over the area involved. The Department of Natural Resources shall make every effort to fulfill its responsibilities under this section by entering into contracts with the United States, local public agencies, or other entities, to the end that maximum development of the recreational potential of state water projects shall be realized. The Department of Natural Resources shall have the authority to establish and enforce standards for the development, operation, and maintenance of such public recreation areas. Design, construction, etc.

The design, construction, operation, and maintenance of public recreation facilities at state water projects, and the management of project lands and water surfaces for recreational use, shall be subject to the approval of the Department of Water Resources to ensure that they shall not defeat or impair the orderly operation of any state water project for its other authorized purposes and the accomplishment of such purposes.

11919. Public recreation facilities in connection with state water projects are recreational areas. Recreational areas

Article 6. Short Title

11925. This chapter shall be known and may be cited as the "Davis-Dolwig Act." Short title

SEC. 2. Section 5900 of the Fish and Game Code is amended to read:

5900. As used in this chapter:

(a) "Dam" includes all artificial obstructions. Definitions

(b) "Conduit" includes pipe, millrace, ditch, flume, siphon, tunnel, canal, and any other conduit or diversion used for the purpose of taking or receiving water from any river, creek, stream, or lake.

(c) "Owner" includes the United States (except that for the purpose of Sections 5901, 5931, 5933, and 5938, "owner" does not include the United States as to any dam in the condition the dam existed on September 15, 1945), the State, a person, political subdivision, or district (other than a fish and game district) owning, controlling or operating a dam or pipe.

(d) "United States" means the United States of America, and in relation to any particular matter includes the officers, agents, employees, agencies, or instrumentalities authorized to act in relation thereto.

CHAPTER 868

An act to amend Sections 3503 and 3505 of the Unemployment Insurance Code, relating to unemployment insurance, and declaring the urgency thereof to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 3503 of the Unemployment Insurance Code is amended to read:

Definitions

3503 For the purposes of this part:

(a) "Extended duration benefits" means the extended unemployment compensation benefits payable under this part.

(b) "Normal benefits" means the unemployment compensation benefits payable under Part 1 of this division.

(c) "Exhaustee" means an individual who is not entitled to normal benefits due to either of the following:

(1) He has an unexpired benefit year and has exhausted his normal benefits.

(2) His most recent benefit year expired in the extended duration month in which he files a primary claim or in the immediately preceding three calendar months and he is not entitled to establish a benefit year.

(d) "Extension ratio" means the ratio for a calendar month computed during the month immediately preceding that calendar month by dividing:

(1) The average number of weeks of unemployment claimed in California per week during the three calendar months immediately preceding the date of the computation, excluding weeks of unemployment claimed in connection with unemployment compensation programs which are exclusively federal except that weeks of unemployment claimed on or after May 1, 1961 under the federal "Temporary Extended Unemployment Compensation Act of 1961" in a "compensation period" as defined by that federal act shall be included if California employers were subject to any charges with respect to the most recent claim for normal benefits; by

(2) The average midmonthly covered employment reported by employers for the last four completed calendar quarters immediately preceding the date of the computation for which an official tabulation has been completed by the department on or before the 10th day of the month in which the computation is made.

(e) "Extended duration month" means a calendar month for which the extension ratio equals or exceeds 0.06.

(f) "Primary claim" means the first claim for extended duration benefits filed by an exhaustee with an effective date within an extended duration month for the purpose of establishing an extended duration award and an extended duration period.

(g) "Extended duration award" means the maximum amount of extended duration benefits allowable under this part to an eligible exhaustee.

(h) "Extended duration period" means a period beginning with the first day of the week with respect to which an exhaustee files a valid primary claim and ending with the last week which begins on or before the last day of the fifth calendar month following the extended duration month in which the valid primary claim was filed.

(i) "Parent benefit year" means the benefit year with respect to which an individual becomes an exhaustee.

(j) "Additional contributions" means the money payments to the Unemployment Fund required by this part.

SEC. 2. Section 3505 of said code is amended to read:

Extended duration benefit entitlement

3505. (a) Notwithstanding any other provision of this part, no payment of extended duration benefits shall be made to any individual for any week or part of any week with respect to which he is entitled to receive unemployment compensation benefits as a result of participation by this State pursuant to the provision of any federal law providing for the payment of such benefits or as a result of the application in any other manner to this State of any federal law providing for the payment of such benefits.

Entitlement under federal law

(b) With respect to weeks commencing on or after July 2, 1961, this subdivision shall apply and subdivision (a) of this section shall not apply to benefits under the federal "Temporary Extended Unemployment Compensation Act of 1961."

(1) Notwithstanding any other provision of this part, if an individual would have rights to receive benefits under the federal act within a "compensation period" as defined by the federal act, the director shall cancel such individual's rights to extended duration benefits within that "compensation period" if his weekly benefit amount under the federal act would be equal to or greater than his weekly benefit amount for extended duration benefits and he is not receiving a retirement pension or annuity which would reduce his federal benefits to an amount per week which would be less than his weekly benefit amount for extended duration benefits.

(2) A cancellation under this section does not affect extended duration benefits paid with respect to a week preceding such cancellation.

(3) Notwithstanding a cancellation under this section, an individual otherwise qualified for extended duration benefits during the "compensation period," as defined by the federal act, who receives a retirement pension or annuity which would reduce his federal benefits to an amount per week which would be less than his weekly benefit amount for extended duration benefits, may establish rights to, and be paid, extended duration benefits subject to the conditions prescribed in paragraphs (6) and (7) of this subdivision.

(4) Notwithstanding a cancellation under this section in a "compensation period" other than the "first compensation

period," an individual otherwise qualified for extended duration benefits who has received or receives the balance of the "maximum aggregate amount" available to him during the "compensation period," as those terms are defined by the federal act and regulations, may establish rights to, and be paid, extended duration benefits subject to the conditions prescribed in paragraphs (6) and (7) of this subdivision.

(5) Notwithstanding a cancellation under this section, an individual otherwise qualified for extended duration benefits during the "compensation period" as defined by the federal act, may, upon the expiration of the "covered period" specified by the federal act, establish rights to, and be paid, extended duration benefits subject to the conditions prescribed in paragraphs (6) and (7) of this subdivision.

(6) The establishment of rights to, and the payment of, extended duration benefits under paragraphs (3), (4), and (5) of this subdivision shall be subject to the following conditions:

(A) If the individual has filed a primary claim in the "compensation period," as defined by the federal act, he may reestablish his extended duration benefit rights, if the extended duration period would not have expired.

(B) If the individual has not filed a primary claim in the "compensation period," as defined by the federal act, and he has claimed benefits pursuant to the federal act during an extended duration month in such "compensation period," he may file a primary claim effective on the first day of the first week in the first extended duration month for which he claimed such federal benefits, if the extended duration period would not have expired.

(C) If the individual has not filed a primary claim in the "compensation period," as defined by the federal act, and he has claimed benefits pursuant to the federal act but not during an extended duration month in such "compensation period," he may file a primary claim in an extended duration month.

(D) The individual shall not be paid extended duration benefits for any week for which he received federal benefits.

(7) An individual may be paid extended duration benefits with respect to a parent benefit year only to the extent that the total amount of such extended duration benefits and benefits paid under the federal act since the beginning of such parent benefit year does not exceed 13 times his weekly benefit amount or one-half of the maximum amount of normal benefits payable to him during that parent benefit year, whichever is the lesser.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under the federal "Temporary Extended Unemployment Compensation Act of 1961" a program of unemployment compensation benefits is provided for individuals who have ex-

hausted their California unemployment compensation benefit rights after June 30, 1960. Provisions of California law are necessary to prevent the duplication of federal and California benefits, to establish a limitation on total California and federal benefits co-ordinated with the federal law, and to protect and preserve the rights of California claimants to receive the full amount of extended duration benefits provided by California law upon the expiration of the federal law. In order to clarify the state law and co-ordinate it with the federal law and to protect and preserve the rights of California claimants, it is necessary that this act take immediate effect.

CHAPTER 869

An act to add Section 6052.5 to the Revenue and Taxation Code, relating to collection of the sales tax.

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 6052.5 is added to the Revenue and Taxation Code, to read:

6052.5. The board shall prepare sales tax reimbursement schedules showing the total amount that may be collected by the retailer from a consumer in reimbursement of the sales tax, computed on each sales price, from one cent ($0.01) to and including one hundred dollars ($100), at the 3 percent rate, and at the 4 percent rate. The schedules shall be identical with the following tables up to the amounts specified therein:

3 percent		4 percent	
Price	Tax	Price	Tax
.01– .13	.00	.01–.12	.00
.14– .46	.01	.13–.34	.01
.47– .79	.02	.35–.59	.02
.80–1.16	.03	.60–.87	.03

The remainder of the schedules shall show amounts of reimbursement computed by applying the applicable tax rate to the sales price, rounded off to the nearest cent by eliminating any fraction less than one-half cent and increasing any fraction of one-half cent or over to the next higher cent.

The "sales tax reimbursement schedule" shall be available for inspection and duplication or reproduction.

Each retailer who collects amounts from a consumer in reimbursement of the sales tax shall use the appropriate schedule prepared by the board in computing the amount of the reimbursement, based upon the sales price of the item sold where one item is sold, and where more than one item is sold in any one transaction, upon the sum of the aggregate sales

prices of the items sold, or he shall include in the sales price of each item an amount of reimbursement computed to the nearest mill at the applicable tax rate and post a notice in his premises stating that each posted or advertised price includes reimbursement so computed. When both taxable and nontaxable items are included in the same transaction, the foregoing requirement regarding computation of tax reimbursement upon the sum of the aggregate sales prices shall apply only if the purchaser requests at the time of the sale that the computation be made in this way.

The board shall enforce the provisions of this section.

SEC. 2. This act shall not affect the legal incidence of the tax imposed under Section 6051 of the Revenue and Taxation Code.

CHAPTER 870

An act to amend Sections 9128, 9129, 9130, and 9704 of, and to add Section 9706 to, the Government Code, relating to the Legislative Printing Fund, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 21, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 9128 of the Government Code is amended to read:

Legislative printing

9128. Any money appropriated for legislative printing shall be disbursed under or pursuant to the direction of the Senate or Assembly as provided in the rules, orders, and resolutions of the Senate or Assembly or their joint rules and resolutions.

SEC. 2. Section 9129 of said code is amended to read:

Appropriations continuously available

9129. Appropriations deposited in and credited to the Senate Contingent Fund or the Assembly Contingent Fund shall be continuously available without regard to fiscal years, except that appropriations made at budget sessions and at extraordinary or special sessions for the expenses of said sessions shall be maintained as special accounts within the particular funds and shall be available for expenditure for such purpose for a period of one year after the date upon which the appropriation first becomes available for expenditure, and the unexpended balance of any such appropriation shall revert to the fund from which the appropriation was made upon the expiration of one year following the last day of the period of its availability.

SEC. 3. Section 9130 of said code is amended to read:

Exemption from certain provisions

9130. Expenditures from the Senate Contingent Fund, the Assembly Contingent Fund, and from appropriations made for legislative printing are not subject to the provisions of

Sections 16003 or 13320 of this code, except that the State Controller is not required to draw warrants thereon until the original claims and vouchers, itemized and properly sworn to, are filed with him.

SEC. 4. Section 9704 of said code is amended to read:

9704. Proceeds from sales of all documents, the cost of publication of which is or has been paid from any appropriation for legislative printing, shall be credited to the General Fund

Proceeds from sales

SEC. 5. Section 9706 is added to said code, to read:

9706. The Legislative Printing Fund in the State Treasury is abolished. The Controller, on the effective date of this section, shall transfer the balance in that fund to the General Fund. Any reference in state law to the Legislative Printing Fund shall be construed to refer to the General Fund.

Legislative Printing Fund

SEC. 6. This act shall become operative July 1, 1961.

Operative date

SEC. 7. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Urgency

This act provides for the abolition of the Legislative Printing Fund, and is designed to operate in conjunction with an appropriation in the Budget Act for the support of legislative printing. It is essential, therefore, that the act become operative at the same time as the Budget Act and that it go into effect immediately.

CHAPTER 871

An act to amend Sections 6701, 6702, 6705, 6706, 7155, and 7171 to, and to add Sections 5056.5, 5072, 5701, 6705.1, 6705.2, 6705.3, 6705.4, 6705.5, 6705.6, 7155.1 and 7155.2 to, to add Chapter 5.5 (commencing with Section 6050) to Division 2 of, and to repeal Section 6705.5 of, the Financial Code, relating to savings and loan associations.

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 5056.5 is added to the Financial Code, to read:

5056.5. "Service office" means any office or other place of business in this State operated by one or more associations, other than the principal office or a branch of an association, where activities are confined to processing and storing data and records, accounting, printing, storing of supplies, and such other activities as the commissioner shall approve which involve no personal contact with the public. At a service office payments on account of savings or loans may be processed,

"Service office"

but the association shall have all payments which are initially received at a service office, rather than at the principal office or branch of the association, made by mail only and directed to a post office box and not to the address or location of the service office. The commissioner may require that an association's name be not displayed at or near a service office.

SEC. 2. Section 5072 is added to said code, to read:

5072. For the purposes of Sections 6705.1, 6705.2, 6705.3, 6705.4, 6705.5 and 7155.1:

"Offsite improvements"

(a) "Offsite improvements" means grading, installation of sewers, drains, gutters, curbs, sidewalks and public utilities, paving and other improvements to the land, not including buildings, fences or landscaping, and

"Real property"

(b) "Real property" shall be deemed to be "improved real property" from the date the foundation of a building thereon is completed.

SEC. 3. Section 5701 is added to said code, to read:

Temporary change of location

5701. The commissioner may, without a hearing, approve a proposed temporary change of location of the principal office, branch or any part of the officers, employees or functions of an association, if the change is necessitated by the construction or renovation of a building on the site previously approved for the principal office or branch. The approval of a temporary location shall be valid for a period not to exceed 12 months, except that extensions of the original period may be granted by the commissioner but only upon a showing by the association that the extension is necessary because of delays in the construction or renovation.

SEC. 4. Chapter 5.5 (commencing with Section 6050) is added to Division 2 of said code, to read:

CHAPTER 5.5. SERVICE OFFICES

Service office License

6050. No association shall open, maintain or conduct a service office without first applying for and obtaining from the commissioner a license for such office.

Application, fee

6051. The application for a service office license shall be accompanied by a filing fee of two hundred fifty dollars ($250), shall be in such form as the commissioner requires, and shall include a statement of the activities intended to be conducted by the association at such service office.

Issuance

6052. If the commissioner is satisfied that the operation of the proposed service office is in the interest of such association and that such office is not intended to be conducted as a subterfuge for a branch, he shall issue a license for the proposed service office. The commissioner may in his discretion hold a hearing upon any application for a service office license, upon notice of at least 20 days to the applicant and to such others as he may deem desirable.

Refusal

6053. If the commissioner does not find that the proposed service office fulfills the requirements of Section 6052, the license shall be refused.

6054. A license for the service office shall continue until the end of the calendar year in which it is issued and shall be subject to renewal for the next calendar year upon written request for such renewal accompanied by a renewal fee of one hundred dollars ($100). Expiration and renewal

6055. The commissioner, upon a hearing held upon at least 15 days' notice to the association, may revoke the license for a service office or may refuse to renew such license, if he determines that the activities of the association at the service office have not been confined to the activities permitted pursuant to Section 5056.5. Revocation

SEC. 5. Section 6701 of said code is amended to read:

6701. For the purpose of preserving the security of any loan or of protecting the property securing any loan any association may make additional advances, or loans, to the borrower or any successor in interest in the property securing the loan. Regardless of any other provision of this division, any association may make loans or extend credit for the purpose of facilitating the sale of property acquired by foreclosure or by conveyance in lieu of foreclosure. Existing loans

SEC. 5 5. Section 6702 of said code is amended to read:

6702. An association may invest in, hold, buy, and sell the following.

(a) Real property used or to be used primarily as the principal office or branch of the association, and real property used or to be used primarily as a service office of the association or an undivided interest in real property used or to be used primarily as a service office or office of the association and of other associations owning the other undivided interests in such real property. Except as provided in Section 6703 no association shall invest in such real property more than one-half of the sum of its aggregate paid-up nonwithdrawable capital federal insurance reserve, loan reserve, and any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation. Authorized investments

(b) Furniture, fixtures, furnishings, equipment and leasehold improvements necessary or proper for the business of the association, or for use in connection with properties owned by or securing loans of the association. Except as provided in Section 6703 no association shall invest in furniture, fixtures, furnishings, equipment, and leasehold improvements for its offices, more than 20 percent, or if it has no real property used or to be used primarily as its principal office or branch, 30 percent of the sum of its aggregate paid-up nonwithdrawable capital federal insurance reserve, loan reserve, and any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation.

(c) United States government bonds and treasury certificates, or any bonds, debentures, notes, or other obligations guaranteed by the United States of America.

(d) Bonds, debentures, and notes issued by any federal home loan bank, or other similar federal agency.

(e) Consolidated federal home loan bank bonds, debentures, or notes.

(f) Bonds of this State or of any county, municipality, or school district in this State.

(g) Bonds, other securities, and bankers' acceptances which are legal as investments for or purchases by savings banks in this State.

(h) Bonds issued by any railroad corporation or any public utility corporation substantially all of the properties of which are located in the United States of America. Railway corporations and public utility corporations, as used in this subdivision, do not include street railway corporations. The purchase of all bonds pursuant to the sole authority of this subdivision shall be first approved by the commissioner.

(i) Notes or bonds secured by first mortgage or first deed of trust, payment of which is guaranteed by a policy of mortgage insurance, or mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of Part 6 of Division 2 of the Insurance Code.

(j) California street improvement bonds. The purchase of all bonds pursuant to the sole authority of this subdivision shall be first approved by the commissioner and no association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 2 percent of the then total assets of the association.

(k) Stock issued by any federal home loan bank or other similar federal agency of which the association is eligible to be a member.

(*l*) Bonds, notes, debentures, or other obligations of national mortgage associations or other similar credit institutions now or hereafter organized under Title III of the National Housing Act including without limitation bonds, notes, debentures, or other obligations of Federal National Mortgage Association. The purchase of all bonds, notes, debentures or other obligations pursuant to the sole authority of this subdivision shall be first approved by the commissioner.

(m) Bonds and other securities as provided in Division 11 of this code.

(n) Stock of Federal National Mortgage Association evidencing nonrefundable capital contributions required in connection with sales or contracts for sale of loans from an association to said Federal National Mortgage Association. An association is authorized to make payments of such required nonrefundable capital contributions. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 1 percent of the then total assets of the association.

SEC. 6. Section 6705 of said code is amended to read:

Investments in real property

6705. An association may invest in real property and such investment may include subdividing and developing real prop-

erty and building homes and other buildings on such property principally for residential use by veterans, housing for the elderly, or urban renewal or improvement. An association may own, rent, lease, manage, operate for income, or sell such property. Investments of an association under this section, and loans by the association under the authority of Sections 6705.1, 6705.2, 6705.4 and 6705.6 which loans except for the provisions thereof do not comply with the provisions of this part for original loans, shall not at any one time aggregate more than whichever of the following is the lesser:

(a) Five percent of its total assets.

(b) An amount equal to the sum of its capital, surplus, undivided profits, loan reserve, federal insurance reserve, and such other reserves as the commissioner may prescribe.

SEC. 7. Section 6705.1 is added to said code, to read:

Sale of unimproved land

6705.1. An association may lend with or without amortization of principal on the security of the real property to finance the sale of unimproved land (without offsite improvements) held by it under Section 6705. Such loan shall (a) provide for the payment of interest at least semiannually, (b) mature in not to exceed two years and (c) not exceed 95 percent of the fair market value.

SEC. 8. Section 6705.2 is added to said code, to read:

Sale of improved land

6705.2. An association may lend an amount not to exceed 90 percent of the fair market value to finance the sale by it of land held under Section 6705, on which land offsite improvements have at the time of sale been installed or installation guaranteed by the association but upon which no building or buildings have been erected by the association, which loan shall be secured by the real property sold and the terms of which loan shall provide (a) for amortization of principal at the rate of not less than 1 percent per month, (b) that the maturity shall not exceed five years and (c) that payment shall be accelerated in the event the borrower or any successor in interest places any other lien or charge against the property.

SEC. 9. Section 6705.3 is added to said code, to read:

Leases

6705.3. An association may lease any unimproved property held under Section 6705 (with or without offsite improvements) provided that the lease (a) is for a term not to exceed 99 years from the date thereof, (b) requires that all taxes and assessments be paid by the lessee and (c) contains no provision for the subordination of the interest of the association or of any successor lessor to any other interest in or lien or charge against the property. An association may make loans otherwise permitted by this division on the security of a leasehold interest as defined in Section 7100 whether or not the association is lessor thereof.

SEC. 10. Section 6705.4 is added to said code, to read:

Improvements after sale

6705.4. An association may make a loan on the security of property held by the association under Section 6705 and sold pursuant to Section 6705.1 or Section 6705.2 to finance improvements thereon if the loan would be otherwise authorized

by this division except for the fact that the association has an outstanding loan secured by the property made to finance the sale thereof. Except with the consent of the commissioner the total amounts loaned by the association on the security of such property shall in no event exceed 85 percent of the fair market value of the completed improved property.

Repeal

SEC. 11. Section 6705.5 of said code is repealed.

SEC. 12. Section 6705.5 is added to said code, to read:

Limitations

6705.5. No association shall make investments authorized by Sections 6705.1, 6705.2, 6705.3, 6705.4, and 6705.6, and in unimproved property authorized in Section 6705, when the total of all investments of the association (including the cost of offsite improvements placed upon improved property) authorized by Section 6705.1, Section 6705.2, and the first sentence of Section 6705.3; in loans made pursuant to Section 6705.4 and Section 6705.6, which except for the provisions of Sections 6705.4 and 6705.6 do not comply with the requirements of this part for original loans; and in unimproved property authorized in Section 6705, shall exceed one-half of the total amount of investments permitted under Section 6705.

SEC. 13. Section 6705 6 is added to said code, to read:

Sale of improved property

6705.6. An association may make loans to finance the sale of improved property acquired by it as unimproved property pursuant to Section 6705, in the amount of the fair market value.

SEC. 14. Section 6706 of said code is amended to read:

Duration of investments

6706. No investment pursuant to Section 6705, other than the lessor's interest pursuant to Section 6705.3, shall be held by an association more than five years, except with the approval of the commissioner.

SEC. 15. Section 7155 of said code is amended to read:

Unimproved real property

7155. An association may make loans upon the security of unimproved real property in an amount not in excess of 70 percent of the appraised value of such real property if the terms of such loans do not exceed two years or if the notes or other obligations representing such loans provide for payments which will make such loans, after an initial term not exceeding two years, amortized loans for the purpose of Section 7170.

SEC. 16. Section 7155.1 is added to said code, to read:

Determining appraised value

7155.1. For the purpose of determining appraised value, unimproved property without offsite improvements shall be evaluated as though offsite improvements have been installed if a subdivision map has been recorded and a bond guaranteeing installation of such offsite improvements has been accepted by the governing authorities in connection with the recording of the tract map.

SEC. 17. Section 7155.2 is added to said code, to read:

Violations

7155 2. In the event any association violates any provision of Sections 6705, 6705.1, 6705 2, 6705.3, 6705.4, 6705.5, 6706, 7171, and 7155, the commissioner, in addition to any action otherwise authorized by this division, may issue an order to the association that except with the consent of the commis-

sioner the association make no further investments under the authority of Sections 6705 or 7155 for a period of time set forth in the order, which period of time shall not exceed 12 months from the date of the order or from the date on which the association shall cease the violation, whichever is later, and the order shall have the same force and effect as an order issued pursuant to Section 9000 of this division. Any order issued pursuant to this section may at any time be revoked, suspended, amended, or terminated by the commissioner.

SEC. 18. Section 7171 of said code is amended to read:

Restrictions on loans

7171. An association shall not make any loan upon the security of unimproved real property made under Sections 6705.1, 6705.2 and 7155 if the unpaid principal of all its loans then in force on unimproved real property exceeds 5 percent of the unpaid principal of all its loans of all classes then in force.

CHAPTER 872

An act to add Section 6054.5 to the Revenue and Taxation Code, relating to reimbursement for sales tax

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 6054.5 is added to the Revenue and Taxation Code, to read:

6054.5. When an amount represented by a person to a customer as constituting reimbursement for taxes due under this part is computed upon an amount that is not taxable or is in excess of the taxable amount and is actually paid by the customer to the person, the amount so paid shall be returned by the person to the customer upon notification by the Board of Equalization or by the customer that such excess has been ascertained. In the event of his failure or refusal to do so, the amount so paid, if knowingly computed by the person upon an amount that is not taxable or is in excess of the taxable amount, shall constitute an obligation due from him to this State. Such obligation may be determined and collected by the board in accordance with Chapters 5 and 6 of this part. The amount so collected shall be refunded by the board to the person in accordance with Chapter 7 of this part, only upon submission of proof to the satisfaction of the board, or in the event the board denies his claim for refund, to the satisfaction of the superior court, that such amount has been returned or will be returned to the customer.

The foregoing shall not apply to an amount computed by using a schedule designed to result in reimbursement in an amount as nearly equivalent as practicable to the tax applica-

ble to total taxable sales and to the average amount of individual taxable sales.

SEC. 2. Whereas it appears to the satisfaction of the Legislature that persons are collecting money from the public under the representation that they are entitled to collect such amounts by way of reimbursement under the Sales and Use Tax Law, when in fact no tax reimbursement or a lesser tax reimbursement is authorized by law, and whereas such conduct is an improper use of the provisions of the Sales and Use Tax Law which allows retailers to reimburse themselves from the customers for sales and use taxes actually due the State,

Now, therefore, it is the intent of this legislation to discourage such a practice by preventing persons from profiting from such erroneous collection of tax reimbursement authorized by this part. It is further the intent of the Legislature that nothing in this legislation shall be construed to affect the basic principle that the incidence of the California sales tax is on the retailer.

CHAPTER 873

An act to amend Sections 16801, 16802, 18059 of, and add Section 16803.1 to the Education Code, relating to the transportation of pupils, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 16801 of the Education Code is amended to read:

Transportation of pupils

16801. The governing board of any school district may provide, with the written approval of the county superintendent of schools, for the transportation of pupils to and from school whenever in the judgment of the board such transportation is advisable and good reasons exist therefor. The governing board may purchase or rent and provide for the upkeep, care, and operation of vehicles, or may contract and pay for the transportation of pupils to and from school by common carrier or municipally owned transit system, or may contract with and pay responsible private parties for the transportation. Such contracts may be made with the parent or guardian of the pupil being transported.

Whenever the term "municipally owned transit system" appears in this chapter, it means a transit system owned by a city, or by a district created under Part 1 (commencing with Section 24501) of Division 10 of the Public Utilities Code.

SEC. 2. Section 16802 of said code is amended to read:

Bids and contracts for service

16802. In order to procure the service at the lowest possible figure consistent with proper and satisfactory service, the gov-

erning board shall, whenever an expenditure of more than one thousand dollars ($1,000) is involved, secure bids pursuant to Sections 15951 and 15952 of this code whenever it be contemplated that a contract may be made with a person or corporation other than a common carrier or a municipally owned transit system or a parent or guardian of the pupils to be transported. The governing board may let the contract for the service to other than the lowest bidder. No board shall make any purchase or enter into any contract for the service without securing the written approval of the county superintendent of schools.

SEC. 3. Section 18059 of said code is amended to read:

Standards for transportation allowances

18059. The Superintendent of Public Instruction in approving, under this article (commencing at Section 18051), current expenses of school districts for the transportation of pupils shall apply the same standards and basis for such approval to expenditures for such transportation provided by a school district in schoolbuses owned and operated by the school district and expenditures for such transportation provided by a contract with a common carrier, municipally owned transit system as defined in Section 16801, or a private party.

SEC. 4. Section 16803.1 is added to said code, to read:

Payments by parent or guardian

16803.1. When the governing board provides for the transportation of pupils to and from school by contract with a common carrier, municipally owned transit system, or responsible private party, the governing board may require the parents or guardians of all or some of the pupils transported to pay a portion of the cost of such transportation in an amount determined by the board. The amount determined by the board shall be no greater than that paid for transportation on a common carrier or municipally owned transit system by other pupils in the district who do not use the transportation provided by the contract of the district. No charge under this section shall be made for the transportation of handicapped children.

Urgency

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Many school districts, faced with financial obligations in connection with the furnishing of transportation to their pupils, urgently need the authority contained in this act to permit their consummating the necessary agreements with a common carrier or a municipally owned transit system prior to the commencement of the 1961 fall semester.

CHAPTER 874

An act to amend Sections 31615, 31790, and 31791 of, and to add Section 31579 to, the Water Code, relating to county water districts, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 31579 is added to the Water Code, to read:

Exercise of powers

31579. All powers and duties of the district may be exercised on behalf of or within any improvement district formed pursuant to this division.

SEC. 2. Section 31615 of said code is amended to read:

Taxes Levy and collection

31615. Subject to such limitations as may be contained in the resolution declaring the improvement district to be formed, the board shall have the power in any year to cause taxes to be levied and collected in any improvement district to finance any project of such improvement district or to pay the principal of and interest on bonds issued by the district on behalf of such improvement district for the purpose of financing any project in such improvement district, and to pay the costs of administration, maintenance, and operation of any works or facilities of or for said improvement district.

SEC. 3. Section 31790 of said code is amended to read:

Inadequate revenues

31790. If a district has no revenue or if the revenues of the district are, or in the judgment of the board of directors are likely to be, inadequate to pay the interest on or principal of any bonded debt as it becomes due, or any other expenses or claims against the district, the board shall, within 15 days after the close of its session as a board of equalization:

(a) Until each bonded debt is fully paid, levy upon the property within the district, or improvement district therein benefited by the bonded debt, and cause to be collected a tax sufficient to pay the principal of and interest on the bonded indebtedness to be known as the "_____ County Water District Bond Tax."

(b) Until all charges and expenditures in connection with the acquisition and operation of any water system of the district are fully paid, levy upon the property within the district and cause to be collected a tax sufficient to pay all such charges and expenses to be known as the "_____ County Water District Water Tax."

(c) Until all charges, claims, expenditures and expenses other than a bonded debt of any improvement district created pursuant to this division have been fully paid, levy within such improvement district and cause to be collected a tax sufficient to pay all said charges, claims, expenditures and expenses of each improvement district to be known as the

"_____ County Water District Improvement District No. _____ Tax."

(d) Until all other expenses or claims against the district are fully paid, levy upon all of the property within the district and cause to be collected a tax sufficient to pay all those expenses or claims to be known as the "_____ County Water District General Tax."

SEC. 4. Section 31791 of said code is amended to read:

31791. Subject to any other limitations in this division, the taxes shall be levied on property in the district as follows: Taxes

(a) The bond tax shall be levied upon the district or improvement district therein benefited by the purposes of the bonded debt, as stated in the resolution of the board declaring the necessity of incurring the bonded debt.

(b) The water tax shall be levied on the portion of all of the district as is benefited by the water system as determined by a resolution of the board.

(c) Each improvement district tax shall be levied solely upon the property within the improvement district as described in the resolution of the board creating such improvement district.

(d) The general tax shall be levied on all the property within the district.

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are: Urgency

The fair and equitable distribution of costs of furnishing water and sanitation services to users is of great concern in areas of the State which are wholly dependent upon water and sanitation services provided by county water districts. Where such districts are located in more than one county, they must levy and collect their own taxes. The present law provides no means whereby county water districts levying their own taxes may restrict maintenance and operation taxes to a benefited improvement district as may be done when the levy is made under the main tax procedure by a board of supervisors

In order to provide for the immediate solution of existing inequities it is necessary that this act take effect immediately.

CHAPTER 875

An act to amend Sections 13400, 13602, 13603, and 13605 of, to repeal Sections 13373, 13537, and 13640 of, and to add Article 8 (commencing with Section 16420) to Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code, relating to state funds, and to take effect immediately, urgency measure.

In effect immediately

[Approved by Governor June 21, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 13373 of the Government Code is repealed.

SEC. 2. Section 13400 of said code is amended to read:

Fire insurance

13400. The department may insure in the name of the State any goods or merchandise belonging to the State which are stored in any warehouse or storage depot not under exclusive state control, in an amount sufficient to indemnify the State against loss or damage by fire. Premiums for such insurance shall be paid out of the Service Revolving Fund and prorated and added to the price of the goods or merchandise.

Repeal

SEC. 3. Section 13537 of said code is repealed.

SEC. 4. Section 13602 of said code is amended to read:

Publications

13602. The department may compile and publish such documents, pamphlets, bulletins or other publications as it deems are for the best interests of the State or for public information.

The cost of compiling, printing and distributing any document, pamphlet, bulletin or other publication so issued, including salaries and other expenses, is payable from the Service Revolving Fund.

SEC. 4. Section 13603 of said code is amended to read:

Administrative costs

13603. There shall be deducted from all money received from the sale of such documents or publications, a pro rata share of the cost of administration and the balance shall be paid monthly into the Treasury and credited to the fund from which the cost of printing was paid. The amounts deducted for administrative costs shall be deposited in the State Treasury and credited to the Service Revolving Fund.

SEC. 6. Section 13605 of said code is amended to read:

Index of Constitution and laws

13605. The index of the Constitution and laws shall be offered for sale to the public at a price to be fixed by the department. Such portion of the receipts as may be required to complete the cost of printing, publication and distribution shall be paid into the Service Revolving Fund and the balance paid into the Treasury and credited to the General Fund.

Repeal

SEC. 7. Section 13640 of said code is repealed.

SEC. 8. Article 8 (commencing with Section 16420) is added to Chapter 2 of Part 2 of Division 4 of Title 2 of said code, to read:

Article 8. Service Revolving Fund

16420. There is in the State Treasury the Service Revolving Fund, hereafter referred to as "the fund." Service Revolving Fund

16421. The fund consists of the following:

(a) All money appropriated by the Legislature for such fund or payable into such fund in accordance with law. Same

(b) All money received into the Treasury from any source whatever in payment of printing, ruling, and binding done in the State Printing Office or, unless otherwise provided by law, in payment for other services rendered by the Department of Finance.

(c) Reimbursement of rentals paid from such fund.

16422. The fund is under the control of the Department of Finance and is available for expenditure for the purchase and sale of materials, supplies, and equipment; the rendering of services to other state agencies and, in connection therewith, for the employment and compensation of necessary personnel and expenses; all expenses for the support of the State Printing Office; the purchase of machinery or equipment, including motor vehicles, needed in the operation or administration of the State Printing Office, and rental of real property. Scope of expenditures, etc., control

16423. The State Printing Fund and the Purchasing Revolving Fund in the State Treasury are abolished. The Controller, on the operative date of this section, shall transfer any balances in those funds to the Service Revolving Fund. Any reference in state law to either the State Printing Fund or the Purchasing Revolving Fund shall be construed to refer to the Service Revolving Fund. State Printing Fund and Purchasing Revolving Fund abolished

SEC. 9. This act shall become operative on July 1, 1961. Operative date

SEC. 10. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

This act provides for the abolition of special funds containing money used for the payment of expenses incident to state printing and to the purchase and sale of materials, supplies, and equipment by the State, and for the creation of a new special fund to serve these purposes. It is essential that this act become operative by the commencement of the 1961-1962 fiscal year to facilitate the conduct of state operations, and it is necessary therefore that the act go into effect immediately.

CHAPTER 876

An act to add Article 5 (commencing with Section 1720) to Chapter 9, Division 2 of the Streets and Highways Code, relating to county highways within cities, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Article 5 (commencing with Section 1720) is added to Chapter 9, Division 2 of the Streets and Highways Code, to read:

Article 5. County Highways Within Cities

Alternative procedure

1720. This article provides an alternative procedure for the establishment of a county highway within a city. This article shall be applicable in those counties adopting a county highway bond issue after January 1, 1961.

Resolution declaring a county highway

1721. The board of supervisors by resolution may determine that it is of general county interest that an existing street in the county extending in whole or in part within a city be made a county highway within the city or that a new county highway be laid out, acquired, constructed and maintained in whole or in part within a city. The resolution shall describe the proposed location or relocation and the general nature of construction proposed to be undertaken by the county. A copy of such resolution shall be forwarded to the governing body of the city within which is included any portion of the highway.

Consent of city

1722. The governing body of the city, by resolution, may consent to the establishment of the proposed county highway and may relinquish to the county in whole or in part an existing city street. If the governing body of the city wishes to change the location or relocation of the highway proposed by the board of supervisors, it may adopt a report describing the proposed revisions and file a copy with the board of supervisors. The board shall consider the report and may modify its resolution. If the board modifies its resolution it shall forward a copy of such resolution to the governing body of the city. The city may then adopt a resolution of consent to the modified county resolution.

Adoption of resolution

1723. Upon the adoption of the resolution of consent by the city, such street or portion thereof within the city shall thereupon constitute a county highway. A certified copy of such resolution shall be filed with the board of supervisors. When the city council relinquishes an existing city street to the county, a certified copy of such resolution shall be recorded; and upon such recordation, all right, title and interest

of the city in and to such portion of the city street shall vest in the county.

Highway work

1724. Thereafter, the board of supervisors of the county may acquire, construct and maintain such highway as other county highways are acquired, constructed and maintained and may pay for such work out of one or more of the following:

Expense

(a) The proceeds of any county bond issue for county highway construction;

(b) The special road improvement fund;

(c) The county general fund;

(d) Any other funds available for county highway purposes.

Extension to unincorporated area

1725. Whenever a county highway has been established within a city, as provided in this article, and an extension of such highway in the unincorporated area of the county is thereafter annexed by the city, the portion annexed shall continue to be a county highway until a resolution of relinquishment is adopted in accordance with Section 1731.

Construction etc., by city

1726. The county and city may agree that the city shall acquire, construct or maintain designated county highways or portions thereof within the city, the cost thereof to be paid by the county or the city or both agencies as may be agreed upon.

City-county co-operation

1727. The city may by agreement co-operate with the county in the acquisition, construction or maintenance of designated county highways or portions thereof within the city in one or more of the following ways:

(a) Contribute money or property;

(b) Acquire and deliver material;

(c) Furnish labor, legal or engineering services;

(d) Loan its highway equipment;

(e) Contribute money to be used for the payment of interest upon, or for the payment or redemption of bonds, the proceeds of which have been used for work on county highways within the city.

Closing, connection, etc., of city streets

1728. No city street shall be closed, either directly or indirectly, by the construction of a county highway within a city as a freeway except pursuant to an agreement between the city council and the board of supervisors or while temporarily necessary during construction operations. No city street or other public highway shall be opened into or connected with any county highway declared to be a freeway by the board of supervisors unless and until the board of supervisors adopts a resolution consenting to the same and fixing the terms and conditions on which such connection shall be made and the board of supervisors may give or withhold its consent or fix such terms and conditions as in its opinion will best serve the public interest.

The board of supervisors is authorized to enter into an agreement with the city council to close any city street at or near the point of its interception with any county highway declared to be a freeway under Section 941.1 or to make provision for carrying such city street over or under or to a connection with

the freeway, and the board of supervisors may do any and all work on such city street as is necessary therefor.

City's police power

1729. The police power of a city with reference to a county highway within the city shall not be limited except as to those matters specifically provided for in this article.

City parking ordinances, traffic control devices

1730. No ordinance of a city relating to the stopping, standing or parking of a vehicle shall become effective as to a county highway established pursuant to this article within the city without prior submission to and approval by the board of supervisors. No city shall erect or maintain any stop sign, semaphore or other traffic control signaling device in such manner as to require the traffic on any county highway established pursuant to this article within the city to stop before entering or crossing any intersecting street or any railroad grade crossing without permission of the board of supervisors.

Relinquishment by county

1731. The board of supervisors, by resolution, may relinquish to the city a county highway or any portion thereof located within the city. A certified copy of such resolution shall be filed with the city council. A certified copy of such resolution shall also be recorded in the office of the county recorder, and upon recordation, all right, title and interest of the county in and to such portion of a county highway shall vest in the city, and such highway or portion thereof shall thereupon constitute a city street.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In those counties in which the people have approved bond issues for construction of major county highway networks connecting the state freeway system, it is necessary that construction commence at the earliest possible date to reduce highway accidents and meet the transportation needs of growing areas. To permit construction to commence as soon as possible it is imperative that this act take effect immediately.

CHAPTER 877

An act to amend Section 16604 of the Education Code, relating to child care centers, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 16604 of the Education Code is amended to read:

Monthly income requirements

16604. Except as provided in Section 16605, no child shall be admitted to a child care center if the total monthly income from all sources of the child's immediate family:

(a) Where both parents are working, exceed five hundred eight dollars ($508) if there is one child in the family, and an additional sixty-six dollars ($66) for each additional child

(b) Where but one parent, who has both custody and care of the child, is the sole wage earner of the child's immediate family, exceeds three hundred sixty-three dollars ($363) if there is one child in the family, and an additional sixty-six dollars ($66) for each additional child.

Except as provided in Section 16605 the maximum "total monthly income" figure in either case may be exceeded in any month or months of the year if in the opinion of the board the total income from all sources, of the child's immediate family for the calendar year divided by 12 will not exceed such maximum. In computing the maximum "total monthly income" of self-employed persons the gross income of such persons may be reduced by the legitimate business expenses incident to the self-employment. In estimating earnings of any member of the child's immediate family the computation of weekly wages shall be on the basis of wages based on a five-day week if the employer of such person certifies to said governing board that the workweek of such person is five days or more.

Legislative intent

SEC. 2. It is the intent of the Legislature that the Department of Education shall make the fullest use possible of existing provisions of law relating to a sliding scale for calculating the charges made to parents of children admitted to child care centers.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the child care centers will continue to serve the families where the need for child car services is the greatest and to enable the child care center facilities to maintain the function of providing care and supervision of children necessitated by the employment of mothers essential to the national and state economy, it is necessary that the act take effect immediately.

CHAPTER 878

An act to add Sections 13956.1 and 14001.4 to, and to amend Sections 13955, 13959, 13960, 14001, and 14157, and to repeal Sections 13957, 13962, 13963, 13964, 13965, and 13966 of, the Education Code, to repeal Sections 20335 and 20335.1, and to amend Section 20333 of, the Government Code, relating to the State Teachers' Retirement System, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 13955 of the Education Code is amended to read:

Certificated librarians

13955. Certificated librarians in elementary, secondary schools, or junior colleges, or persons who serve partly as librarians and partly as teachers, are members of the system.

SEC. 2. Section 13956.1 is added to said code, to read:

Election not to remain in system after change of duties

13956.1. Any person who is a member of the system because of employment to perform duties which are requisite for membership, and who subsequently is employed by the same or a different school district or by a county superintendent of schools, to perform duties which are not so requisite but instead are requisite for membership in a different public retirement system in this State, and enters upon such duties not so requisite, shall continue to be a member of the system with respect to the latter duties, unless he elects by a writing filed in the office of the board, within 90 days after such entry, not to continue as a member with respect to his new duties. Continuance of his membership in this system, of any person so employed prior to the effective date of this section, is hereby ratified, validated and confirmed, and for all purposes he shall be considered as having been a member without interruption as far as the employment is concerned, and with respect to the duties not so requisite, unless such person elects within 90 days after the date upon which notice of such right to elect, is mailed by this system to the member's latest address on file in the office of this system, not to be a member of the system with respect to the duties which are not so requisite.

Repeal

SEC. 3. Section 13957 of said code is repealed.

SEC. 4 Section 13959 of said code is amended to read:

Previous employment

13959. Persons who are members on account of previous school employments as provided by this chapter and who are employed by the State to render service of an educational nature in the State Department of Education, or as Superintendent of Public Instruction, or as a deputy or associate superintendent of public instruction, are members of the system, unless they elect by a writing filed in the office of the board within 90 days after such employment not to be a member.

SEC. 5. Section 13960 of said code is amended to read:

13960. All persons who were members of the system on account of employment by the State in positions where they had the right to elect membership in this system or another system, and who elected membership in this system, shall be members of this system while employed in positions which were subject to this system prior to October 1, 1959. Previous elected membership

SEC. 6. Section 13962 of said code is repealed. Repeal

SEC. 7. Section 13963 of said code is repealed. Repeal

SEC. 8. Section 13964 of said code is repealed. Repeal

SEC. 9. Section 13965 of said code is repealed. Repeal

SEC. 10. Section 13966 of said code is repealed. Repeal

SEC. 11. Section 14001 of said code is amended to read:

14001. The following persons are excluded from membership in the retirement system: Exclusions from membership

(a) Any person who shows to the satisfaction of the board, that he will be unable, by reason of the nature of his services, to become eligible to benefits thereunder.

(b) Persons employed in a status which is requisite for membership, but who are members of a county retirement system. A member who is excluded by this subdivision shall not be considered to have terminated his membership or right to a retirement allowance based on time served as a member unless he withdraws his contributions as provided in Section 14151.

(c) Persons serving as exchange teachers from outside of this State.

(d) Persons employed on a substitute basis, who are not already members when they become employed and who render less than 100 complete days of service during the school year. If, at the end of a pay period, a substitute teacher has rendered 100 or more complete days of substitute service in that school year and subsequently renders one or more complete days of such service in that school year, he shall become a member on the first day of the pay period during which such additional service was rendered.

(e) Persons not already members who are employed on a part-time basis and who will render less than 24 hours of service per pay period, or on a daily basis and who will serve less than four days per pay period.

(f) Persons not already members who are employed as instructors of adult education classes which have a duration of less than one school semester, or less than one school quarter of 12 weeks if the district operates its adult education program on that basis.

(g) Persons not already members who are employed as part-time teachers and who are concurrently employed in full-time positions as members of another retirement system, other than a local system, supported wholly or in part by public funds.

For the purposes of this section a pay period may not be less than four weeks or more than one calendar month.

SEC. 11.5. Section 14001.4 is added to said code, to read:

Members of State Employees' Retirement System

14001.4. Any person who is a member of the State Employees' Retirement System and who subsequently is employed in a status requisite for membership in this system is excluded from membership if he elects, by a writing filed in the office of Board of Administration of the State Employees' Retirement System, within 90 days after such entry, to continue as a member of the State Employees' Retirement System with respect to his new duties.

SEC. 12. Section 14157 of said code is amended to read:

Right to re-enter system

14157. Any person whose contributions were repaid to him and who has or will qualify for the receipt of a retirement allowance from the State Employees' Retirement System as a state member of that system, or as an employee of a local school district or of a county superintendent of schools, or from the retirement system of the University of California shall have the right to re-enter this system and to redeposit the contributions repaid to him, with interest, as provided in Section 14155, without being employed in a status requisite for membership in this system. A person who is reinstated to membership on account of this section shall not be entitled to receive credit for service which might otherwise be creditable under the provisions of Section 14067.

SEC. 13. Section 20333 of the Government Code is amended to read:

Members of Teachers' Retirement System

20333. All persons who are members in any teachers' retirement system are excluded from this system as to the service in which they are members of such teachers' system.

Repeal

SEC. 14. Section 20335 of said code is repealed.

Repeal

SEC. 15. Section 20335.1 of said code is repealed

Urgency

SEC. 16. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Contracts for the employment of public school teachers are entered into by the teachers and employing districts or other public agencies at the end of one fiscal year for teaching services to be performed in the next fiscal year. In order that the provisions of this act will apply to such employment contracts entered into during this fiscal year, it is necessary that this act take effect immediately.

CHAPTER 879

An act to amend Sections 17666.2, 17667, 17702, 17851, 17906.2, 17907, 17908, 17909, 17951, 17970, 17990, 20201, and 20206 of, to add Sections 5718.5 to, the Education Code, relating to the public school system, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 5718.5 is added to the Education Code, to read:

5718.5. The State Board of Education shall establish criteria and standards for graded classes in grades 13 and 14. Criteria and standards

SEC. 3. Section 17666.2 of said code is amended to read:

17666.2. For the purpose of computing apportionments in the fiscal year 1961-1962 and for each fiscal year thereafter, for each junior college district, he shall multiply the number of units of average daily attendance, during the preceding fiscal year, in grades 13 and 14 computed for the district under Sections 11451 and 11501, subject to the provisions of Section 17611, by five hundred forty-three dollars ($543). Foundation program for grades 13 and 14 of junior college districts

For purposes of this section, and Sections 17851 and 17905.2, the average daily attendance of a junior college district shall, subject to the provisions of Section 17611, be computed in the manner prescribed by Sections 11451 and 11501 except that there shall be excluded from the computation the attendance of all students who resided in territory which was not a part of any district maintaining a junior college and the attendance of all students who resided in another district which maintained a junior college who were in attendance under an interdistrict attendance agreement which required the payment of tuition by the district of residence, and there shall be included in the computation the attendance of all students residing in the district who were in attendance at a junior college in another district under an interdistrict attendance agreement which required the payment of tuition by the district of residence. Average daily attendance

The Superintendent of Public Instruction shall exclude from the computation provided by this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults. Adult average daily attendance

SEC. 4. Section 17667 of said code is amended to read:

17667. Each computation required by this article (commencing at Section 17651) for high school and junior college districts shall be made after excluding from the average daily attendance for the preceding fiscal year the average daily attendance of adults, as adults are defined in Section 6352, and Adult average daily attendance

the average daily attendance in classes for inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults during the preceding fiscal year.

SEC. 5. Section 17702 of said code is amended to read:

Computation of district aid

17702. Except as provided in Section 17703, the Superintendent of Public Instruction shall compute for the fiscal years 1960-1961 and each fiscal year thereafter for each district described herein the amount, to be known as district aid, which a tax levied on each one hundred dollars ($100) of 100 percent of the assessed valuation in such district as shown by the equalized assessment roll of the district for the preceding year would produce if levied, if such tax was:

(a) Sixty cents ($0.60) in an elementary school district.

(b) Fifty cents ($0.50) in a high school district.

(c) Twenty-four cents ($0.24) in a junior college district.

SEC. 6. Section 17851 of said code is amended to read:

Allowance per unit of average daily attendance

17851. The Superintendent of Public Instruction shall allow to each junior college district one hundred twenty-five dollars ($125) for each unit of average daily attendance in grades 13 and 14 during the preceding fiscal year.

Beginning with the fiscal year 1960-1961, average daily attendance for the purpose of this section shall be computed under Sections 11451 and 11501, subject to the provisions of Section 17611 and Section 17666.2.

Adult average daily attendance

The Superintendent of Public Instruction shall exclude from the computation of allowances provided by this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

SEC. 7. Section 17906.2 of said code is amended to read:

Tax levy prerequisite for equalization aid

17906.2. No state equalization aid shall be allowed unless there shall have been levied pursuant to this code, for a district during the preceding fiscal year, a tax, exclusive of taxes levied under Sections 3356, 16633, 19443, 19619, 20801, and 22101, as follows:

For purposes of allowances for the fiscal year 1961-1962 and for the fiscal years following, not less than sixty cents ($0.60) if an elementary district, fifty cents ($0.50) if a high school district, and twenty-four cents ($0.24) if a junior college district.

SEC. 8. Section 17907 of said code is amended to read:

Same: Unified school district

17907. No state equalization aid shall be allowed under Sections 17614, 17615, and Sections 17901 to 17906.1, inclusive, whichever are in effect, to any district included within a unified school district unless there shall have been levied, pursuant to this code, for such unified school district during the preceding fiscal year, exclusive of tax levied under Sections 3356, 16633, 19443, 19619, 20801, and 22101, a tax in not less than the amount determined by adding the rates of tax required to be levied under Section 17906.2, as may be appli-

cable for each type of district included within the unified school district

SEC. 9. Section 17908 of said code is amended to read:

Same
High school district maintaining junior college

17908. No state equalization aid shall be allowed under Sections 17614, 17615, and Sections 17901 to 17906.1, inclusive, whichever are in effect, to any high school district which maintained a junior college unless there shall have been levied, pursuant to this code, during the preceding fiscal year, exclusive of tax levied under Sections 3356, 16633, 19443, 19619, 20801, and 22101, a tax in not less than the amount determined by adding the rates of tax required to be levied under Section 17906.2 for a high school district and for a junior college district.

SEC. 10. Section 17909 of said code is amended to read:

Same
High school district, junior college district

17909. No state equalization aid shall be allowed under Sections 17614, 17615, and Sections 17901 to 17906.1, inclusive, whichever are in effect, to any high school district, the boundaries of which are coterminous with and which is governed by the same governing board as a junior college district, or to any junior college district the boundaries of which are coterminous with and which is governed by the same governing board as the high school district, for which a tax is levied under subsection (e) of Section 20751, unless there shall have been levied, pursuant to this code, during the preceding fiscal year, exclusive of tax levied under Sections 3356, 16633, 19443, 19619, 20801, and 22101, a tax in not less than the amount determined by adding the rates of tax required to be levied under Section 17906.2 for a high school district and for a junior college district.

SEC. 11. Section 17951 of said code is amended to read:

Computation of allowances for adults, etc.

17951. The Superintendent of Public Instruction shall allow each district for each unit of average daily attendance during the preceding fiscal year for adults, as adults are defined in Section 6352, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults, one hundred twenty-five dollars ($125) as basic state aid and, except as otherwise provided in this section, the same amount as state equalization aid as is computed by dividing the allowance computed for the district under Sections 17614, 17615, and Sections 17901, 17902, 17903, and 17904 by the average daily attendance of the district during the preceding fiscal year, exclusive of average daily attendance during the preceding fiscal year for adults, as adults are defined in Section 6352, and for inmates of state institutions for adults and of city, county, or city and county jails, road camps or farms for adults less fourteen dollars ($14) for each unit of average daily attendance attached to a high school and less sixty-three dollars ($63) for each unit of average daily attendance attached to a junior college. The allowance provided by this section for each unit of average daily attendance of an adult, as an adult is defined in Section 6352, not residing

in the district and not residing in any district maintaining a junior college shall be limited to one hundred twenty-five dollars ($125) as basic state aid and no allowance shall be made based on state equalization aid. The total of basic and equalization aid allowed each district shall not exceed two hundred twenty dollars ($220) for each unit of average daily attendance during the preceding fiscal year for resident adults, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults.

SEC. 12. Section 17970 of said code is amended to read:

Basic state aid

17970. For the fiscal year 1961-62 and each fiscal year thereafter, the Superintendent of Public Instruction shall allow to each junior college district for each unit of average daily attendance, during the preceding fiscal year, of pupils not residing in the district and not residing in any district maintaining a junior college, one hundred twenty-five dollars ($125) as basic state aid.

Adult average daily attendance

There shall be excluded from the computation of allowances provided by this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp, or farm for adults.

SEC. 13. Section 17990 of said code is amended to read:

Recomputation of allowance for junior college districts

17990. Beginning with the fiscal year 1961-1962, the Superintendent of Public Instruction shall compare (1) the amount computed for a district pursuant to Articles 3, 6, and 7, plus the increased amount of tuition computed under Section 20201 as a result of the amendments to that section effected at the 1961 Regular Session of the Legislature, with (2) the amount which would have been computed if all of the following applied:

(a) The foundation program of the district were computed by multiplying by four hundred twenty-four dollars ($424) the number of units of average daily attendance in grades 13 and 14 computed under Sections 11451 and 11501, subject to the provisions of Section 17611, of all pupils attending the junior college of the district, whether or not they reside in the district, and excluding any average daily attendance of pupils residing in the district and attending a junior college in another district maintaining a junior college under an interdistrict attendance agreement.

(b) Basic aid were computed on the basis of the average daily attendance referred to in subdivision (a) above.

(c) The tax used in district aid was thirty-three cents ($0.33).

(d) Equalization aid were computed on the basis of subdivisions (a), (b), and (c) above.

If the amount computed under (2) above exceeds the amount computed under (1) above, the Superintendent of Public Instruction shall, beginning with the fiscal year 1961-

1962, make an additional allowance to the junior college district in the following percentages of the amount by which the amount computed under (2) above exceeds the amount computed under (1) above in the 1961-1962 fiscal year and the four fiscal years succeeding.

(1) 1961-1962 ..... 80 percent
(2) 1962-1963 ..... 60 percent
(3) 1963-1964 ..... 40 percent
(4) 1964-1965 ..... 20 percent
(5) 1965-1966, and after ..... None

Each year the equalization aid or the additional aid of Section 17905.2 of those junior college districts which are not affected by the preceding computations shall be reduced proportionately in order to offset the total additional allowance made to the several junior college districts affected by the preceding computations.

SEC. 14. Section 20201 of said code is amended to read:

Certification of cost of education, transportation, etc., for nondistrict junior college pupils

20201. Not later than August 8th of each year, the superintendent of schools of each county in which there is not a county junior college shall certify the following items to the board of supervisors and to the county auditor of the county in accordance with the rules and regulations of the Superintendent of Public Instruction, which he is hereby authorized to adopt:

(a) The total current expense of education, exclusive of the expense for transportation of pupils, during the next preceding fiscal year of all junior college pupils, exclusive of pupils in grades 11 and 12, residing in the county and not in any school district maintaining a junior college, less state basic aid and federal apportionments received during the next preceding fiscal year for such junior college pupils.

(b) The actual expense of transportation of such pupils not reimbursed by the State.

(c) An amount equal to three hundred dollars ($300) per unit of average daily attendance of such pupils during the preceding fiscal year for the use of buildings and equipment.

(d) The estimated amount needed as specified in subdivisions (a), (b), and (c) of this section for the current year.

The Superintendent of Public Instruction shall define, for the purposes of this section, the term "current total expense of education" and the term "actual expense of transportation."

If during any fiscal year the county superintendent of schools determines that an amount of at least one hundred dollars ($100) more or an amount at least one hundred dollars ($100) less than was required under either subsection (a), (b), or (c) of this section was certified to the board of supervisors and the county auditor during a prior fiscal year, such amount shall, not later than the third succeeding fiscal year, be deducted from or added to the amount otherwise certified for subdivisions (a), (b), or (c) for the current fiscal year, as appropriate.

SEC. 15. Section 20206 of said code is amended to read:

Disposition of apportionments to school districts

20206. The amount apportioned to each school district under this article (commencing at Section 20201) shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over the district to the credit of the following funds of the district:

(a) An amount equal to the amounts specified in subdivisions (a) and (b) of Section 20201 shall be credited to the general fund of the district for junior college purposes.

(b) Upon authorization by the governing board of the district, (1) all of the amount specified in subdivision (c) of Section 20201 may be credited for junior college purposes to either the interest and sinking fund or the special reserve fund of the district; or (2) a portion of the amount may be credited to each of such funds. If no authorization is given by the governing board for the crediting of moneys to either fund, the amount shall be credited to the special reserve fund for junior college purposes.

Operative date

SEC. 16. This act shall become operative on July 1, 1961.

Urgency

SEC. 17. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for junior colleges to receive the increase in state aid provided by this act in the 1961-1962 fiscal year when there will occur first impact of the shift in college and university attendance to junior college pursuant to the Master Plan for Higher Education, it is necessary for this act to take effect immediately.

CHAPTER 880

An act to amend Sections 14321 and 14322 of the Business and Professions Code, relating to trademarks.

In effect September 15, 1961

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 14321 of the Business and Professions Code is amended to read:

Forged, etc., trademark; Penalty

14321. Every person who willfully forges or counterfeits, or procures to be forged or counterfeited, a trademark registered with the Secretary of State or the Commissioner of Patents in the United States Patent Office, or who affixes such a forged or counterfeited trademark to goods of essentially the same descriptive qualities as those referred to in the registration of the trademark, with intent to pass off or assist any other person to pass off any goods to which the trademark is attached or applied as those of the registrant shall be punish-

able by imprisonment of not more than five years in the state prison or by not more than one year in the county jail.

SEC. 2. Section 14322 of said code is amended to read:

14322. Every person who sells, or keeps for sale, or manufactures or prepares, for the purpose of sale, any goods upon or to which any forged, or counterfeited trademark, or label, or brand, composed in whole or in part of a forged, or counterfeited trademark, has been affixed, after the trademark has been registered with the Secretary of State, or with the Commissioner of Patents in the United States Patent Office, intending to represent the goods as the genuine goods of the person owning the trademark, knowing it to be forged, or counterfeited, shall be punishable by imprisonment of not more than five years in the state prison or by not more than one year in the county jail.

Sale, etc., of goods bearing false mark or label
Penalty

CHAPTER 881

An act to repeal Sections 3660 and 3661 of, to add Section 3660 to, and to amend Sections 4656.2 and 4671 of, the Revenue and Taxation Code, relating to the Redemption Tax Fund, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 3660 of the Revenue and Taxation Code is repealed.

Repeal

SEC. 2. Section 3661 of said code is repealed.

Repeal

SEC. 3. Section 3660 is added to said code, to read:

3660. The Redemption Tax Fund in the State Treasury is abolished. Any balance remaining in the Redemption Tax Fund on the operative date of this section shall be transferred by the Controller to the General Fund, and any reference in the law to the Redemption Tax Fund shall be construed to refer to the General Fund.

Redemption Tax Fund abolished

SEC. 4. Section 4656.2 of said code is amended to read:

4656.2. All redemption fees shall be distributed to the State of California for deposit in the General Fund.

Distribution of redemption fees

SEC. 5. Section 4671 of said code is amended to read:

4671. There shall be distributed to the State of California, to be placed in the General Fund, the following:

Distribution to State

One dollar and fifty cents ($1.50) for all or any portion of each separately valued parcel of real property deeded to the State and sold to private parties or to a taxing agency.

If property is deeded to a taxing agency under a pro rata division agreement it shall not be deemed "sold" until resold by the taxing agency to a private party.

The one dollar and fifty cents ($1.50) for property sold shall be paid from the total amount to be distributed. If the

total amount is insufficient the one dollar and fifty cents ($1.50) shall be reduced accordingly.

Operative date

SEC. 6. This act shall become operative on July 1, 1961.

Urgency

SEC. 7. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act provides for the abolition of the Redemption Tax Fund and is designed to operate in conjunction with an appropriation in the Budget Act for the support of the Redemption Tax Department in the Controller's office. It is essential, therefore, that the act become operative at the same time as the Budget Act, and that it go into effect immediately.

CHAPTER 882

An act to amend Sections 16616 and 16618 of the Education Code, relating to child care centers, declaring the urgency thereof to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 16616 of the Education Code is amended to read:

Schedule of fees

16616. The Superintendent of Public Instruction shall prepare a schedule of fees which shall be used by each school district for the charging of fees to parents. For parents who come within the provisions of Section 16604, the schedule shall be on a sliding scale, ranging from a lesser amount for parents within low income levels to a higher amount for higher income levels. The schedule shall provide as nearly as possible an amount equal to fourteen cents ($0.14) per hour per child. The fee schedule shall be on an hourly basis, and shall be uniformly applied.

For parents of mentally retarded or physically handicapped children, the schedule shall be as provided in Section 16645.9.

SEC. 2. Section 16618 of said code is amended to read:

State support

16618. The statewide average state support per hour per child shall be twenty-eight cents ($0.28).

(a) For purposes of this article (commencing at Section 16601) the Superintendent of Public Instruction shall apportion state funds to the districts using twenty-eight cents ($0.28) per hour per child. If the fees collected by any district shall for any month be less or more than fourteen cents ($0.14) per hour per child, the amount of the apportionment shall be increased or decreased in an amount equal to the amount by which the fees collected are less or more, respectively, than fourteen cents ($0.14) per hour per child, except that in no

event shall the amount apportioned exceed thirty-three cents ($0.33) per hour per child.

(b) For child care centers for mentally retarded and physically handicapped children, the Superintendent of Public Instruction shall apportion state funds as provided in Section 16645.11.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the urgently needed increases in financial support for the child care center programs provided for by this act may become effective with the commencement of the 1961-1962 fiscal year and thus coincide with the fiscal basis upon which the financial operations of school districts is conducted, it is necessary that this act take effect immediately.

CHAPTER 883

An act to add Article 14 (commencing at Section 6421) to Chapter 6, Division 6, of the Education Code, relating to special educational programs for mentally gifted minors, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1961. Filed with Secretary of State June 28, 1961.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Article 14 (commencing at Section 6421) is added to Chapter 6 of Division 6 of the Education Code, to read:

Article 14. Special Educational Programs for Mentally Gifted Minors

"Mentally gifted minor"

6421. (a) "Mentally gifted minor," as used in this article, means a minor enrolled in a public primary or secondary school of this State who demonstrates such general intellectual capacity as to place him within the top 2 percent of all students having achieved his school grade throughout the State.

"Program"

(b) "Program" means a special educational program for mentally gifted children, including the identification of such children, which meets the standards established pursuant to this article and which is approved by the Superintendent of Public Instruction.

"Participating pupil"

(c) "Participating pupil" means a pupil identified as a mentally gifted minor who for a school semester or a school year takes part in a program.

General intellectual ability

6422. For the purposes of this article, the general intellectual ability of a minor shall be evidenced by one or more of the following factors:

(a) Achievement in school work.

(b) Scores on tests measuring intellectual ability and aptitude.

(c) The judgments of teachers and school administrators and supervisors who are familiar with the demonstrated ability of the minor.

Programs for mentally gifted minors

6423. The governing board of any school district may provide programs for mentally gifted minors living in the district who are enrolled in kindergarten or grades 1 through 12 in the schools of the district and who may be expected to benefit from a program suited to their abilities. The governing board, subject to such terms and conditions as may be agreed upon, may contract with another school district for furnishing programs for such minors or may so contract for the education of such minors including the furnishing of such programs.

Agreements with county superintendent for services

6424. The governing board of a school district, in providing programs under this article, may enter into agreements with a county superintendent of schools for those appropriate services to districts authorized in Chapter 6 of Division 7 of this code and for conducting programs for gifted minors enrolled in the schools of the district.

Application for reimbursement

6425. Whenever during any school year a school district maintains a program, the governing board of the school district may, during the subsequent school year, apply to the Superintendent of Public Instruction on forms provided for that purpose for an apportionment to reimburse the district for the excess expense incurred by the school district in furnishing the program.

Apportionment

6426. The Superintendent of Public Instruction, if he approves, shall apportion to each applicant school district an amount equal to the total excess expense incurred by the school district in providing a program, except that the amount apportioned shall not exceed forty dollars ($40) for each pupil participating in the program for one school year.

Appropriation

6427. There shall be appropriated from the General Fund of the State to the State School Fund each fiscal year, in addition to any other amounts appropriated, an amount sufficient to provide for the reimbursement of the excess expense to school districts incurred in providing programs. The appropriation shall not exceed the product of forty dollars ($40) and 0.02 (two percent) of the units of average daily attendance of pupils in kindergarten and grades 1 through 12 in all of the schools and classes maintained by school districts and county superintendents of schools during the preceding fiscal year. The first such appropriation shall be made for the 1962-63 fiscal year.

Application for advance apportionment

6428. Whenever any school district proposes to provide a program, the governing board of the school district may apply to the Superintendent of Public Instruction for an advance apportionment for the purpose of defraying expenses incident to the initiation of a program including the identification of minors eligible to participate in the program. The application shall be made prior to August 15 of a school year in the form and manner prescribed by the State Superintendent of Public Instruction and shall include an estimate of the number of participating pupils for that school year. The Superintendent of Public Instruction, if he approves, shall apportion on or before September 15 to each applicant school district from the State General Fund, as an advance against future apportionments from the State School Fund to such district, an amount not to exceed forty dollars ($40) for each estimated participating pupil.

Abstract of advance apportionments

6429. The Superintendent of Public Instruction shall furnish an abstract of all advance apportionments made to school districts of any county under Section 6428 to the State Controller, the Department of Finance and to the county auditor, county treasurer and county superintendent of schools of the county and shall certify such apportionments to the State Controller who shall thereupon draw his warrants on the State General Fund in favor of the county treasurer of each county for the amounts apportioned to the districts of the county.

Moneys received by county treasurer

6430. All moneys received by the treasurer of a county under Section 6428 shall be credited by the treasurer to the general fund of the school district of the county exactly as apportioned by the Superintendent of Public Instruction.

Deductions from apportionment

6431. During the next two fiscal years after the fiscal year in which such apportionment is advanced to a school district under Section 6428, the State Controller shall deduct from apportionments made to each such school district from the State School Fund an amount equal to the amount apportioned to such district under Section 6428 and pay the same into the State General Fund.

Rules and regulations State Board of Education

6432. The State Board of Education shall adopt rules and regulations which:

(a) Prescribe the procedures, consistent with this article, by which a district shall identify pupils as mentally gifted minors for the purposes of this article.

(b) Establish minimum standards for programs

Same: Superintendent of Public Instruction

6433. The Superintendent of Public Instruction shall adopt rules and regulations which for the purposes of this article:

(a) Define "excess expense."

(b) Prescribe the form and manner of application for an advance apportionment.

(c) Prescribe the form and manner of application for reimbursement of excess expense.

Supervision and consultant services

6434. The State Board of Education shall establish in the Department of Education a supervision and consultant service

to assist and advise school districts in the establishment, development, and improvement of programs, and shall employ the necessary personnel who shall devote their entire time to the provision of such service.

Appropriation

SEC. 2. There is hereby appropriated out of the General Fund the sum of thirty thousand dollars ($30,000) to the Department of Education in augmentation of Item _____ of the Budget Act of 1961.

Operative date

SEC. 3. Section 1 of this act, except Education Code Sections 6432, 6433, and 6434, shall become operative on July 1, 1961.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Excess cost apportionments authorized by this act to school districts are based upon participation by pupils for a school year or school semester. In order that programs conducted under this act during the school year 1961-1962 may be reimbursed for students participating in a special educational program for mentally gifted minors during the entire 1961-1962 school term, it is essential that this act become effective immediately.

CHAPTER 884

An act to amend Sections 30142, 30144 and 30181 of, to amend and renumber Section 30161 of, to add Chapter 3.5 (commencing with Section 30161) to Part 13 of Division 2 of, to repeal Article 1.5 (commencing with Section 30191) of Chapter 4 of Part 13 of Division 2 of, and Article 1.5 (commencing with Section 30371) of Chapter 6 of Part 13 of Division 2 of, the Revenue and Taxation Code, relating to the taxation of cigarettes, to take effect immediately.

In effect immediately

[Approved by Governor June 27, 1961. Filed with Secretary of State June 28, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 30142 of the Revenue and Taxation Code is amended to read:

Amount of bond

30142. The board shall fix the amount of the bond or bonds required of any distributor and may increase or reduce the amount at any time. A minimum bond or bonds in the amount of one thousand dollars ($1,000) shall be furnished by every distributor required to be licensed. If a distributor desires to defer payments for stamps or meter register settings, as provided in Article 2 of Chapter 3.5 of this part, the board shall require a bond or bonds equal to twice the amount, as fixed by the board, of the distributor's purchases of stamps and meter register settings for which payment may be deferred in a monthly period.

SEC. 2. Section 30144 of said code is amended to read:

30144. The license of any distributor may be suspended without prior notice upon cancellation of his bond, or if the bond becomes void or unenforceable for any reason, or if the distributor fails to pay any amounts due under this part. The license shall be reinstated if the distributor files a valid bond, or pays the delinquent amounts, as the case may be. Upon the petition of any distributor whose license has been suspended under this section, a hearing shall be afforded him after five days' notice of the time and place of hearing. Suspension of license

SEC. 3. Section 30161 of said code is amended and renumbered to read:

30151. Every distributor, except one to whom a license is issued under Article 1 of this chapter, required under Section 30108 to collect the tax imposed under this part from a purchaser shall register with the board and give the names and addresses of all agents operating in this State, the location of all distribution or sales houses or offices or other places of business in this State, and such other information as the board may require. Registration of unlicensed distributors

SEC. 4. Chapter 3.5 (commencing with Section 30161) is added to Part 13, Division 2 of said code, to read:

CHAPTER 3.5. STAMPS AND METER MACHINES

Article 1. Use of Stamps and Impressions

30161. Except for the use or consumption of cigarettes by other than a licensed distributor, and as may be authorized under the provisions of Section 30165, the tax imposed by this part with respect to distributions of cigarettes shall be paid by distributors through the use of stamps or meter impressions. The board shall furnish stamps for sale and provide for the sale of meter register settings for metering machines approved by the board. Stamps or meter impressions Payment of tax

30162. Stamps and meter impressions shall be of such designs, specifications and denominations as may be prescribed by the board. The board shall prescribe by regulation the method and manner in which stamps or meter impressions are to be affixed to packages of cigarettes and may provide for the cancellation of stamps or meter impressions. Design, specifications, denominations

30163. An appropriate stamp shall be affixed to, or an appropriate meter impressions shall be made on each package of cigarettes prior to the distribution of the cigarettes. Affixing

30164. A metering machine may be used and a meter may be stored, transferred, transported, repaired, opened, set or used only in accordance with rules and regulations prescribed by the board. Meters, meter register settings, or unaffixed stamps shall not be sold, exchanged or in any manner transferred by a distributor to another person without prior written approval of the board. Metering machines, use, etc

30165. The board by regulation may provide that the tax imposed by this part with respect to cigarettes shall be paid without the use of stamps or meter impressions in connection with a particular type of transaction.

Article 2. Sale to Distributors

Sale of stamps, etc., discount

30166. Stamps and meter register settings shall be sold at their denominated values less 2 percent to licensed distributors. Payment for stamps or meter register settings shall be made at the time of purchase, provided that a licensed distributor, subject to the conditions and provisions of this article, may be permitted to defer payments therefor.

Deferred-payment purchases

30167. A licensed distributor may apply to the board to fix the maximum amount of deferred-payment purchases of stamps and meter register settings which the distributor may make in any monthly period beginning with the 16th day of a calendar month and ending with the 15th day of the following calendar month. Upon receipt of the application and the bond or bonds required pursuant to Section 30142, the board shall fix such amount. The board at any time may designate the sales locations where the distributor may make deferred-payment purchases of stamps and meter register settings and fix the amount of such purchases which the distributor may make within each monthly period at the designated sales locations.

Same-Payment

30168. Amounts owing for stamps and meter register settings purchased on the deferred-payment basis in a monthly period beginning with the 16th day of a calendar month and ending with the 15th day of the following calendar month shall be due and payable on or before the 28th day of the latter calendar month. Payment shall be made by a remittance payable to the board.

Authorization to purchase stamps, etc

30169. A distributor shall authorize in writing those persons who may order purchases of stamps or meter register settings for the account of the distributor at a location where stamps or meter register settings are sold. The authorization shall continue in effect until written notice of revocation of the authority is delivered at the sales location in such manner as may be prescribed by the board.

Suspension of privilege to purchase by deferred payment

30170 The board may suspend without prior notice a distributor's privilege to purchase stamps or meter register settings on the deferred-payment basis or may reduce the amount of permissible monthly purchases fixed for the distributor, if the distributor fails to promptly pay for stamps or meter register settings when payment is due, if the bond or bonds of the distributor are canceled, become void, impaired, or unenforceable for any reason, or if in the opinion of the board, collection of any amounts unpaid or due from the distributor under this part are jeopardized.

Penalty for failure to pay for stamps, etc

30171. Any distributor who fails to pay any amount owing for the purchase of stamps or meter register settings within the time required, shall pay a penalty of 10 percent of the

amount due in addition to the amount plus interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the amount became due and payable until the date of payment.

Extension of time for payment

30172. The board for good cause may extend for not to exceed five days the time for paying any amount owing for stamps or meter register settings purchased on the deferred-payment basis provided a request for the extension is filed with the board within or prior to the period for which the extension may be granted.

Article 3. Determinations

Failure to pay Determination of amount due and penalties

30173. If a distributor fails to make payment for stamps or meter register settings when payment is due, the board may compute and determine from any available records and information the amount required to be paid, including interest and penalties. One or more determinations may be made of the amount due for one or for more than one purchase. In making a determination the board may offset overpayments with respect to purchases of stamps or meter register settings against underpayments for purchases and interest and penalties on the underpayments. The board shall give the distributor written notice of its determination in the manner provided by Section 30206. Except in the case of fraud, every notice of a determination made under this article shall be given within three years of the due date for payment of the purchase of stamps or a meter register setting.

Finality of determination

30174. If the amount specified in the determination made under this article is not paid within 10 days after service of the notice upon the distributor, the determination becomes final unless a petition for redetermination is filed with the board within the 10-day period. The determination is due and payable when it becomes final and the amounts determined, exclusive of interest and penalties, shall bear interest at the rate prescribed by Section 30171.

Petition for redetermination

30175. The distributor against whom a determination is made under this article may petition for the redetermination thereof pursuant to Article 5 of Chapter 4 of this part. He shall, however, file the petition for redetermination within the time prescribed by Section 30174 and shall at the time of filing the petition deposit with the board such security as it may deem necessary to insure compliance with this part. The security may be sold in the same manner as prescribed by Section 30243.

Article 4. Refunds

Refund or credit Unused stamps, etc

30176. The board shall, pursuant to regulations prescribed by it, refund or credit to a distributor the denominated values, less the discount given on their purchase of any unused stamps or meter register settings.

Same: Unfit for use, etc

30177. The board shall, pursuant to regulations prescribed by it, refund or credit to a distributor the denominated values, less the discount given on their purchase, of stamps or meter impressions affixed to packages of cigarettes which have prior to distribution become unfit for use, unsalable or have been destroyed, or which after distribution have become unfit for use or unsalable and have been returned for credit or have been replaced, and the board has proof of the cigarettes not being used for smoking in this State.

Refund or credit for overpayment: Limitations

30178. No refund or credit for amounts overpaid for the purchase of stamps or meter register settings shall be allowed or approved after three years from the due date for payment of the purchase for which the overpayment was made, or with respect to a determination made pursuant to this chapter, after six months from the date the determination becomes final, or after six months from the date of overpayment, whichever period expires the later, unless a claim therefor is filed with the board within such period.

Interest on overpayments

30179. Interest shall be computed, allowed and paid upon any overpayment for the purchase of stamps or meter register settings at the rate of one-half of 1 percent per month from the due date for payment of the purchase for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited. The interest shall be paid:

(a) In the case of a refund, to the 15th day of the calendar month following the date upon which the claimant is notified by the board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

Article 5. Other Provisions Applicable

Applicability of other provisions

30180. The provisions of Articles 2, 3, 4 and 6 of Chapter 4 of this part and the provisions of Sections 30185, 30362 and 30366 shall have no application to amounts due or paid with respect to purchases made of stamps or meter register settings. The remedies of the State provided in Chapter 5 of this part and the provisions of Chapter 6 of this part, except for Sections 30362 and 30366, shall be applicable to amounts due or paid with respect to purchases made of stamps or meter register settings.

SEC. 5. Section 30181 of said code is amended to read:

Other taxable transactions

30181. When the tax imposed under Article 1 of Chapter 2 of this part is not paid through the use of stamps or meter impressions, the tax shall be due and payable monthly on or before the 15th day of the month following the calendar month in which a distribution of cigarettes occurs, or in the case of a sale of cigarettes on the facilities of a common carrier for

which the tax is imposed pursuant to Section 30104, the tax shall be due and payable monthly on or before the 15th day of the month following the calendar month in which a sale of cigarettes on the facilities of the carrier occurs.

Repeal

SEC. 6. Article 1.5 (commencing with Section 30191) of Chapter 4, Part 13, Division 2 of said code is repealed.

Repeal

SEC. 7. Article 1.5 (commencing with Section 30371) of Chapter 6, Part 13, Division 2 of said code is repealed.

Construction of act

SEC. 8. The provisions of this act amending the Revenue and Taxation Code, insofar as they are substantially the same as existing provisions of law relating to the same subject matter, shall be construed as restatements and continuations thereof, and not as new enactments.

Effect of repeals

SEC. 9. The repeal by this act of any provisions of the Revenue and Taxation Code shall not affect any act done or right accruing or accrued, but all rights and liabilities under such law shall continue and may be enforced in the same manner as if such repeal had not occurred.

Tax levy

SEC. 10. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, this act shall not become operative until the 16th day of the calendar month following the calendar month in which it becomes effective, but in no event prior to May 16, 1961.

Operative date

CHAPTER 885

An act to add Sections 5056.5, 5701 and 6510.5 to, and to add Chapter 5.5 (commencing with Section 6050) to Division 2 of, and to amend Sections 6506, 6702 and 7155 of, the Financial Code, relating to savings and loan associations, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1961. Filed with Secretary of State June 28, 1961.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 5056.5 is added to the Financial Code, to read:

"Service office"

5056.5. "Service office" means any office or other place of business in this State operated by one or more associations, other than the principal office or a branch of an association, where activities are confined to processing and storing data and records, accounting, printing, storing of supplies, and such other activities as the commissioner shall approve which involve no personal contact with the public. At a service office payments on account of savings or loans may be processed, but the association shall have all payments which are initially received at a service office, rather than at the principal office or branch of the association, made by mail only and directed to a post office box and not to the address or location of the service

office. The commissioner may require that an association's name be not displayed at or near a service office.

SEC. 1 5. Section 5701 is added to said code, to read:

Temporary change of location

5701. The commissioner may, without a hearing, approve a proposed temporary change of location of the principal office, branch or any part of the officers, employees or functions of an association, if the change is necessitated by the construction or renovation of a building on the site previously approved for the principal office or branch. The approval of a temporary location shall be valid for a period not to exceed 12 months, except that extensions of the original period may be granted by the commissioner but only upon a showing by the association that the extension is necessary because of delays in the construction or renovation.

SEC. 2. Chapter 5.5 (commencing with Section 6050) is added to Division 2 of said code, to read:

CHAPTER 5 5. SERVICE OFFICES

Service office License

6050. No association shall open, maintain or conduct a service office without first applying for and obtaining from the commissioner a license for such office.

Filing fee

6051. The application for a service office license shall be accompanied by a filing fee of two hundred fifty dollars ($250). shall be in such form as the commissioner requires, and shall include a statement of the activities intended to be conducted by the association at such service office.

Issuance

6052. If the commissioner is satisfied that the operation of the proposed service office is in the interest of such association and that such office is not intended to be conducted as a subterfuge for a branch, he shall issue a license for the proposed service office. The commissioner may in his discretion hold a hearing upon any application for a service office license, upon notice of at least 20 days to the applicant and to such others as he may deem desirable.

Refusal

6053. If the commissioner does not find that the proposed service office fulfills the requirements of Section 6052, the license shall be refused.

Expiration and renewal

6054 A license for the service office shall continue until the end of the calendar year in which it is issued and shall be subject to renewal for the next calendar year upon written request for such renewal accompanied by a renewal fee of one hundred dollars ($100).

Revocation

6055. The commissioner, upon a hearing held upon at least 15 days' notice to the association, may revoke the license for a service office or may refuse to renew such license, if he determines that the activities of the association at the service office have not been confined to the activities permitted pursuant to Section 5056.5.

SEC. 2 5. Section 6510 5 is added to said code, to read:

Minimum term shares

6510.5. Minimum term shares are shares upon which a single payment of dues amounting to the par value of the shares is paid at the time of subscription and which have a

date expressed therein before which notice of intention to withdraw cannot be given, or which require written notice from the holder to the association for a period specified therein before the expiration of which period notice of intention to withdraw cannot be given On and after such date, or upon and after the expiration of the specified period following such written notice, such shares cease to be a minimum term share and become full paid shares, subject to the same withdrawal rights and restrictions as full paid shares

SEC. 2.7. Section 6506 of said code is amended to read:

Classes of shares

6506 Shares may be issued as fully paid shares, installment shares, accumulative shares, prepaid shares, or minimum term shares. Differences between the rates of return or the bases of participation for two or more of such classes of shares may be prescribed in the bylaws.

SEC. 3. Section 6702 of said code is amended to read:

Authorized investments

6702. An association may invest in, hold, buy, and sell the following:

(a) Real property used or to be used primarily as the principal office or branch of the association, and real property used or to be used primarily as a service office of the association or an undivided interest in real property used or to be used primarily as a service office or office of the association and of other associations owning the other undivided interests in such real property. As used in this subdivision the term real property includes real property in reasonably close proximity to a principal, branch, or service office used or to be used primarily as a parking lot in connection with the operations of such office. Except as provided in Section 6703 no association shall invest in such real property more than one-half of the sum of its aggregate paid-up nonwithdrawable capital federal insurance reserve, loan reserve, and any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation.

(b) Furniture, fixtures, furnishings, equipment and leasehold improvements necessary or proper for the business of the association, or for use in connection with properties owned by or securing loans of the association. Except as provided in Section 6703 no association shall invest in furniture, fixtures, furnishings, equipment, and leasehold improvements for its offices, more than 20 percent, or if it has no real property used or to be used primarily as its principal office or branch, 30 percent of the sum of its aggregate paid-up nonwithdrawable capital federal insurance reserve, loan reserve, and any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation.

(c) United States government bonds and treasury certificates, or any bonds, debentures, notes, or other obligations guaranteed by the United States of America.

(d) Bonds, debentures, and notes issued by any federal home loan bank, or other similar federal agency.

(e) Consolidated federal home loan bank bonds, debentures, or notes.

(f) Bonds of this State or of any county, municipality, or school district in this State.

(g) Bonds, other securities, and bankers' acceptances which are legal as investments for or purchases by savings banks in this State.

(h) Bonds issued by any railroad corporation or any public utility corporation substantially all of the properties of which are located in the United States of America. Railway corporations and public utility corporations, as used in this subdivision, do not include street railway corporations. The purchase of all bonds pursuant to the sole authority of this subdivision shall be first approved by the commissioner.

(i) Notes or bonds secured by first mortgage or first deed of trust, payment of which is guaranteed by a policy of mortgage insurance, or mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of Part 6 of Division 2 of the Insurance Code.

(j) California street improvement bonds. The purchase of all bonds pursuant to the sole authority of this subdivision shall be first approved by the commissioner and no association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 2 percent of the then total assets of the association.

(k) Stock issued by any federal home loan bank or other similar federal agency of which the association is eligible to be a member.

(*l*) Bonds, notes, debentures, or other obligations of national mortgage associations or other similar credit institutions now or hereafter organized under Title III of the National Housing Act including without limitation bonds, notes, debentures, or other obligations of Federal National Mortgage Association. The purchase of all bonds, notes, debentures or other obligations pursuant to the sole authority of this subdivision shall be first approved by the commissioner.

(m) Bonds and other securities as provided in Division 11 of this code.

(n) Stock of Federal National Mortgage Association evidencing nonrefundable capital contributions required in connection with sales or contracts for sale of loans from an association to said Federal National Mortgage Association. An association is authorized to make payments of such required nonrefundable capital contributions. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 1 percent of the then total assets of the association.

SEC. 4. Section 7155 of said code is amended to read:

Unimproved real property

7155. An association may make loans upon the security of unimproved real property in an amount not in excess of 70 percent of the appraised value of such real property if the terms of such loans do not exceed two years or if the notes or

other obligations representing such loans provide for payments which will make such loans, after an initial term not exceeding two years, amortized loans for the purpose of Section 7170

Urgency

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Federal regulations have recently been adopted which permit federal savings and loan associations to issue bonuses on minimum term shares. This act is necessary to bring the law regulating state chartered savings and loan associations into conformity with the law regulating the federal associations.

CHAPTER 886

An act to add Sections 10028, 10029, 10131.1, 10131.2, 10133.1, 10133.2, 10145, 10185, 10222, 10223, and 11010.1 to the Business and Professions Code, to amend and renumber Section 10085 of said code as added by Chapter 2116 of the Statutes of 1959, and to add Article 5 (commencing with Section 10230) and Article 6 (commencing with Section 10237) and Article 7 (commencing with Section 10240) to Chapter 3, Part 1, Division 4 of said code, and to amend Sections 10131, 10132, 10177, 10302, 10562, and 11000 of said code, and to repeal Section 10131.1 of said code as added by Chapter 1791 of the Statutes of 1955, Section 10132.1 of said code as added by Chapter 1791 of the Statutes of 1955, Section 10132.1 of said code as added by Chapter 1792 of the Statutes of 1955, Section 10134 of said code, Section 10134.1 of said code as added by Chapter 1791 of the Statutes of 1955 and Section 10134.1 of said code as added by Chapter 1792 of the Statutes of 1955, and Sections 10084, 10176.1, and 10176.2 of said code and to repeal Chapter 8 (commencing with Section 3081.01) of Title 14, Part 4, Division 3 of the Civil Code, and to add Chapter 2c (commencing with Section 2985) to Title 14, Part 4, Division 3 of the Civil Code, and to amend Section 25102 of the Corporations Code, and to repeal Section 25102.1 of the Corporations Code as added by Chapter 1792 of the Statutes of 1955 and Section 25102.1 of the Corporations Code as added by Chapter 1791 of the Statutes of 1955, relating to transactions involving real property, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1961. Filed with Secretary of State June 28, 1961.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 10028 is added to the Business and Professions Code, to read:

"Trust deed"

10028. "Trust deed" or "deed of trust" as used in this part includes "mortgage."

SEC. 2. Section 10029 is added to said code, to read:

"Real property sales contract"

10029. "Real property sales contract" as used in this part is an agreement wherein one party agrees to convey title to real property to another party upon the satisfaction of specified conditions set forth in the contract and which does not require conveyance of title within one year from the date of formation of the contract.

Repeal

SEC. 2.5 Section 10084 of said code is repealed.

SEC. 3 Section 10085 of said code as added by Chapter 2116 of the Statutes of 1959 is amended and renumbered to read:

Prohibition

10086. No person shall engage in any activity after receiving an order in writing from the commissioner directing him to desist and refrain from so doing, and stating that, in the opinion of the commissioner, such activity violates a provision of this part or of Chapter 1 (commencing with Section 11000) of Part 2 of this division.

Hearing

If, after such an order is made, respondent within thirty (30) days files a verified written request for a hearing wherein the respondent alleges that the commissioner's order precludes him from further engaging in a substantial proportion of his business as a real estate licensee, the commissioner shall, within ten (10) days thereafter, bring an action in the name of the people of the State of California in the superior court of the State for the county in which the activity is occurring against the person to whom such order was given to enjoin such person from continuing such activity or engaging therein or doing any act in furtherance thereof pending the completion of hearings as prescribed by Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. The commissioner's order to desist and refrain shall be rescinded upon the entering of a decision by the court as provided in this section or upon the failure of the commissioner to bring an action within the time permitted by this section.

Same

After such an order is made respondent may within thirty (30) days file a verified request for a hearing wherein the respondent does not allege that the commissioner's order precludes him from further engaging in a substantial proportion of his business as a real estate licensee. The commissioner shall hold a hearing within fifteen (15) days thereafter unless the party requesting the hearing shall have requested a postponement If, after request for a hearing, the commissioner does not hold a hearing within the fifteen (15) days or does not render a decision within forty-five (45) days after submission of the matter, the order is rescinded

SEC. 4 Section 10131 of said code is amended to read:

Real estate broker defined

10131 A real estate broker within the meaning of this part is a person who, for a compensation or in expectation of a

compensation, does or negotiates to do one or more of the following acts for another or others:

(a) Sells or offers to sell, buys or offers to buy, solicits prospective sellers or purchasers of, solicits or obtains listings of, or negotiates the purchase, sale or exchange of real property.

(b) Leases or rents or offers to lease or rent, or negotiates the sale, purchase or exchanges of leases on real property, or collects rents from real property, or improvements thereon.

(c) Assists or offers to assist in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the State or federal government.

(d) Solicits borrowers or lenders for or negotiates loans or collects payments or performs services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property.

(e) Sells or offers to sell, buys or offers to buy, or exchanges or offers to exchange a real property sales contract, or a promissory note secured directly or collaterally by a lien on real property and performs services for the holders thereof.

SEC. 5. Section 10131.1 of said code as added by Chapter 1791 of the Statutes of 1955 is repealed. Repeal

SEC. 6. Section 10131.1 is added to said code, to read:

10131.1. A real estate broker within the meaning of this part is also a person who engages as a principal in the business of buying from, selling to, or exchanging with the public, real property sales contracts or promissory notes secured directly or collaterally by liens on real property, or who makes agreements with the public for the collection of payments or for the performance of services in connection with real property sales contracts or promissory notes secured directly or collaterally by liens on real property. Real estate broker defined

As used in this section, "in the business" means: "In the business"

(a) The acquisition for resale to the public, and not as an investment, of three (3) or more real property sales contracts or promissory notes secured directly or collaterally by liens on real property during a calendar year, or

(b) The sale to or exchange with the public of three (3) or more real property sales contracts or promissory notes secured directly or collaterally by liens on real property during a calendar year; provided, that no transaction negotiated through a real estate licensee shall be considered in determining whether a person is a real estate broker within the meaning of this section.

SEC. 7. Section 10131.2 is added to said code, to read:

10131.2. A real estate broker within the meaning of this part is also a person who engages in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee in connection with any employment undertaken to promote the sale or lease of real property by advance fee listing, advertisement or other offering to sell, lease, exchange or rent property, or to obtain a loan or loans thereon. Real estate broker defined

SEC. 8. Section 10132 of said code is amended to read:

Real estate salesman defined

10132. A real estate salesman within the meaning of this part is a natural person who, for a compensation or in expectation of a compensation, is employed by a licensed real estate broker to do one or more of the acts set forth in Sections 10131, 10131.1 and 10131.2.

Repeal

SEC. 9. Section 10132.1 of said code as added by Chapter 1791 of the Statutes of 1955 is repealed.

Repeal

SEC. 10. Section 10132.1 of said code as added by Chapter 1792 of the Statutes of 1955 is repealed.

SEC. 11. Section 10133.1 is added to said code, to read:

Applicability of provisions

10133.1. The provisions of subdivision (d) of Section 10131, subdivision (e) of Section 10131, Section 10131.1 and of Articles 5, 6, and 7 of this chapter do not apply to the following:

(a) Any person doing business under any law of this State, any other state, or of the United States relating to banks, trust companies, savings and loan associations, industrial loan companies, pension trusts, credit unions or insurance companies; or any person whose business is that of acting as an authorized representative, agent or loan correspondent of any of the foregoing or when making loans qualified for sale to any of the foregoing insofar as such business is concerned.

(b) Any person making a loan guaranteed or insured by an agency of the federal government or for which a commitment to so guarantee or insure has been made by such agency.

(c) Any nonprofit co-operative association organized under Chapter 4 (commencing with Section 1190) of Division 6 of the Agricultural Code, in loaning or advancing money in connection with any activity mentioned therein.

(d) Any corporation, association, syndicate, joint stock company or partnership engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, livestock, poultry or bee products on a co-operative nonprofit basis, in loaning or advancing money to the members thereof or in connection with any such business.

(e) Any corporation securing money or credit from any federal intermediate credit bank organized and existing pursuant to the provisions of an act of Congress entitled the "Agricultural Credits Act of 1923," in loaning or advancing money or credit so secured.

(f) Any person licensed to practice law in this State, not actively and principally engaged in the business of negotiating loans secured by real property, when such person renders services in the course of his practice as an attorney at law, and the disbursements of such person, whether paid by the borrower or other person, are not charges or costs and expenses regulated by or subject to the limitations of Article 7 of this chapter; provided, such fees and disbursements shall not be shared, directly or indirectly, with the person negotiating the loan or the lender.

(g) Any person licensed as a personal property broker when acting under the authority of such license.

(h) Any cemetery authority as defined by Section 7018 of the Health and Safety Code which is authorized to do business in this State or its authorized agent.

(i) Any person who makes collection of payments for lenders or on notes of owners in connection with loans secured directly or collaterally by liens on real property and (a) who is not actively engaged in the business of negotiating loans secured by real property or (b) who is not acting as a principal or agent in the sale or exchange of promissory notes secured directly or collaterally by liens on real property.

SEC. 11.5. Section 10133.2 is added to said code, to read:

10133.2. The provisions of Sections 10131, 10131.1, 10131.2, and 10132 do not apply to any stenographer, bookkeeper, receptionist, telephone operator, or other clerical help. Same

SEC. 12. Section 10134 of said code is repealed. Repeal

SEC. 13. Section 10134.1 of said code as added by Chapter 1791 of the Statutes of 1955 is repealed. Repeal

SEC. 14. Section 10134.1 of said code as added by Chapter 1792 of the Statutes of 1955 is repealed. Repeal

SEC. 15. Section 10145 is added to said code, to read:

10145. A real estate licensee who accepts funds from others in connection with any transaction subject to this part who does not immediately place such funds into a neutral escrow depository or into the hands of his principal shall place such funds into a trust fund account maintained by him in some bank or recognized depository and shall retain all such funds in the account until such time as he has made a disbursement of the funds in accordance with instructions from the lender or borrower; provided that a real estate broker when acting as a principal pursuant to Section 10131.1 or Article 6 (commencing with Section 10237) of this part shall place all purchase funds for real property sales contracts or promissory notes secured directly or collaterally by liens on real property being sold by him in a neutral escrow depository unless delivery of the note or contract is made simultaneously with the receipt of the funds. A separate record shall be maintained of all moneys received subject to this section and shall further indicate the disposition thereof. Neutral escrow depository or trust fund account

As used in this section "neutral escrow" means an escrow business conducted by a person licensed under Division 6 (commencing with Section 17000) of the Financial Code or by any person described by subdivision (a) of Section 17006 and subdivision (c) of Section 17006 of said code. "Neutral escrow"

SEC. 16. Section 10176.1 of said code is repealed. Repeal

SEC. 17. Section 10176.2 of said code is repealed. Repeal

SEC. 18. Section 10177 of said code is amended to read:

10177. The commissioner may suspend or revoke the license of any real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following: Suspension, revocation, or refusal of license Grounds

(a) Procured, or attempted to procure, a real estate license, for himself or any salesman, by fraud, misrepresentation or

deceit, or by making any material misstatement of fact in an application for a real estate license.

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provision of Section 1203.4 of the Penal Code allowing such licensee to withdraw his plea of guilty and to enter a plea of not guilty, or dismissing the accusation or information.

(c) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any land or subdivision (as defined in Chapter 1 of Part 2 of this division) offered for sale.

(d) Willfully disregarded or violated any of the provisions of the Real Estate Law (commencing with Section 10000 of this code) or of Chapter 1 (commencing with Section 11000) of Part 2 of this division or of the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 of Part 2 of this division.

(e) Willfully used the term "Realtor" or any trade name or insignia of membership in any real estate organization of which the licensee is not a member.

(f) Acted or conducted himself in a manner which would have warranted the denial of his application for a real estate license.

(g) Demonstrated negligence or incompetence in performing any act for which he is required to hold a license.

(h) If, as a broker licensee, failed to exercise reasonable supervision over the activities of his salesmen.

(i) Has used his employment by a governmental agency in a capacity giving access to records, other than public records, in such manner as to violate the confidential nature of such records.

(j) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

(k) Violated any of the terms, conditions, restrictions, and limitations contained in any order granting a restricted license.

SEC. 19. Section 10185 is added to said code, to read:

Misdemeanor

10185. Any person, including officers, directors, agents or employees of partnerships and corporations, who willfully violates or knowingly participates in the violation of any provisions of this division or of the rules and regulations of the commissioner made pursuant to the provisions of this division, is guilty of a misdemeanor.

SEC. 20. Section 10222 is added to said code, to read:

10222. The fee for attaching an endorsement as a real property securities dealer to a real estate broker's license is fifty dollars ($50). Fees

SEC. 21. Section 10223 is added to said code, to read:

10223. The fee for filing an application for a permit required by Section 10238.3 shall be computed in accordance with Section 26003 of the Corporations Code. Same

SEC 22. Article 5 (commencing with Section 10230) is added to Chapter 3, Part 1, Division 4 of said code, to read:

Article 5. Transactions in Trust Deeds and Real Property Sales Contracts

10230. This article does not apply to the negotiation of a loan by a real estate licensee in connection with the sale or exchange by him of real property, or the sale or exchange by him of any note made or taken in connection with such transaction. Transactions exempted

10231. No person in doing any of the acts set forth in subdivision (d) of Section 10131, subdivision (e) of Section 10131, and Section 10131.1 shall accept any purchase or loan funds or other consideration from a prospective purchaser or lender, or directly or indirectly cause such funds or other consideration to be deposited in an escrow except as to a specific loan or a specific real property sales contract or promissory note secured directly or collaterally by a lien on real property on which loan, contract or note the person has a bona fide authorization to negotiate or to sell or which has been bought and completely paid for by the licensee. Specific loan, contract, note, secured by lien

10231.1. No person in doing any of the acts set forth in subdivision (d) of Section 10131, subdivision (e) of Section 10131 and Section 10131.1 shall, as agent or principal, retain funds payable according to the terms of a promissory note or real property sales contract secured directly or collaterally by a lien on real property, for a period longer than thirty (30) days, except pursuant to a written agreement with the purchaser or lender; provided that no agreement shall provide for the payment of interest on funds so retained. Limitation on retention of funds

10233. Any real estate licensee who undertakes to service a promissory note secured directly or collaterally by a lien on real property or a real property sales contract shall have a written authorization from the borrower or lender or holder of the contract. Written authorization for servicing note

10234. Every real estate licensee who negotiates a loan secured by a trust deed on real property shall cause such trust deed to be recorded, naming as beneficiary the lender or his nominee (who shall not be the licensee or the licensee's nominee), with the county recorder of the county in which the real property is located prior to the time that any funds are disbursed, except when the lender has given written authorization for prior release. Recording Trust deeds

If funds are released on the lender's written authorization, the trust deed shall be recorded, or delivered to the lender or beneficiary with a written recommendation that it be recorded forthwith, within ten (10) days following release.

Recording Assignments

Every real estate licensee who sells, exchanges, or negotiates the sale or exchange of a real property sales contract or a promissory note secured by a trust deed on real property shall cause a proper assignment of such real property sales contract or trust deed to be executed and shall cause such assignment to be recorded, naming as assignee the purchaser or his nominee (who shall not be the licensee or the licensee's nominee), with the county recorder of the county in which the real property is located within ten (10) working days after the licensee or seller receives any funds from the buyer or after close of escrow; or shall deliver such real property sales contract or trust deed to the purchaser with a written recommendation that the assignment thereof be recorded forthwith.

Misleading advertising, etc

10235. No real estate licensee shall knowingly advertise, print, display, publish, distribute, telecast or broadcast, or cause or permit to be advertised, printed, displayed, published, distributed, televised or broadcast, in any manner any statement or representation with regard to the rates, terms, or conditions for making, purchasing or negotiating loans or real property sales contracts which is false misleading or deceptive.

Indicating or otherwise implying any specific yield or return on any note other than the interest rate specified in said note shall be prima facie evidence that such advertisement is misleading or deceptive unless the advertisement sets forth the actual interest rate specified in the note and the discount from the outstanding principal balance at which it is being offered for sale.

Prohibition on inducements

10236.1. No real estate licensee shall advertise to give or to offer to give to a prospective purchaser, borrower or lender any premium, gift or any other object of value as an inducement for making a loan, or purchasing a promissory note secured directly or collaterally by a lien on real property or a real property sales contract.

SEC. 23. Article 6 (commencing with Section 10237) is added to Chapter 3 Part 1, Division 4 of said code, to read:

Article 6. Real Property Securities Dealers

"Real property securities dealer"

10237. A real property securities dealer within the meaning of this article is any person, acting as principal or agent, who engages in the business of:

(a) Selling real property securities to the public, or

(b) Offering to accept or accepting funds for continual reinvestment in real property securities, or for placement in an account, plan or program whereby the dealer implies that a return will be derived from a specific real property sales contract or promissory note secured directly or collaterally by a

lien on real property which is not specifically stated to be based upon the contractual payments thereon.

The sale to corporations; pension, retirement or similar trust funds; or to institutional lending agencies shall not be deemed a sale to the public for the purposes of this article.

"Real property security"

10237.1. The term real property security as used in this article means:

(a) An investment contract made in connection with the sale of a single promissory note secured directly or collaterally by a lien on real property or a single real property sales contract wherein the real property securities dealer or his principal agrees to do or implies that he will do any of the following:

1. Guarantee the note or contract against loss at any time, or

2. Guarantee that payments of principal or interest will be paid in conformity with the terms of the note or contract, or

3. Assume any payments necessary to protect the security of the note or contract, or

4. Accept, from time to time, partial payments toward the purchase of the note or contract, or

5. Guarantee a specific yield or return on the note or contract, or

6. Pay with his own funds any interest or premium for a period prior to actual purchase and delivery of the note or contract, or

7. Pay with his own funds any money after the note or contract falls into arrears, or

8. Repurchase the note or contract.

(b) One of a series of promotional notes secured by liens on separate parcels of real property in one subdivision or in contiguous subdivisions.

(c) One of a series of real property sales contracts pertaining to separate parcels of real property in one subdivision or in contiguous subdivisions, all of which are executed by one person or persons associated together as owners.

Performance of services in connection with loans or promissory notes secured directly or collaterally by a lien on real property or a real property sales contract, as agent for and at the direction of the lender, borrower, or purchaser, including but not limited to the payment of taxes, insurance premiums or costs of foreclosure, if all such costs (excluding routine office expenses) of such services are paid by or payable by borrower, lender or purchaser shall not be construed to be an investment contract as defined in subdivision (a) of this section, or as a security for the purposes of the Corporate Securities Act.

"Promotional note"

As used in this section "promotional note" means a promissory note secured by a trust deed executed on unimproved real property, or executed after construction of an improvement of the property but before the first sale of the property as so improved, or executed as a means of financing the first purchase of the property as so improved, and which is subordinate or

which by its terms may become subordinate to any other trust deed on the property, except when such note was executed in excess of three (3) years prior to being offered for sale.

Subdivisions (b) and (c) of this section do not apply to a person who sells or exchanges a note or contract through a real property securities dealer.

The term real property security does not include any bond or debenture or note which is one of a series of notes of equal priority secured by an interest in the same real property.

"Sale," "sell"

10237.2. As used in this article "sale" or "sell" includes every issuance, creation for resale, disposition or attempt to dispose of a real estate security for value and includes all of the following, whether done directly or by circular letter, advertisement, radio or television broadcast or otherwise: an offer to sell, an attempt to sell, a solicitation of a sale, a contract of sale or an exchange.

License required

10237.3. It is unlawful for any person to act as a real property securities dealer within this State without first having obtained a real estate broker's license and having attached thereto an endorsement in such form as shall be prescribed by the commissioner. Application for such endorsement shall be in writing to the commissioner.

Statement of information to purchaser

10237.4. Every real property securities dealer acting within the meaning of this article shall deliver to the purchaser a statement in writing, containing all of the information required by Section 10237.5, before the purchaser becomes obligated to complete the transaction. The statement shall be personally signed by the purchaser and by the dealer. When so executed, an exact copy thereof shall be delivered to the purchaser at the time of execution. The dealer shall retain a true copy of the statement, signed by the purchaser, on file for a period of four (4) years. No dealer shall permit such statement to be signed by the purchaser if any information required by Section 10237.5 is omitted.

Contents

10237.5. The statement required by Section 10237.4, the form of which shall be approved by the commissioner, shall be approved by the commissioner and shall include the following information

(a) Legal description or address of the property subject to the lien securing the note or contract being made or sold.

(b) The name and address of the fee owner of the property subject to the lien securing the note or contract being made or sold.

(c) Available information relative to the ability of the person liable on the obligation to meet his contractual payments.

(d) Any improvements on the property or the absence thereof.

(e) Any streets, sewers, water mains, curbs and gutters on or adjacent to the property or the absence thereof.

(f) Terms and conditions of the contract or note being made or sold, including the principal balance owing thereon, and the status of principal and interest payments thereon.

(g) A statement of the approximate balloon payment on the note or contract being made or sold shall appear prominently in words and figures.

(h) Insofar as it is available, the terms and conditions of all prior recorded encumbrances which constitute liens upon the property, the principal balance of said encumbrances, and the status of principal and interest payments thereon.

(i) Amounts and terms of tax liens and assessments, insofar as they are available.

(j) A written statement of the dealer's considered opinion of the current fair market value of the property and of the equity therein securing the note or contract.

(k) Whether the dealer is acting as a principal or as an agent.

(*l*) A statement that the transaction is in compliance with the provisions of this part.

In addition, the statement shall set forth such additional information as the commissioner may by rule or regulation adopted pursuant to Chapter 4 (commencing with Section 11370) of Part 1, Division 3, Title 2 of the Government Code require.

Appraisal of real property

10237.6. An appraisal of each parcel of real property which relates to a transaction subject to the provisions of this article shall be made by the real property securities dealer or by an independent appraiser unless the purchaser of the obligation to which the parcel relates indicates under item (j) of the form required by Section 10237.5 that he will obtain his own appraisal. An appraisal by the dealer or his agent made pursuant to this section shall be kept on file for four (4) years.

Filing with commissioner

10237.7. Every real property securities dealer shall file, ten (10) days prior to use, true copies of all material enumerated in Section 10236 which pertains to activities subject to this article with the commissioner. No dealer shall use any such material in any way after the commissioner gives notice in writing that such material contains any statement that is false or misleading or omits to state material information that is necessary to make the statement therein complete and accurate. Failure to give notice within the ten (10) days shall be deemed to indicate the material is not disapproved.

Bond

10237.8. Every real property securities dealer shall file and maintain with the commissioner a bond in the penal sum of five thousand dollars ($5,000), issued by an admitted corporate surety insurer approved by the commissioner, and running to the people of the State of California, for the use and benefit of interested persons. The bond shall be conditioned that the dealer will obey all the provisions of this article, will perform and comply with all obligations assumed by him and will honestly and faithfully apply all funds received. In addition to any other remedy he may have, every person sustaining any injury for breach of obligation may bring action upon said bond against both principal and surety in any court of

competent jurisdiction to recover the damages caused by such breach of obligation. The aggregate liability of the surety for all claims in the aggregate shall in no event exceed the penal sum of the bond.

Action on bond

10237.9. When an action is commenced on the bond of a real property securities dealer the commissioner may require the filing of a new bond. Immediately upon the recovery in any action on the bond the dealer shall file a new bond. Failure to file a new bond within seven (7) days after notification that a new bond is required or after recovery on a bond constitutes failure to comply with Section 10237.8.

Alternative bonds

10238. In lieu of the bond required by Section 10237.8 a real property securities dealer may file a cash bond in the sum of five thousand dollars ($5,000) or bonds issued by the United States or the State of California in the principal amount of five thousand seven hundred fifty dollars ($5,750) with the State Treasurer. Such bond shall be subject to all conditions set forth in Sections 10237.8 and 10237.9.

Annual report: Contents

10238.1. (a) Every real property securities dealer shall file with the commissioner, annually, a report containing financial statements in accordance with generally accepted accounting principles, accompanied by an opinion thereon by a certified public accountant or a public accountant, based upon an audit of the dealer's business subject to this article which is not materially restricted in scope. The report shall include, but not be limited to the receipt and disposition of all funds handled in connection with transactions subject to this article. The report shall be filed with the commissioner within sixty (60) days after the close of the period of the report unless, for good cause shown, the commissioner, in writing, extends the time therefor. The report shall contain at least the following:

1. Total number of sales, as principal or agent, subject to this article during the period, and

2. Total dollar volume of such sales.

(b) The commissioner by regulation may require such additional information as he considers necessary may by rule or regulation adopted pursuant to Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code require.

(c) In the event that a real property securities dealer fails to file a report pursuant to this section the commissioner may cause an audit to be made and shall charge and collect the cost of the audit from the dealer.

Violations: Desist orders

10238.2 Whenever the commissioner finds that any person is violating the provisions of this article, that he is conducting his business in an unsafe or injurious manner, that the further sale of real property securities under the provisions of this article would be unfair, unjust or inequitable, or that the method used by him in such sales would work a fraud upon the purchasers, he may order the person to desist and refrain from violating the provisions of this article or from further

sales in accordance with the procedures set forth in Section 10086.

Permit

10238.3. No person shall sell to the public any form of real property security as defined in Section 10237.1 without first obtaining a permit from the commissioner.

Issuance

10238.4. If the commissioner finds that the proposed plan of business of the applicant and the proposed sale of real property securities as defined in Section 10237.1 is fair, just and equitable, that the applicant intends to transact his business fairly and honestly, and that the real property securities which the applicant proposes to sell are not such as, in the opinion of the commissioner, will work a fraud upon the purchaser thereof, the commissioner shall issue to the applicant a permit authorizing him to sell real property securities in such amounts and for such considerations and upon such terms and conditions as the commissioner may provide in the permit. Otherwise, he shall deny the application and refuse the permit, and notify the applicant in writing of his decision.

The authority to issue a permit shall not empower the commissioner to authorize the sale of notes or contracts under a plan which provides for the establishment of investment participation pools based upon such notes or contracts or authorize the issuance of certificates based upon notes or contracts being used as collateral for the certificates.

Hearing

10238.5. Any applicant objecting to the denial of a permit or the conditions of a permit may apply for a hearing and shall be granted a hearing by the commissioner upon the legality or reasonableness of the denial or the conditions.

Violations; penalties

10238.6. Any real property securities dealer and every officer, agent or employee of such dealer who does any of the following acts is guilty of a public offense punishable by a fine not exceeding five thousand dollars ($5,000) or by imprisonment in the state prison not exceeding five (5) years or in a county jail not exceeding one (1) year or by both such fine and imprisonment.

(a) In any application to the commissioner or in any proceeding before him, or in any examination, audit or investigation made by him or on his authority, knowingly makes any false statement or representation, or, with knowledge of its falsity, files or causes to be filed in the office of the commissioner any false statement or representation in a required report.

(b) Issues, circulates or publishes, or causes to be issued, circulated or published any advertisement, pamphlet, prospectus or circular concerning any real property security which contains any statement that is false or misleading, or otherwise likely to deceive a reader thereof, with knowledge that it contains such false, misleading or deceptive statement.

(c) In any respect willfully violates or fails to comply with any provision of this article, or willfully violates or fails, omits or neglects to obey, observe or comply with any order,

decision, demand, requirement or permit, or any part or provisions thereof, of the commissioner under this article.

(d) With one or more other persons, conspires to violate any permit or order issued by the commissioner or any provision of this article.

Commissioner Taking possession of property and business

10238.7. The commissioner may take possession of all the books, records, property, real and personal, business, and assets of a real property securities dealer and retain such possession until his affairs are finally liquidated or until the dealer resumes business with the consent of the commissioner, if any of the following occur:

(a) The dealer has refused to submit his books, papers, accounts, or files to the reasonable inspection of the commissioner or his deputies or examiners;

(b) The dealer has neglected or refused to observe an order of the commissioner made pursuant to authority granted by this division (commencing with Section 10000);

(c) It appears to the commissioner that the dealer is in an unsafe condition or is conducting his business in an unsafe or injurious manner such as to render its further proceeding hazardous to the public or to any or all persons dealing with him;

(d) The dealer or any manager or any managing officer, partner, or managing representative or agent thereof refuses to be examined upon oath concerning the affairs of his business;

(e) The dealer or any officer or representative or agent of the dealer has embezzled, sequestered, or wrongfully diverted any of the assets of the dealer, or funds of others held in trust by the dealer;

(f) The commissioner finds that the dealer, after investigation, is insolvent in that assets are impaired to such an extent that they are inadequate to pay debts as they fall due in the general course of business or insolvent in that the aggregate of his business property subject to legal process without his consent, exclusive of property transferred, removed, concealed, or permitted to have been so done, shall not at a fair market value be sufficient in amount to pay all business debts.

Hearing

10238.8. Whenever the commissioner takes possession of a dealer's property, business, and assets pursuant to Section 10238.7, the real property securities dealer may, within thirty (30) days after the taking of possession, commence an action in the superior court of the county in which the principal office of the real property securities dealer is located, to enjoin further proceedings. The court after citing the commissioner to show cause why further proceedings should not be enjoined, hearing the allegations and proofs of the parties, and determining the facts, may upon the merits dismiss the action, or enjoin the commissioner from further proceedings and direct him to surrender the business, property and assets to the real property securities dealer.

Liquidation

10238.9. When the commissioner takes possession of the property and business of any real property securities dealer,

he may liquidate in the manner provided by Division 1 (commencing with Section 99) of the Financial Code.

Misdemeanor

10239. Any person having possession and refusing to deliver any of the books, records, property, real and personal, business, or assets of a real property securities dealer against whom a seizure order has been issued by the commissioner, shall be guilty of a misdemeanor and punishable by fine not exceeding one thousand dollars ($1,000) or imprisonment not exceeding one (1) year, or both such fine and imprisonment.

Assistance by local authorities

10239.1. Whenever the commissioner takes possession as provided in Section 10238.7, it shall, on demand of the commissioner, be the duty of the sheriff of any county of this State, and the police department of any municipal corporation therein, to furnish him with such deputy, patrolman or officer as may be necessary to assist the commissioner in taking possession.

Appointment of custodian Bond

10239.2. When the commissioner takes possession of the business, property, and assets of a real property securities dealer, he may appoint a custodian. The commissioner may require a good and sufficient bond from the custodian, and place him in charge as his representative.

Salaries, expenses

10239.3. All salaries and compensation with other reasonable and necessary expenses as may be incurred shall be paid by the commissioner from the funds other than trust funds of the real property securities dealer in his hands. The expense shall include, among other things, that part of the salaries of the commissioner and his deputies, investigators, attorneys, accountants, auditors, appraisers, and other assistants, and that part of the general expenses of the commissioner's office, as fairly represent, in the opinion of the commissioner, the proportion properly attributable to the commissioner's operation of the dealer's business.

Civil action for violations

10239.4. Every person sustaining an injury resulting from a transaction subject to this article which was in violation of the provisions of the article may recover in a civil action against the real property securities dealer the amount of the damages with interest at 7 percent per annum from the date of the injury, and shall be entitled to be awarded a reasonable attorney's fee. Any such action shall be brought within two (2) years from the date of the transaction or the date the injury was discovered, whichever is the later.

SEC. 24. Article 7 (commencing with Section 10240) is added to Chapter 3, Part 1, Division 4 of said code, to read:

Article 7. Real Property Loans

Statement to borrower

10240. Every real estate licensee acting within the meaning of subdivision (d) of Section 10131 who negotiates a loan to be secured directly or collaterally by a lien on real property shall, before the borrower becomes obligated to complete the loan, deliver to the borrower a statement in writing, containing

all the information required by Section 10241. It shall be personally signed by the borrower and by the real estate licensee negotiating the loan. The real estate licensee negotiating the loan shall certify in the statement that the loan is being made in compliance with the provisions of this article. When so executed, an exact copy thereof shall be delivered to the borrower at the time of its execution. The real estate licensee negotiating the loan shall retain on file for a period of four (4) years a true and correct copy of such statement as signed by the borrower.

No real estate licensee shall permit such statement to be signed by a borrower if any information required by Section 10241 is omitted. This section is not applicable to a real estate licensee who negotiates a loan for a lender enumerated in subdivision (a) of Section 10133.1 on which the licensee receives a commission from the borrower not in excess of two percent (2%) of such loan.

Contents

10241. The statement required by Section 10240, the form of which shall be approved by the commissioner, shall set forth separately the following items:

(a) The estimated maximum costs and expenses of making the loan, which are to be paid by the borrower, including but not limited to:

(1) Appraisal fees.
(2) Escrow fees.
(3) Title charges.
(4) Notary fees.
(5) Recording fees.
(6) Credit investigation fees.

If a real estate licensee performs or is to perform any of the services provided for in this subdivision, such licensee shall be entitled to the costs and expenses thereof in addition to the charges provided for in subdivision (b).

(b) The total of the bonuses, brokerage or commissions contracted for or to be received by any person for negotiating, procuring, or arranging or making such a loan.

(c) Any liens against the real property, as disclosed by the borrower, and the approximate amount thereof.

(d) The estimated amounts to be paid on the order of the borrower, as disclosed by the borrower, including but not limited to:

(1) Fire insurance premiums.

(2) Amounts due on prior liens, including interest or other charges arising in connection with the payment, release, reconveyance, extinction or other removal of record of such prior liens.

(3) Amounts due other creditors.

(4) Assumption, transfer, forwarding and beneficiary statement fees.

(e) The estimated balance of the loan funds to be paid to the borrower after deducting the total of subdivisions (a), (b) and (d).

(f) The principal amount of the loan.

(g) The rate of interest.

(h) The term of the loan, the number of installments, the amount of each installment, and the approximate balance, due at maturity.

(i) A statement containing the name of the real estate licensee negotiating the loan, his license number, and the address of his licensed place of business.

(j) A statement that the real estate licensee is not the lender, either directly or indirectly.

(k) The terms of prepayment privileges, and penalties, if any.

Maximum amount of expenses, charges, and interest

10242. The maximum amount of expenses, charges and interest to be paid by a borrower with respect to any loan subject to the provisions of this article shall be as follows:

(a) The maximum amount of all costs and expenses referred to in subdivision (a) of Section 10241 shall not exceed four percent (4%) of the principal amount of the loan or one hundred twenty dollars ($120), whichever is greater but in no event to exceed two hundred fifty dollars ($250), provided that in no event shall said maximum amount exceed actual costs and expenses paid, incurred or reasonably earned.

(b) The maximum amount of the charges referred to in subdivision (b) of Section 10241 shall not exceed the following amounts:

(1) In the case of a loan secured directly or collaterally, in whole or in part by a first trust deed, five percent (5%) of the principal amount of the loan where the term of the loan is a period of less than three (3) years and ten percent (10%) where the term is a period of three (3) years or more.

(2) In the case of a loan secured directly or collaterally by a trust deed other than a first trust deed, five percent (5%) of the principal amount of the loan where the term of the loan is a period of less than two (2) years, ten percent (10%) where the term is a period of two (2) years but less than three (3) years, and fifteen percent (15%) where the term is a period of three (3) years or more.

(3) With respect to a further advance on a note, the charges shall not exceed the charges for an original loan in the same amount as the further advance and made for a term equal to the remaining term of the note on which the further advance is being made, including any extension thereof.

(c) No loan secured directly or collaterally by a lien on real property shall be made which provides for payment of interest in excess of ten percent (10%) per year as provided by the Section 22 of Article XX of the California Constitution adopted November 6, 1934, and as implemented by the Statutes of 1919, page LXXXIII, known as the "Usury Law" (an initiative measure approved by electors on November 5, 1918).

(d) No interest may be charged with respect to any period prior to the date that the proceeds of the loan are made available to the borrower or are deposited in escrow.

Loans not consummated

10243. If the loan is not consummated due to the failure of the borrower to disclose the outstanding liens upon the real property as provided by subdivision (c) of Section 10241, the borrower shall be liable for the costs and expenses provided in subdivision (a) of Section 10241 which have been paid or incurred, and shall be liable for the payment of not more than one-half of the charges provided in subdivision (b) of Section 10241.

Installment payment loans

10244. Any loan made by any person and secured directly by a lien on real property, other than a note given back to the seller by the purchaser on account of the purchase price, which provides for installment payments and the term of which is less than three years, shall require substantially equal installment payments over the period of the loan with the final payment not payable until the maturity date thereof. No installment including the final installment shall be greater than twice the amount of the smallest installment.

If any loan having an original maturity period of less than three (3) years is renewed or refinanced, the total amount of charges to be paid on both the original obligation and the balance of such obligation, as renewed or refinanced, shall not in the aggregate exceed the amount of charges as provided in Section 10242, and if such a loan is renewed or refinanced through the person who negotiated the original loan, the total amount of costs and expenses to be paid on both the original obligation and the renewed or refinanced obligation shall not exceed in the aggregate the amount of costs and expenses authorized in subdivision (a) of said section.

Exempted loans

10245. The provisions of this article do not apply to any bona fide loan secured directly or collaterally by a first trust deed, the principal of which is ten thousand dollars ($10,000) or more, or to any bona fide loan secured directly or collaterally by any lien junior thereto, the principal of which is five thousand dollars ($5,000) or more.

Penalty for excess charges: Limitation

10246. If any amount in excess of the charges referred to in subdivision (b) of Section 10241 and limited by subdivision (b) of Section 10242 is received except as the result of a bona fide error, the borrower may recover, from the person who shall have taken or received the excess, three times the amount of the excess and the borrower shall be entitled to a reasonable attorney's fee; provided, that any action for recovery must be brought within two (2) years from the date such excess charge was received.

Scope of provisions

10247. The provisions of this article pertaining to maximum costs and expenses, charges and interest, together with the penalties stated in this article, shall apply to any transaction involving a third party as a purported lender or any other transaction which is used as a subterfuge or means of avoiding or evading the provisions of this article.

Persons subject to maximum charge limitations

10248. Every person who, for compensation to be received directly or indirectly, sells, offers to sell, purchases for resale or offers to purchase for resale, or who negotiates or arranges

for the purchase, sale or exchange of a promissory note secured directly or collaterally by a lien on real property, may receive only the maximum total charges provided for in Section 10242.

SEC. 25. Section 10302 of said code is amended to read:

Suspension, revocation, or denial of license Business opportunity licensee

10302. The commissioner may suspend or revoke the license of any business opportunity licensee, or may deny the issuance of a license to an applicant, who has done any of the following:

(a) Procured, or attempted to procure, a business opportunity license, for himself or any salesman, by fraud, misrepresentation or deceit, or by making any material misstatement of fact in an application for a business opportunity license.

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provision of Section 1203.4 of the Penal Code allowing such licensee to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation or information.

(c) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any business opportunity offered for sale.

(d) Willfully disregarded or violated any of the provisions of the Real Estate Law (commencing with Section 10000 of this code) or of Chapter 1 (commencing with Section 11000) of Part 2 of this code or of the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 of Part 2.

(e) Acted or conducted himself in a manner which would have warranted the denial of his application for a business opportunity license.

(f) Willfully used the term "Realtor" or any trade name or insigne of membership in any real estate organization of which the licensee is not a member.

(g) Demonstrated negligence or incompetence in performing any acts for which he is required to hold a license.

(h) If, as a broker licensee, failed to exercise reasonable supervision over the activities of his salesmen.

(i) Has used his employment by a governmental agency in a capacity giving access to records, other than public records, in such manner as to violate the confidential nature of such records.

(j) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

(k) Violated any of the terms, conditions, restrictions and limitations contained in any order granting a restricted license

SEC. 26. Section 10562 of said code is amended to read:

Same
Mineral, oil and gas licensee

10562. The commissioner may suspend or revoke the license of any mineral, oil and gas licensee, or may deny the issuance of a license to an applicant, who has done any of the following:

(a) Procured, or attempted to procure, a mineral, oil and gas license, for himself or any salesman, by fraud, misrepresentation or deceit, or by making any material misstatement of fact in an application for a mineral, oil and gas license.

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provision of Section 1203.4 of the Penal Code allowing such licensee to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation or information.

(c) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any mineral, oil or gas property offered for sale.

(d) Willfully disregarded or violated any of the provisions of the Real Estate Law (commencing with Section 10000 of this code) or of Chapter 1 (commencing with Section 11000) of Part 2 of this code or of the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 of Part 2.

(e) Acted or conducted himself in a manner which would have warranted the denial of his application for a mineral, oil and gas license.

(f) Willfully used the term "Realtor" or any trade name or insigne of membership in any real estate organization of which the licensee is not a member.

(g) Demonstrated negligence or incompetence in performing any acts for which he is required to hold a license.

(h) If, as a broker licensee, failed to exercise reasonable supervision over the activities of his salesmen

(i) Has used his employment by a governmental agency in a capacity giving access to records, other than public records, in such manner as to violate the confidential nature of such records.

(j) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

(k) Violated any of the terms, conditions, restrictions and limitations in any order granting a restricted license.

SEC. 27. Section 11000 of said code is amended to read:

11000. "Subdivided lands" and "subdivision" refer to improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease or financing, whether immediate or future, into five or more lots or parcels; provided, however, that land or lands sold by lots or parcels of not less than 160 acres which are designated by such lot or parcel description by government surveys and appear as such on the current assessment roll of the county in which such land or lands are situated shall not be deemed to be "subdivided lands" or "a subdivision" within the meaning of this section, unless such land or lands are divided or proposed to be divided for the purpose of sale for oil and gas purposes, in which case such land or lands shall be deemed to be "subdivided lands" or "a subdivision" within the meaning of this section; and provided further, this chapter does not apply to the leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, or commercial building, except that the leasing of apartments in a community apartment project, as defined in Section 11004, shall be subject to the provisions of this chapter. "Subdivided lands," "subdivision"

Nothing in this section shall in any way modify or affect any of the provisions of Section 11535 of this code.

SEC. 28. Section 11010.1 is added to said code, to read:

11010.1. Prior to the issuance of promissory notes secured by individual lots in an unrecorded subdivision, the owner, his agent or subdivider shall notify the commissioner in writing of his intention to issue such notes. Notice of intention to issue promissory notes on unrecorded subdivision

The notice of intention shall contain the following information:

(a) The name and address of the owner.

(b) The name and address of the subdivider.

(c) The legal description and area of lands.

(d) A true statement of the condition of the title to the land, particularly including all encumbrances thereon.

(e) A true statement of the terms and conditions on which it is intended to issue the promissory notes.

(f) A true statement of the provisions, if any, that have been made for public utilities in the proposed subdivision, including water, electricity, gas and telephone facilities.

(g) Such other information as the owner, his agent or subdivider, may desire to present.

SEC. 29. Chapter 8 (commencing with Section 3081.01) of Title 14 of Part 4 of Division 3 of the Civil Code is repealed. Repeal

SEC. 30. Chapter 2c (commencing with Section 2985) is added to Title 14, Part 4, Division 3 of said code, to read:

CHAPTER 2c. REAL PROPERTY SALES CONTRACTS

2985. A real property sales contract is an agreement wherein one party agrees to convey title to real property to another party upon the satisfaction of specified conditions set forth in the contract. Real property sales contract

Transfer of contract

2985.1. A real property sales contract may not be transferred by the fee owner of the real property unless accompanied by a transfer of the real property which is the subject of the contract, and real property may not be transferred by the fee owner thereof unless accompanied by an assignment of the contract.

Explanation of prior repeal

SEC. 31. In 1955 the Legislature enacted two sections of the Business and Professions Code, partially identical, numbered 10131.1. These sections were, respectively, added by Chapters 1791 and 1792, Statutes of 1955. Chapter 1942, Statutes of 1959, repealed "Section 10131.1 of the Business and Professions Code." Some confusion has arisen on the question of whether both sections so numbered or only one, and if so, which one, was repealed. From an examination of the bill (Senate Bill No. 1397) which became Chapter 1942, Statutes of 1959, it appears that it was the section as added by Chapter 1792 that was so repealed. Section 6 of this act repeals Section 10131.1 of the Business and Professions Code as added by Chapter 1791, Statutes of 1955. It is thus the intention of the Legislature to dispel any ambiguity and to make it quite clear that both sections added in 1955 numbered Section 10131.1 of the Business and Professions Code are repealed.

SEC. 32. Section 25102 of the Corporations Code is amended to read:

Exempted securities

25102. Except as otherwise expressly provided in this division, the Corporate Securities Law does not apply to any of the following classes of securities:

(a) Any security (except notes, bonds, debentures, or other evidences of indebtedness, whether interest-bearing or not) issued by a company organized under the laws of this State exclusively for educational, benevolent, fraternal, charitable, or reformatory purposes and not for pecuniary profit, no part of the earnings of which inures to the benefit of any private shareholder or individual.

(b) Bills of exchange, trade acceptances, promissory notes and any guarantee thereof, and other commercial paper issued, given, or acquired in a bona fide way in the ordinary course of legitimate business, trade, or commerce.

(c) Promissory notes, whether secured or unsecured, and any guarantee thereof, where the notes are not offered to the public, or are not sold to an underwriter for the purpose of resale.

(d) A promissory note, secured by a lien on a single parcel of real property, when such note is not offered to the public and is not one of a series of notes secured by interests in the same real property.

Repeal

SEC. 33. Section 25102.1 of the Corporations Code as added by Chapter 1792 of the Statutes of 1955 is repealed.

Repeal

SEC. 34. Section 25102.1 of the Corporations Code as added by Chapter 1791 of the Statutes of 1955 is repealed.

Severability

SEC. 35. If any provision of this act or the application thereof to any person or circumstances is held invalid, such in-

validity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Urgency

SEC. 36. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Emergency legislation controlling and regulating the market in mortgages and trust deeds was enacted at the 1960 (First Extraordinary) Session of the Legislature. Since that legislation became effective serious irregularities in the mortgage market have been discovered and the investments of many people have been placed in great jeopardy. This deplorable situation was discussed in the "Final Report of the Subcommittee on Real Estate Contracts and Trust Deeds," of the Assembly Interim Committee on Judiciary—Civil, dated December, 1960. The Legislature finds that the bulk of promotional trust deeds as herein defined were sold by so-called trust deed companies and brokers, purchasing and selling such notes and real property sales contracts developed through subdivision financing. As was pointed out in the report of the Attorney General to the Legislature on "Trust Deed Financing," dated March 1961, such notes and real property sales contracts were sold upon appraisals of value far in excess of actual fair market value and subjected the purchasing public to all the financial risks in subdivision promotion and construction. Millions of dollars have been lost by investors through numerous defaults on such notes and real property sales contracts. Permanent legislation is urgently needed to provide uniform and effective regulation, and to give stability to the mortgage and trust deed market.

CHAPTER 887

An act to amend Sections 5659, 17263, 17300, 17301, 17303, 17305, 17416, 17656, 17663, 17664, 18003, 18004, 18007, 18008, 18062, 18106, 18251, 18460, 20201, and 20206 of, to amend and renumber Section 17657 and 17658 of, to repeal Sections 17103, 17404.5, 17655, 17659, 17661 and 17901.1 of, and to add Sections 5718.5, 17263.1, 17303.5, 17305.5, 18253, 18254, and 18461 to, the Education Code, relating to the public school system, making an appropriation, declaring the urgency thereof to take effect immediately.

[Approved by Governor June 27, 1961 Filed with Secretary of State June 28, 1961]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 5659 of the Education Code is amended to read:

Computation

5659. The tuition for the education of any person described in Section 5658 shall be computed as follows:

From the total current expense of education, exclusive of the expense of transportation, of pupils in grades 9 through 12 of the high school district or unified school district for the preceding school year subtract state and federal apportionments received by the district except federal apportionments under the act of Congress entitled, "An act to provide financial assistance for local educational agencies in areas affected by federal activities, and for other purposes," approved September 30, 1950 (Public Law 874—81st Congress), or under any similar provision of any other act of Congress received on account of the attendance of pupils residing in the district; and divide the remainder by the total number of units of average daily attendance in grades 9 through 12 of the high school district or unified school district during the preceding school year.

The total tuition chargeable to any elementary school district shall be computed as follows:

(a) Multiply the resulting quotient by the units of average daily attendance during the preceding school year of pupils in grades 9 through 12 residing in the elementary school district, and not residing on a military reservation of the United States, and attending the high schools of the high school district or unified school district; subtract the amount of federal apportionments under the act of Congress entitled, "An act to provide financial assistance for local educational agencies in areas affected by federal activities and for other purposes," approved September 30, 1950 (Public Law 874—81st Congress), or under any similar provision of any other act of Congress received on account of attendance of pupils residing in the elementary school districts, and not residing on a military reservation of the United States, and attending the high schools of the high school district or unified school district; add two hundred dollars ($200) for each of such units of average daily attendance for the use of buildings and equipment; and add the actual expense of transportation provided by the high school district to such pupils.

(b) Add to the total arrived at under subdivision (a) the total current expense less federal and state apportionments to the high school district or unified school district of education of pupils of the elementary school district as described in Section 5658 in any classes whatever other than classes in grades 9 through 12 of the high school district or unified school district.

The total amount chargeable against the county school service fund of any county shall be determined by: (a) multiplying the quotient utilized under subdivision (a), above, by the units of average daily attendance during the preceding school year of pupils in grades 9 through 12 residing in the elementary school district, and on a military reservation of the United States, and attending the high schools of the high

school district or unified school district; and (b) adding thereto the total current expense less federal and state apportionments to the high school district or unified school district of education of pupils of the elementary school district as described in Section 5658 and residing on a military reservation of the United States in any classes whatever other than classes in grades 9 through 12 of the high school district or unified school district.

For the purposes of this section, the Superintendent of Public Instruction shall define the term "total current expense of education" and the term "actual expense of transportation."

SEC. 1.5. Section 5718.5 is added to said code, to read:

5718.5. The State Board of Education shall establish criteria and standards for graded classes in grades 13 and 14. Criteria and standards for grades 13 and 14

SEC. 2. Section 17263 of said code is amended to read:

17263. Notwithstanding any other provision of this code, whenever the assessed valuation of the district has been modified upward under Section 17262, measures to provide additional local tax revenues to provide the funds required to offset the decrease in school equalization aid resulting from such modification of the assessed value shall be undertaken pursuant to Section 17263.1. Additional tax revenue measures

SEC. 3. Section 17263.1 is added to said code, to read:

17263.1. Whenever the assessed valuation of a district has been modified upward pursuant to Section 17262, the governing board of the district shall certify to the county superintendent of schools the amount of funds required by the district to offset the decrease in school equalization aid resulting from such modification of the assessed value. The county superintendent of schools shall certify to the county auditor of the county in which the districts are included the amounts required to offset the decrease of equalization aid in all the districts under his jurisdiction. The county auditor shall certify such amounts to the county board of supervisors who shall, at the time other taxes are levied, levy a tax upon all the assessed valuation of the county sufficient to provide the total of the amounts certified. Upon the collection of such taxes the county auditor shall pay to each school district the amount certified as required to offset the decrease in equalization aid. Additional tax levy

SEC. 4. Section 17300 of said code is amended to read:

17300. It is the intent of the Legislature that the administration of the laws governing the financial support of the public school system in this State be conducted within the purview of the following principles and policies: Legislative intent

The system of public school support should be designed to strengthen and encourage local responsibility for control of public education. Local school districts should be so organized that they can facilitate the provision of full educational opportunities for all who attend the public schools. Local control is best accomplished by the development of strong, vigorous, and properly organized local school administrative units. It

is the State's responsibility to create or facilitate the creation of local school districts of sufficient size to properly discharge local responsibilities and to spend the tax dollar effectively.

Effective local control requires that all local administrative units contribute to the support of school budgets in proportion to their respective abilities, and that all have such flexibility in their taxing programs as will readily permit of progress in the improvement of the educational program. Effective local control requires a local taxing power, and a local tax base which is not unduly restricted or overburdened.

The system of public school support should assure that state, local, and other funds are adequate for the support of a realistic foundation program. It is unrealistic and unfair to the less wealthy districts to provide for only a part of the financing necessary for an adequate educational program.

The system of public school support should permit and encourage local school districts to provide and support improved district organization and educational programs. The system of public school support should prohibit the introduction of undesirable organization and educational practices, and should discourage any such practices now in effect. Improvement of programs in particular districts is in the interests of the State as a whole as well as of the people in individual districts, since the excellence of the programs in some districts will tend to bring about program improvement in other districts.

The system of public school support should make provision for the apportionment of state funds to local school districts on a strictly objective basis that can be computed as well by the local districts as by the State. The principle of local responsibility requires that the granting of discretionary powers to state officials over the distribution of state aid and the granting to these officials of the power to impose undue restriction on the use of funds and the conduct of educational programs at the local level be avoided.

The system of public school support should effect a partnership between the State, the county, and the local district, with each participating equitably in accordance with its relative ability. The respective abilities should be combined to provide a financial plan between the State and the local agencies known as the foundation program for public school support. Toward this foundation program, each county and district, through a uniform method should contribute in accordance with its true financial ability.

The system of public school support should provide, through the foundation program, for essential educational opportunities for all who attend the public schools Provision should be made in the foundation program for adequate financing of all educational services.

The broader based taxing power of the State should be utilized to raise the level of financial support in the properly organized but financially weak districts of the State, thus contributing greatly to the equalization of educational opportu-

nity for the students residing therein. It should also be used to provide a minimum amount of guaranteed support to all districts, for such state assistance serves to develop among all districts a sense of responsibility to the entire system of public education in the State. State assistance to all districts also would create a tax leeway for the exercise of local initiative.

SEC. 5 Section 17301 of said code is amended to read:

17301. (a) The State Controller shall during each fiscal year transfer from the General Fund of the State to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to the county school tuition funds, as certified by the Superintendent of Public Instruction, one hundred eighty dollars ($180). State School Fund Transfers from General Fund

(b) The Controller shall also transfer, as needed during each fiscal year, such additional amounts from the General Fund to the State School Fund as are certified from time to time by the Superintendent of Public Instruction to be necessary to meet actual computed apportionments from the State School Fund for the purposes set forth in Section 17303.5; provided that the total of such additional amounts transferred in a fiscal year shall not exceed, except pursuant to subdivision (c) of this section, twenty-one dollars and thirty-six cents ($21 36) per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to the county school tuition funds, as certified by the Superintendent of Public Instruction.

(c) In addition to the amounts authorized to be transferred to the State School Fund from the General Fund under subdivisions (a) and (b) of this section, the Controller shall transfer from the General Fund to the State School Fund during the fiscal year, upon certification of the Superintendent of Public Instruction, if necessary to meet actual computed apportionments for the fiscal year for the purposes set forth in Sections 17303 and 17303.5, an amount not to exceed the lesser of: (1) 1 percent of the total apportionment from the State School Fund in the preceding fiscal year for the purposes set forth in Sections 17303 or 17303.5, and (2) the net amount, if any, by which the total amounts authorized to be transferred from the General Fund to the State School Fund under subdivisions (a) and (b) of this section in prior fiscal years have exceeded the total amounts actually apportioned in prior fiscal years for the purposes set forth in Sections 17303 and 17303 5.

(d) He shall also transfer to the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Sections 17303 and 17303.5 and such additional amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in Articles 1 and 2 (Sections 17301 to 17354, inclusive) of this chapter and in Sections 11256, 11257, and 17251, and Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive.

SEC. 7. Section 17303 of said code is amended to read:

Expenditure of appropriations

17303. The amount transferred pursuant to subdivision (a) of Section 17301 shall be expended in accordance with the following schedule:

(a) Three dollars and six cents ($3.06) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for allowance to county school service funds pursuant to subdivision (b) of Section 18352.

(b) Three dollars and two cents ($3.02) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 10 (Sections 18051 to 18061, inclusive) of Chapter 3 of this division, except Section 18060.

(c) Five dollars ($5) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year, for the purposes of Section 18060, and Articles 11, 12, and 13 (commencing with Sections 18101, 18151, and 18201), Chapter 3 of this division.

(d) Three dollars and ninety-two cents ($3.92) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 9 (Sections 18001 to 18009, inclusive) of Chapter 3 of this division.

(e) One hundred sixty-five dollars ($165) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year, for basic aid, equalization aid, and for allowances in lieu of basic and equalization aid allowed pursuant to Sections 17905.2, and 18355 to 18401, inclusive, to be apportioned on account of average daily attendance during the preceding school year credited to all kindergarten, elementary, high school and junior college schools in the State and county school tuition funds.

SEC. 8. Section 17303.5 is added to said code, to read:

17303.5. The amount transferred pursuant to subdivision (b) of Section 17301 shall be expended in accordance with the following schedule: Same

(a) Twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the second preceding school year to elementary school districts which during the second preceding school year had less than 901 units of average daily attendance, to high school districts which during the second preceding school year had less than 301 units of average daily attendance, and to unified districts which during the second preceding school year had less than 1,501 units of average daily attendance, for allowance to county school service funds pursuant to subdivision (a) of Section 18352.

(b) Ninety-eight cents ($0.98) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 10 (commencing with Section 18051) of Chapter 3 of this division.

(c) Two dollars and sixty-six cents ($2.66) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds during the preceding school year, for the purposes of Section 18060, and Articles 11, 12, and 13 (commencing with Sections 18102, 18152, and 18202, respectively) of Chapter 3 of this division.

(d) Seven dollars and thirty-four cents ($7.34) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 9 (commencing with Section 18001) of Chapter 3 of this division.

(e) Eight dollars and seventy-eight cents ($8.78) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds during the preceding school year, plus the difference between one dollar and sixty cents ($1.60) multiplied by the average daily attendance during the preceding school year credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds and twenty-three dollars and ten cents ($23.10) multiplied by the total average daily attendance credited during the second preceding school year to elementary school districts which during the second preceding school year had less than 901 units of average daily attendance, to high school districts which during the second preceding school year had less than 301 units of average daily attendance, and to unified districts which during the second preceding school year had less than

1,501 units of average daily attendance, for basic and equalization aid, and for allowances in lieu of basic and equalization aid allowed pursuant to Sections 17905.2, and 18355 to 18401, inclusive, to be apportioned on account of average daily attendance during the preceding school year credited to all kindergarten, elementary, high school and junior college schools in the State and county school tuition funds.

SEC. 9. Section 17305 of said code is amended to read:

Automobile driver training Actual cost reimbursement

17305. (a) In addition, subject to the provisions of Section 17305 5, there shall be provided such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for the actual cost of instructing pupils in the operation of motor vehicles. The amount shall not exceed forty-two dollars ($42) per pupil instructed in automobile driver training, in accordance with the rules and regulations as set forth by the State Board of Education. Such amounts as are necessary to carry out the provisions of this section are appropriated from the General Fund and shall be transferred therefrom to the State School Fund by the State Controller each fiscal year.

(b) Subject to the provisions of Section 17305 5, there shall also be provided the sum the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for the actual cost of replacing vehicles used exclusively in automobile driver training programs and simulators used in such programs, but the amount shall not exceed 75 percent of the portion of such expense which is in excess of forty-two dollars ($42), multiplied by the number of pupils instructed by the district in automobile driver training.

A simulator is any automobile driver training device approved by the Department of Education to be used in classrooms for purposes of driver training instruction under simulated driving conditions.

SEC. 9.5. Section 17305.5 is added to said code, to read:

Limitation

17305 5. The amounts provided under Section 17305 for any fiscal year shall not exceed the total of the moneys in the Driver Training Penalty Assessment Fund in the State Treasury.

Repeal

SEC. 10. Section 17403 of said code is repealed.

Repeal

SEC. 11. Section 17404.5 of said code is repealed.

SEC. 11.5. Section 17416 of said code is amended to read:

Effect of tax refunds

17416. Notwithstanding any provision of law to the contrary, whenever in any fiscal year, pursuant to Chapter 5, Part 9, Division 1 of the Revenue and Taxation Code, a refund is made or a judgment rendered, as the case may be, for the return of an amount collected as school district taxes levied during a previous year upon property of an institution providing life care by contract for aged persons, or other care for such persons for which charges were made, because it was determined that such property was exempt from taxation under the "welfare exemption" afforded by Section 214 of the Revenue and Taxation Code, and such property so determined to

be exempt equals 1 percent, or more, of the assessed valuation in the school district upon which school district taxes for such previous year were levied, the Superintendent of Public Instruction shall add to the apportionment from the State School Fund to the district during the fiscal year or years, as determined by him, next succeeding that in which such refund was made or judgment rendered, the additional amount to which the district would have been entitled in the fiscal year next succeeding that for which such taxes were levied had the assessment roll upon which such district taxes were levied not included an amount of assessed valuation equal to the amount of assessed valuation of the property so determined to be exempt.

Any such additional amount shall be apportioned from the State School Fund before any other apportionment from such fund is made and shall be allowed from any portion of such fund except that portion reserved as allowances for basic state aid.

SEC. 13 Section 17655 of said code is repealed Repeal

SEC 14. Section 17657 of said code is amended and renumbered to read·

17655. For the purposes of Section 17655.5 a "necessary small school" is an elementary school with an average daily attendance of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, during the preceding fiscal year maintained by an elementary school district which maintained two or more schools and to which school any of the following conditions apply: "Necessary small school"

(a) If as many as five pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school in the elementary school with an average daily attendance of less than 101 would be required to travel more than 10 miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

(b) If as many as 15 pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school in the elementary school with an average daily attendance of less than 101 would be required to travel more than five miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

(c) If the Superintendent of Public Instruction grants a request made pursuant to this subdivision If topographical or other conditions exist in a district which would impose unusual hardships if the number of miles specified in (a) or (b) were required to be traveled or if during the fiscal year the roads which would be traveled have been impassable for more than an average of two weeks per year for the preceding five years, the governing board of the district may, on or before

April 1st, request the Superintendent of Public Instruction, in writing, for an exemption from such requirements or for a reduction in the miles required. The request shall be accompanied by a statement of the conditions upon which such request is based, giving such information in such form as the Superintendent of Public Instruction may require. The Superintendent of Public Instruction shall cause an investigation to be made, and he shall either grant such request to the extent deemed necessary by him or deny the request.

SEC. 15. Section 17656 of said code is amended to read:

Computation of amount: Elementary school districts

17656. For each elementary school district which, exclusive of pupils attending the seventh and eighth grades of a junior high school, had an average daily attendance of 101 or more but less than 901 during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school and pupils for whom a foundation program is computed under Section 17655.5, by two hundred twenty-four dollars ($224).

For each elementary school district which, exclusive of pupils attending the seventh and eighth grades of a junior high school, had an average daily attendance of 901 or more during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, and pupils for whom a foundation program was computed under Section 17655.5 by two hundred thirty-four dollars ($234).

SEC. 16. Section 17658 of said code is amended and renumbered to read:

Computation for necessary small school

17655 5. (a) For each district on account of each necessary small school (giving regard to the number of teachers actually employed or average daily attendance), he shall make one of the following computations, whichever provides the lesser amount:

(1) For each necessary small school which had an average daily attendance during the preceding fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute for the district five thousand six hundred dollars ($5,600).

(2) For each necessary small school which had an average daily attendance during the preceding fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district eleven thousand two hundred dollars ($11,200).

(3) For each necessary small school which had an average daily attendance during the preceding fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which

school three teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district sixteen thousand eight hundred dollars ($16,800).

(4) For each necessary small school which had an average daily attendance during the preceding fiscal year of 76 or more and less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district twenty-two thousand four hundred dollars ($22,400).

(b) For each district on account of each small school not determined to be a necessary small school under Section 17655 he shall make one of the following computations, whichever applies:

(1) If the total of the units of average daily attendance of the district during the preceding fiscal year, exclusive of pupils attending the seventh and eighth grades of a junior high school, was less than 901, he shall multiply the units of average daily attendance in the school by two hundred twenty-four dollars ($224).

(2) If the total of the units of average daily attendance in the district during the preceding fiscal year, exclusive of pupils attending the seventh and eighth grades of a junior high school, was 901 or more, he shall multiply the units of average daily attendance by two hundred thirty-four dollars ($234).

SEC. 17. Section 17659 of said code is repealed. Repeal

SEC. 18. Section 17901.1 of said code is repealed. Repeal

SEC. 19. Section 17661 of said code is repealed. Repeal

SEC. 20. Section 17664 of said code is amended to read:

17664. (a) For each district on account of each necessary small high school the Superintendent of Public Instruction shall make one of the following computations selected with regard only to the number of certificated employees employed or average daily attendance, whichever provides the lesser amount: Computation for necessary small high school

(1) For one which had an average daily attendance during the preceding fiscal year of less than 21 and for which at least three certificated employees were employed full time, he shall compute thirty-three thousand dollars ($33,000).

(2) For one which had an average daily attendance during the preceding fiscal year of 21 or more and less than 41 and for which at least four certificated employees were employed full time, he shall compute thirty-eight thousand one hundred dollars ($38,100).

(3) For one which had an average daily attendance during the preceding fiscal year of 41 or more and less than 61 and for which at least five certificated employees were employed full time, he shall compute forty-three thousand two hundred dollars ($43,200).

(4) For one which had an average daily attendance during the preceding fiscal year of 61 or more and less than 76 and for which at least six certificated employees were employed

full time, he shall compute forty-eight thousand three hundred dollars ($48,300).

(5) For one which had an average daily attendance during the preceding fiscal year of 76 or more and less than 91 and for which at least seven certificated employees were employed full time, he shall compute fifty-three thousand four hundred dollars ($53,400).

(6) For each one which had an average daily attendance during the preceding fiscal year of 91 or more and less than 106 and for which at least eight certificated employees were employed full time, he shall compute fifty-eight thousand five hundred dollars ($58,500).

(7) For each one which had an average daily attendance during the preceding fiscal year of 106 or more and less than 121 and for which at least nine certificated employees were employed full time, he shall compute sixty-three thousand six hundred dollars ($63,600).

(8) For each one which had an average daily attendance during the preceding fiscal year of 121 or more and less than 136 and for which at least 10 certificated employees were employed full time, he shall compute sixty-eight thousand seven hundred dollars ($68,700).

(9) For each one which had an average daily attendance during the preceding fiscal year of 136 or more and less than 151 and for which at least 11 certificated employees were employed full time, he shall compute seventy-three thousand eight hundred dollars ($73,800).

(10) For each one which had an average daily attendance during the preceding fiscal year of 151 or more and less than 181 and for which at least 12 certificated employees were employed full time, he shall compute seventy-eight thousand nine hundred dollars ($78,900).

(11) For each one which had an average daily attendance during the preceding fiscal year of 181 or more and less than 221 and for which at least 13 certificated employees were employed full time, he shall compute eighty-four thousand dollars ($84,000).

(12) For each one which had an average daily attendance during the preceding fiscal year of 221 or more and less than 261 and for which at least 14 certificated employees were employed full time, he shall compute eighty-nine thousand one hundred dollars ($89,100).

(13) For each one which had an average daily attendance during the preceding fiscal year of 261 or more and less than 301 and for which at least 15 certificated employees were employed full time, he shall compute ninety-four thousand two hundred dollars ($94,200).

(14) For each one which had an average daily attendance of less than 21 and for which fewer than three certificated employees were employed, he shall compute five thousand one hundred dollars ($5,100) for each of the teachers employed in the school.

(b) For each district on account of each small high school not determined to be a necessary small high school under Sections 17663, 17633.5, and 17663.7, he shall make one of the following computations, whichever applies:

(1) If the total of the units of average daily attendance in the district during the preceding fiscal year was less than 301, he shall multiply the units of average daily attendance during the preceding fiscal year in the school by three hundred fourteen dollars ($314).

(2) If the total of the units of average daily attendance in the district during the preceding fiscal year was more than 300, he shall multiply the units of average daily attendance during the preceding fiscal year in the school by three hundred twenty-four dollars ($324).

For the purposes of this section a "certificated employee" is an equivalent full-time position of an individual holding a credential authorizing service, and performing service in grades 9 through 12 in any secondary school. Any fraction of an equivalent full-time position shall be deemed to be a full-time position.

The foundation program established by this section for high schools with an average daily attendance of less than 301 shall not apply to any high school established after July 1, 1961 unless the establishment of such school has been approved by the Superintendent of Public Instruction.

SEC. 21. Section 17663 of said code is amended to read:

Necessary small high school defined

17663. A necessary small high school for the purposes of Section 17664, is a high school with an average daily attendance of less than 301, or a junior high school with an average daily attendance of less than 75 in grade nine, which comes within any of the following conditions (except that a single high school maintained by a unified district formed under the provisions of Sections 3001 to 3451, inclusive, or formed under Sections 813, 1481 to 1493, inclusive, 2811 to 2931, inclusive, 13005, 13554, and 21802, or a high school maintained by any district for the exclusive purpose of educating continuation, juvenile hall, physically handicapped, or mentally retarded pupils shall be considered a necessary small high school):

(a) The projection of its future enrollment on the basis of the enrollment of the elementary schools in the district shows that within eight years the enrollment in high school in grades 9 through 12 will exceed 300 pupils.

(b) Any one of the following combinations of distance and units of average daily attendance applies:

(1) The high school had an average daily attendance of less than 100 in grades 9 through 12 during the preceding fiscal year and is more than 15 miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 20 miles or 25 percent of the pupils would be required to travel 30 miles one way from a point on a well-traveled road nearest their homes to the nearest other public high school.

(2) The high school had an average daily attendance of 100 or more and less than 150 in grades 9 through 12 during the preceding fiscal year and is more than 10 miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 18 miles or 25 percent of the pupils would be required to travel 25 miles one way from a point on a well-traveled road nearest their homes to the nearest other public high school.

(3) The high school had an average daily attendance of 150 or more and less than 200 in grades 9 through 12 during the preceding fiscal year and is more than 7½ miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 15 miles or 25 percent of the pupils would be required to travel 20 miles one way from a point on a well-traveled road nearest their homes to the nearest other public high school.

(4) The high school had an average daily attendance of 200 or more and less than 300 in grades 9 through 12 during the preceding fiscal year and is more than five miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 10 miles or 25 percent of the pupils would be required to travel 15 miles to the nearest other public high school.

(c) Topographical or other conditions exist in the district which would impose unusual hardships on the pupils if the number of miles specified above were required to be traveled. In these cases, the Superintendent of Public Instruction may, when requested, and after investigation, grant exceptions from the distance requirements.

(d) The Superintendent of Public Instruction has approved the recommendation of a county committee on school district organization designating one of two or more schools as necessary isolated schools in a situation where the schools are operated by two or more districts and the average daily attendance of each of the schools is less than 300 in grades 9 through 12.

SEC. 22. Section 18003 of said code is amended to read:

Computation of allowance for growth

18003. The Superintendent of Public Instruction shall allow for each unit of average daily attendance attributable to growth, for each period referred to above, an amount which shall be computed as follows:

The average daily attendance of the district during the period in the then current fiscal year and for the same period in the preceding fiscal year shall be computed in the manner prescribed in Sections 11251 to 11255, inclusive, and Sections 11301 to 11653, inclusive, except that there shall be excluded the average daily attendance of adults, as adults are defined in Section 6352, and the average daily attendance in classes for inmates of any state institution for adults, or of any city, county, or city and county jail, road camp or farm for adults.

The Superintendent of Public Instruction shall allow for each period for each district which was in existence for all pur-

poses during the preceding fiscal year an amount equal to the difference between (1) the amount of basic state aid and state equalization aid which was apportioned on account of average daily attendance in such district during the preceding fiscal year and (2) the amount which would have been apportioned had the total average daily attendance in such district during such year been equal to the total average daily attendance during the period of the current year, and had the apportionment been computed by subtracting the district aid from the foundation program, multiplied for the first period by the ratio of days the regular day schools of the district were maintained during said period of the then current fiscal year to 175, and for the second period by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the current fiscal year to 175.

In making any computation under Section 17702 for the purposes of this section, the assessed valuation of the district for the current year increased by the adjustments to the assessed valuation of the preceding fiscal year made under the provisions of Section 17602 of this chapter, shall be used

SEC. 23. Section 18004 of said code is amended to read:

Same New districts

18004. The Superintendent of Public Instruction shall allow, for each period referred to above, to each school district which was not in existence for all purposes during the preceding fiscal year an amount which shall be computed as follows:

The average daily attendance of the district during the period in the then current fiscal year shall be computed in the manner prescribed in Sections 11251 to 11255, inclusive, and Sections 11301 to 11652, inclusive, except that the computation of a day of attendance shall be determined according to the law in effect during the preceding fiscal year and there shall be excluded the average daily attendance of adults, as adults are defined in Section 6352, and the average daily attendance in classes for inmates of any state institution for adults, or of any city, county, or city and county jail, road camp or farm for adults.

The Superintendent of Public Instruction shall allow to each such district for each unit of average daily attendance so computed for the first period of the then current fiscal year an amount determined by dividing the total of the amounts of aid which would have been apportioned to such district during the current fiscal year on account of such average daily attendance had the district been in existence for all purposes during the preceding fiscal year, had the computation been made by subtracting the district aid from the foundation program, and had the tax required to be levied for such district under Section 17905 or 17906, or 17905.1 or 17906.1, whichever are in effect, been levied, by such average daily attendance multiplied by the ratio of days the regular day schools of the district were maintained during said period of the then current fiscal year to 175.

The Superintendent of Public Instruction shall allow to each such district for each unit of average daily attendance so computed for the second period of the then current fiscal year an amount determined by dividing the amounts of aid which would have been apportioned to such district during the current fiscal year on account of such average daily attendance had the district been in existence for all purposes during the preceding fiscal year, had the computation been made by subtracting the district aid from the foundation program, and had the tax required to be levied for such district under Section 17905 or 17906, or 17905.1 or 17906.1, whichever are in effect, been levied, by such average daily attendance multiplied by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175.

In making any computation under Section 17702 or 17702.1, whichever is in effect, for the purposes of this section, the assessed valuation of the district for the current year shall be used.

SEC. 24. Section 18007 of said code is amended to read:

Recomputation of growth allowance: First period

18007. If the total amount which may be allowed to all districts under subdivision (b) of Section 18001 for the first period during any fiscal year is less than the total amount allowed to all districts for the first period under this article (commencing at Section 18001), the amounts allowed shall be successively recomputed by adding one-tenth of one cent ($0.001) to the district aid computational tax rate prescribed for use in making the computation for the then current fiscal year by Article 3 (commencing with Section 17701), or Article 7 (commencing with Section 17901), of this chapter, whichever is applicable, until there is no deficit.

SEC. 25. Section 18008 of said code is amended to read:

Same Second period

18008. If the total amount which may be allowed to all districts under subdivision (c) of Section 18001 for the second period during any fiscal year is less than the total amount allowed to all districts for the second period under this article (commencing at Section 18001), the amounts allowed shall be successively recomputed by adding one-tenth of one cent ($0.001) to the district aid computational tax rate prescribed for use in making the computation for the then current fiscal year by Article 3 (commencing with Section 17701), or Article 7 (commencing with Section 17901), of this chapter, whichever is applicable, until there is no deficit.

SEC. 36.5. Section 18106 of said code is amended to read:

Aid for blind pupils Total amount

18106. The total amount which may be allowed to school districts and county superintendents of schools under Sections 18102 and 18103 for readers provided blind pupils to assist them with their studies, or for the purchase of Braille books, the cost of transcribing ink print materials into Braille, the purchase or making of sound recordings and the purchase of special supplies and equipment for blind pupils shall not exceed one hundred fifteen thousand dollars ($115,000) in any

fiscal year. If the total amount which may be allowed under this section during any fiscal year is less than the total allowances computed under Sections 18102 and 18103 for that purpose, the amounts allowed shall be reduced proportionately.

SEC. 37. Section 18062 of said code is amended to read:

Allowances for transportation physically handicapped pupils

18062. In addition to all other amounts allowed to a school district under this article (commencing at Section 18051), the Superintendent of Public Instruction shall allow to each school district an amount equal to the current expense of the district during the preceding fiscal year of transporting minor pupils whose vision or hearing is impaired to a degree making it practical to transport them to some location in another district where specialized instruction may be afforded. The amount allowed shall not be in excess of four hundred seventy-five dollars ($475) for each unit of average daily attendance of such pupils during the next preceding fiscal year resulting from the attendance of such pupils on the classes of specialized instruction to and from which they are transported.

Allowances under this section shall be subject to the approval of the Superintendent of Public Instruction of the practicality of transporting the pupils involved in any particular instance to the place where specialized instruction is afforded.

SEC. 38. Section 18251 of said code is amended to read:

Driver training. Total allowance

18251. The Superintendent of Public Instruction shall allow to each school district an amount equal to the actual cost, but not in excess of forty-two dollars ($42) per pupil instructed in automobile driver training, during the preceding fiscal year in accordance with regulations set forth by the State Board of Education to districts for instructing pupils in automobile driver training.

SEC. 39. Section 18253 is added to said code, to read:

Replacement of driving training vehicle. Total allowance

18253. The Superintendent of Public Instruction shall allow to each school district an amount equal to the actual expense of replacing vehicles used exclusively in automobile driver training programs and of replacing simulators used in such programs, but the amount shall not exceed three-fourths of the actual amount in excess of forty-two dollars ($42) per pupil instructed in automobile driver training during the preceding fiscal year which was expended by the district in replacing such vehicles and simulators.

A "simulator" is any automobile driver training device approved by the Department of Education to be used in classrooms for purposes of driver training instruction under simulated driving conditions.

SEC. 39.5. Section 18254 is added to said code, to read:

Reduction in allowances for driver training

18254. The allowances made to the several school districts under Sections 18251 and 18253 shall, when the Superintendent of Public Instruction determines that the funds available in the Driver Training Penalty Assessment Fund during the fiscal year will be insufficient to provide the full amounts otherwise allowable, be proportionately reduced. In making such

reductions, the Superintendent of Public Instruction may adjust apportionments of the amounts allowable, and shall take any other actions he deems necessary with respect to apportionments of the allowances, to insure that each district receives an equal amount during the fiscal year per pupil instructed in automobile driver training and per vehicle or simulator replaced.

SEC. 40. Section 18460 of said code is amended to read:

Distribution of balances

18460. If the total amount allowed county school service funds under Sections 18351 to 18354, inclusive, is less than the amounts provided by Section 18352 the balance shall be added to the balances resulting from the application of Sections 18009, 18061, 18452, 18453, and subdivision (b) of Section 17404. Only so much of the total of such balances as is actually necessary shall be used as follows:

(a) First, to increase proportionately the allowances made to which Section 18455 applied. The increased allowances shall not exceed the amounts computed under Sections 17614, 17615, 17751, 17801, 17851, 17951, 17952, 17901, 17902, 17903, 17904, 17905, 17906, 18355, 18356, 18357, 18358, and 18401. The increase for each elementary, high school, or junior college district, shall be an amount that bears the same ratio to the total balance as the amount of equalization aid allowed such district bears to the total amount of equalization aid allowed to all districts.

(b) Second, to restore, in the order herein listed, the amounts reduced under Sections 18007, 18008, 18456, and subdivision (a) of Section 18061.

Any remaining balances otherwise transferable under subdivision (b) of Section 17301 shall remain in the General Fund, but shall be considered, to the extent applicable, pursuant to subdivision (c) of Section 17301 in determining the total amount available to meet deficits in computed apportionments for the purposes set forth in Sections 17303 and 17303.5 in subsequent fiscal years.

SEC. 41. Section 18461 is added to said code, to read:

Same

18461. Any undistributed balance from the amounts transferred to the State School Fund under subdivision (a) of Section 17301 which for any reason remains in the State School Fund and has not otherwise been apportioned by law shall be apportioned as additional state aid to all the districts. The amount of additional state aid allowed each such district for each unit of average daily attendance shall be determined by dividing such remaining balance by the average daily attendance of all districts. The Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in the last month of each fiscal year in the amounts certified by the Superintendent of Public Instruction as apportioned under this section. The warrants shall be paid by the State Treasurer from the State School Fund and are not subject to the provisions of Government Code Section 16003.

SEC. 42. Section 20201 of said code is amended to read:

20201. Not later than August 8th of each year, the superintendent of schools of each county in which there is not a county junior college shall certify the following items to the board of supervisors and to the county auditor of the county in accordance with the rules and regulations of the Superintendent of Public Instruction, which he is hereby authorized to adopt: Certification of costs of education

(a) The total current expense of education, exclusive of the expense for transportation of pupils, during the next preceding fiscal year of all junior college pupils, exclusive of pupils in grades 11 and 12, residing in the county and not in any school district maintaining a junior college, less state basic aid and federal apportionments received during the next preceding fiscal year for such junior college pupils.

(b) The actual expense of transportation of such pupils not reimbursed by the State.

(c) An amount equal to three hundred dollars ($300) per unit of average daily attendance of such pupils during the preceding fiscal year for the use of buildings and equipment.

(d) The estimated amount needed as specified in subdivisions (a), (b), and (c) of this section for the current year.

The Superintendent of Public Instruction shall define, for the purposes of this section, the term "current total expense of education" and the term "actual expense of transportation."

If during any fiscal year the county superintendent of schools determines that an amount of at least one hundred dollars ($100) more or an amount at least one hundred dollars ($100) less than was required under either subsection (a), (b), or (c) of this section was certified to the board of supervisors and the county auditor during a prior fiscal year, such amount shall, not later than the third succeeding fiscal year, be deducted from or added to the amount otherwise certified for subdivisions (a), (b), or (c) for the current fiscal year, as appropriate.

SEC. 43. Section 20206 of said code is amended to read:

20206. The amount apportioned to each school district under this article (commencing at Section 20201) shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over the district to the credit of the following funds of the district: Disposition of funds

(a) An amount equal to the amounts specified in subdivisions (a) and (b) of Section 20201 shall be credited to the general fund of the district for junior college purposes.

(b) Upon authorization by the governing board of the district, (1) all of the amount specified in subdivision (c) of Section 20201 may be credited for junior college purposes to either the interest and sinking fund or the special reserve fund of the district; or (2) a portion of the amount may be credited to each of such funds. If no authorization is given by the governing board for the crediting of moneys to either fund, the

amount shall be credited to the special reserve fund for junior college purposes.

Operative date

SEC. 44. This act shall become operative on July 1, 1961.

Effect Stats. 1961, Ch 1736

SEC. 45. The amendments to Sections 17305 and 18251 of the Education Code, and the addition of Section 18253 to said code, by this act, shall be effective only if Assembly Bill No. 2638 of the 1961 Regular Session is passed by the Legislature and approved by the Governor.

Urgency

SEC. 46. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to meet the urgent needs of the public school system of this State for additional financial support and to assure that the children of this State will receive the adequate education necessary to become good citizens it is necessary that this act take effect immediately.

CHAPTER 888

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately

In effect immediately

[Approved by Governor June 24, 1961. Filed with Secretary of State June 26, 1961.]

I object to the following appropriations in A B No 800:

Item 265—Water Resources I reduce this appropriation from $57,846,013 to $23,245,059 by eliminating paragraph (e) Direct construction and acquisition. This appropriation is a matter of form, it adds no funds to those now available to the Department of Water Resources under the California Water Resources Bond Act approved by the people last November I am taking this action so that no possibly confusing precedent will be established. The Bond Act itself completes the act of appropriation for direct acquisition and construction of the state water resources system, and no further legislative action is required in this or future budgets

Item 266 1—For investigations, etc, relating to a dam on Fish Slough in Inyo County I eliminate this item This appropriation from the California Water Fund is inconsistent with the legislative policy declared in A B No. 261 that recreational expenses associated with state water projects should be financed from the General Fund

Item 403—For transfer to the State Water Pollution Control Fund I eliminate this item This is an appropriation from the California Water Fund to the Water Pollution Control Fund for a loan to the June Lake Public Utility District However, no provision is made for repayment to the California Water Fund I have eliminated this item and Item 266 1 to protect the California Water Fund for the purposes for which it was created Other means for financing these activities are available.

With this reduction and these eliminations, I approve the bill

Approved·

EDMUND G BROWN, Governor

The people of the State of California do enact as follows:

Short title

SECTION 1. This act shall be known and may be cited as the "Budget Act of 1961."

SEC. 2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1961-62 fiscal year beginning July 1, 1961, and ending June 30, 1962. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury. Budget appropriations

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006, Government Code. Special funds

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby. Recurrent appropriations

LEGISLATIVE

Item		Amount	
1	For salaries of Senators	240,000	Legislature
2	For mileage of Lieutenant Governor, Senators and statutory officers of the Senate	2,500	
3	For expenses of Members of the Senate	22,800	
4	For contingent expenses of the Senate, including pay of officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Senate to be transferred by the State Controller to the Senate Contingent Fund.	1,800,000	
5	For salaries of Assemblymen	480,000	
6	For mileage of Assemblymen and statutory officers of the Assembly	5,000	
7	For expenses of Members of the Assembly	45,600	
8	For contingent expenses of the Assembly including pay of officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Assembly to be transferred by the State Controller to the Assembly Contingent Fund.	2,910,000	
9	For legislative printing, binding, mailing and other necessary expenses to be transferred by the State Controller to the Legislative Printing Fund.	525,000	

	Item		Amount
Legislative Counsel Bureau	10—For support of Legislative Counsel Bureau, in accordance with the following schedule		546,600
	Schedule:		
	(a) Salaries and Wages	531,272	
	(b) Operating Expenses and Equipment	34,328	
	Total of schedule	565,600	
	Less estimated reimbursements	19,000	
	Net appropriation	546,600	
Law Revision Commission	11—For support of California Law Revision Commission, in accordance with the following schedule		91,802
	Schedule:		
	(a) Salaries and Wages	53,677	
	(b) Operating Expenses and Equipment	38,125	
	Total of schedule	91,802	
Commission on Uniform State Laws	12—For support of California Commission on Uniform State Laws		5,850
Legislators' Retirement Fund	13—For State's contribution to the Legislators' Retirement Fund in accordance with Section 9358 of the Government Code		140,000
National Conference of Legislative Leaders	13.5—For payment of the State's proportionate share of the expenses of the National Conference of Legislative Leaders		1,000
	To be transferred by the State Controller in equal amounts to the Senate and Assembly Contingent Funds.		

JUDICIAL

Supreme Court	14—For support of Supreme Court of California	850,359
Judicial Council	15—For support of Judicial Council	231,376
	16—For additional support of Judicial Council, to be expended for extra compensation and traveling expenses of judges assigned by the Judicial Council	32,000
Commission on Judicial Qualifications	16.1—For support of Commission on Judicial Qualifications	35,000
District Courts of Appeal	17—For support of District Court of Appeal, First Appellate District	506,068
	18—For support of District Court of Appeal, Second Appellate District	651,042
	19—For support of District Court of Appeal, Third Appellate District	192,660
	20—For support of District Court of Appeal, Fourth Appellate District	208,449
	20.5—For support of District Court of Appeal, Fifth Appellate District	154,325

EXECUTIVE

Item		Amount	
21—For support of Governor and of Governor's office (exempt from the provisions of Sections 12410, 13320 and 16003 of the Government Code)		692,818	Governor
22—For support of Governor's residence (exempt from the provisions of Sections 12410, 13320 and 16003 of the Government Code)		17,400	
23—For special contingent expenses, Governor's office (exempt from the provisions of Sections 12410, 13320 and 16003 of the Government Code)		15,000	
24—For additional support of the Governor's office for the Office of Atomic Energy Development and Radiation Protection, Departmental Co-ordinating Committee on Atomic Energy Development and Radiation Protection and the Advisory Council on Atomic Energy Development and Radiation Protection (exempt from the provisions of Sections 12410, 13320 and 16003 of the Government Code)		40,204	Atomic Energy Development and Radiation Protection
25—For additional support of the Governor's office for the Office of Consumer Counsel including the expenses of advisory committees appointed under Government Code Section 12057 (exempt from the provisions of Sections 12410, 13320 and 16003 of the Government Code)		99,232	Consumer Counsel
26—For support of California Disaster Office, California State Disaster Council and advisory committees, in accordance with the following schedule		911,373	Disaster Office, etc.
and in addition any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.			
Schedule:			
(a) Salaries and Wages	742,764		
(b) Operating Expenses and Equipment	338,074		
Total of schedule	1,080,838		
Less estimated reimbursements	169,465		
Net appropriation	911,373		
provided, that no positions established with funds available under provisions of Public Law 85-606, shall be continued past the date that such funds cease to be available.			

Item			Amount
Lieutenant Governor	27—For salary and support of Lieutenant Governor, in accordance with the following schedule		98,455
	Schedule:		
	(a) Salaries and Wages	68,685	
	(b) Operating Expenses and Equipment	29,770	
	Total of schedule	98,455	
	GENERAL ADMINISTRATION		
Employees' Retirement System	28—For support of Board of Administration of the State Employees' Retirement System, payable from the State Employees' Retirement Fund, pursuant to Section 20202.5 of the Government Code, in accordance with the following schedule		1,257,888
	Schedule:		
	(a) Salaries and Wages	1,232,257	
	(b) Operating Expenses and Equipment	430,252	
	Total of schedule	1,662,509	
	Less estimated reimbursements	404,621	
	Net appropriation	1,257,888	
Commission on Interstate Co-operation	29—For support of California Commission on Interstate Co-operation		51,905
Personnel Board	30—For support of State Personnel Board, in accordance with the following schedule		2,900,016
	Schedule:		
	(a) Salaries and Wages	2,640,236	
	(b) Operating Expenses and Equipment	556,804	
	Total of schedule	3,197,040	
	Less estimated reimbursements	297,024	
	Net appropriation	2,900,016	
Secretary of State	31—For support of Secretary of State, in accordance with the following schedule		421,061
	Schedule:		
	(a) Salaries and Wages	357,546	
	(b) Operating Expenses and Equipment	70,960	
	Total of schedule	428,506	
	Less estimated reimbursements	7,445	
	Net appropriation	421,061	

AGRICULTURE

Item		Amount	
32—For support of Department of Agriculture and State Livestock Sanitary Committee, in accordance with the following schedule		9,217,427	Department of Agriculture
Schedule:			
(a) Salaries and Wages	12,489,969		
(b) Operating Expenses and Equipment	4,620,207		
Total of schedule	17,110,176		
Less estimated amounts available from other sources:			
(c) Reimbursements	858,439		
(d) Amount payable from the Department of Agriculture Fund (Item 34)	7,034,310		
Net appropriation	9,217,427		
33—For co-operation with the federal government in marketing research under the provisions of Public Law 733 (79th Congress) and Section 1286 of the Agricultural Code, Department of Agriculture		75,000	
34—For additional support of Department of Agriculture, payable from the Department of Agriculture Fund		7,034,310	
35—For support of Poultry Improvement Commission, payable from the Poultry Testing Project Fund, in accordance with the following schedule		182,081	Poultry Improvement Commission
Schedule:			
(a) Salaries and Wages	92,880		
(b) Operating Expenses and Equipment	91,487		
Total of schedule	184,367		
Less estimated reimbursements	2,286		
Net appropriation	182,081		
36—For augmentation of the Poultry Testing Project Fund to be transferred by the State Controller to the Poultry Testing Project Fund.		110,852	Poultry Testing Project Fund

CORRECTIONS

37—For support of Departmental Administration and Board of Corrections, Department of Corrections, in accordance with the following schedule		3,890,390	Department of Corrections

Item		Amount
	Schedule:	
	(a) Salaries and Wages	3,082,160
	(b) Operating Expenses and Equipment	830,623
	Total of schedule	3,912,783
	Less estimated reimbursements	22,393
	Net appropriation	3,890,390
Adult Authority, Board of Trustees, California Institution for Women	38—For additional support of Adult Authority, Board of Trustees, California Institution for Women, Department of Corrections and all state institutions and prisons under the jurisdiction of the department, to be transferred to and in augmentation of the support appropriation of the department, the Adult Authority, Board of Trustees, California Institution for Women, and the departments, institutions, and prisons, upon order of the Department of Finance in accordance with the following schedule	238,260
	Schedule:	
	(a) Departmental Administration and Board of Corrections, Department of Corrections	96,416
	(b) Correctional Training Facility, Department of Corrections	19,710
	(c) Deuel Vocational Institution, Department of Corrections	6,586
	(d) California State Prison at Folsom, Department of Corrections	18,445
	(e) California Institution for Men, Department of Corrections	32,280
	(f) Medical Facility, Department of Corrections	4,528
	(g) California State Prison at San Quentin, Department of Corrections	19,306
	(h) California Institution for Women, Department of Corrections	20,075
	(i) Adult Authority, Department of Corrections	14,686

Item		Amount
(j) Board of Trustees, California Institution for Women, Department of Corrections	6,228	
Total of schedule	238,260	
38.5—For additional support of Adult Authority, Board of Trustees, California Institution for Women, Department of Corrections and all state institutions and prisons under the jurisdiction of the department to be transferred to and in augmentation of the support appropriation of the department, the Adult Authority, Board of Trustees, California Institution for Women and the departments, institutions, and prisons upon order of the Department of Finance in accordance with the following schedule		1,029,392
Schedule:		
(a) Salaries and Wages	228,542	
(b) Operating Expenses and Equipment	800,850	
Total of schedule	1,029,392	
39—For transportation of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons under provisions of Sections 3295 and 3297 of the Health and Safety Code in accordance with the provisions of Section 26749 of the Government Code		80,000
40—For expenses of returning fugitives from justice from outside the State in accordance with the provisions of Section 1557 of the Penal Code		280,000
41—For court costs and county charges, payable under Sections 4700 and 4700.5 of the Penal Code, in connection with coroners' services and trials of inmates charged with commission of a crime or crimes while incarcerated in a state institution or prison under the Department of Corrections, Department of Corrections		40,000
42—For support of Conservation Center, Department of Corrections, in accordance with the following schedule		98,497
Schedule:		
(a) Salaries and Wages	72,387	
(b) Operating Expenses and Equipment	26,110	
Total of schedule	98,497	

Same

Conservation Center

Item		Amount
Correctional Training Facility	43—For support of Correctional Training Facility, Department of Corrections, in accordance with the following schedule	6,073,813
	Schedule:	
	(a) Salaries and Wages	3,819,299
	(b) Operating Expenses and Equipment	2,329,244
	(c) Inmate Pay—Work Projects	97,382
	Total of schedule	6,245,925
	Less estimated reimbursements	172,112
	Net appropriation	6,073,813
Deuel Vocational Institution	44—For support of Deuel Vocational Institution, Department of Corrections, in accordance with the following schedule	3,789,010
	Schedule:	
	(a) Salaries and Wages	2,685,772
	(b) Operating Expenses and Equipment	1,143,683
	(c) Inmate Pay—Work Projects	11,505
	Total of schedule	3,840,960
	Less estimated reimbursements	51,950
	Net appropriation	3,789,010
Folsom State Prison	45—For support of California State Prison at Folsom, Department of Corrections, in accordance with the following schedule	4,373,113
	Schedule:	
	(a) Salaries and Wages	2,815,899
	(b) Operating Expenses and Equipment	1,732,199
	(c) Inmate Pay—Work Projects	140,475
	Total of schedule	4,688,573
	Less estimated reimbursements	315,460
	Net appropriation	4,373,113
Institution for Men	46—For support of California Institution for Men, Department of Corrections, in accordance with the following schedule	5,893,988
	Schedule:	
	(a) Salaries and Wages	3,972,923
	(b) Operating Expenses and Equipment	2,141,570
	(c) Inmate Pay—Work Projects	163,900
	Total of schedule	6,278,393

Item		Amount	
Less estimated reimbursements	384,405		
Net appropriation	5,893,988		
47—For support of Medical Facility, Department of Corrections, in accordance with the following schedule		4,257,749	Medical Facility
Schedule:			
(a) Salaries and Wages	3,165,771		
(b) Operating Expenses and Equipment	1,141,223		
(c) Inmate Pay—Work Projects	14,500		
Total of schedule	4,321,494		
Less estimated reimbursements	63,745		
Net appropriation	4,257,749		
48—For support of California Men's Colony—East Facility, Department of Corrections, in accordance with the following schedule		3,079,002	Men's Colony East Facility
Schedule:			
(a) Salaries and Wages	2,043,837		
(b) Operating Expenses and Equipment	1,015,565		
(c) Inmate Pay—Work Projects	19,600		
Total of schedule	3,079,002		
49—For support of California Men's Colony—West Facility, Department of Corrections, in accordance with the following schedule		2,183,566	West Facility
Schedule:			
(a) Salaries and Wages	1,328,781		
(b) Operating Expenses and Equipment	865,520		
(c) Inmate Pay—Work Projects	19,040		
Total of schedule	2,213,341		
Less estimated reimbursements	29,775		
Net appropriation	2,183,566		
50—For support of California State Prison at San Quentin, Department of Corrections, in accordance with the following schedule		6,653,761	San Quentin State Prison
Schedule:			
(a) Salaries and Wages	3,872,201		
(b) Operating Expenses and Equipment	3,039,520		
(c) Inmate Pay—Work Projects	182,355		
Total of schedule	7,094,076		

Item		Amount
	Less estimated reimbursements	440,315
	Net appropriation	6,653,761
Rehabilitation Center	50.5—For support of California Rehabilitation Center, Department of Corrections in accordance with the following schedule	1,948,409
	Schedule:	
	(a) Salaries and Wages	1,317,869
	(b) Operating Expenses and Equipment	616,140
	(c) Inmate Pay—Work Projects	14,400
	Total of schedule	1,948,409
Institution for Women	51—For support of California Institution for Women, Department of Corrections, in accordance with the following schedule	1,780,698
	Schedule:	
	(a) Salaries and Wages	1,188,577
	(b) Operating Expenses and Equipment	607,846
	(c) Inmate Pay—Work Projects	7,515
	Total of schedule	1,803,938
	Less estimated reimbursements	23,240
	Net appropriation	1,780,698
Adult Authority	52—For support of Adult Authority, Department of Corrections, in accordance with the following schedule	321,652
	Schedule:	
	(a) Salaries and Wages	251,958
	(b) Operating Expenses and Equipment	69,694
	Total of schedule	321,652
Board of Trustees, Institution for Women	53—For support of Board of Trustees, California Institution for Women, Department of Corrections, in accordance with the following schedule	251,577
	Schedule:	
	(a) Salaries and Wages	182,443
	(b) Operating Expenses and Equipment	70,034
	Total of schedule	252,477
	Less estimated reimbursements	900
	Net appropriation	251,577

YOUTH AUTHORITY

Item		Amount	
54—For support of Departmental Administration, Department of the Youth Authority, in accordance with the following schedule		4,178,273	Department of Youth Authority
Schedule:			
(a) Salaries and Wages	3,257,616		
(b) Operating Expenses and Equipment	1,003,172		
Total of schedule	4,260,788		
Less estimated reimbursements	82,515		
Net appropriation	4,178,273		
55—For deportation of nonresidents committed to Department of the Youth Authority and expenses in connection with the Interstate Compact on Juveniles		47,230	
56—For transportation of persons committed to Department of the Youth Authority to or between its facilities, including the return of parole violators		73,670	
57—For maintenance of persons committed to Department of the Youth Authority and paroled to the custody of private homes		257,620	
58—For support of Northern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule		1,404,333	Reception Centers Northern California
Schedule:			
(a) Salaries and Wages	1,072,612		
(b) Operating Expenses and Equipment	337,471		
Total of schedule	1,410,083		
Less estimated reimbursements	5,750		
Net appropriation	1,404,333		
59—For support of Southern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule		1,545,471	Southern California
Schedule:			
(a) Salaries and Wages	1,222,945		
(b) Operating Expenses and Equipment	332,591		
Total of schedule	1,555,536		
Less estimated reimbursements	10,065		
Net appropriation	1,545,471		

Item		Amount
Youth Authority Conservation Camps	60—For support of Youth Authority Conservation Camps, Department of the Youth Authority, in accordance with the following schedule	852,364
	Schedule:	
	(a) Salaries and Wages	495,694
	(b) Operating Expenses and Equipment	320,163
	(c) Inmate Pay—Work Projects	46,902
	Total of schedule	862,759
	Less estimated reimbursements	10,395
	Net appropriation	852,364
Fricot Ranch School	61—For support of Fricot Ranch School for Boys, Department of the Youth Authority, in accordance with the following schedule	855,609
	Schedule:	
	(a) Salaries and Wages	634,023
	(b) Operating Expenses and Equipment	242,801
	Total of schedule	876,824
	Less estimated reimbursements	21,215
	Net appropriation	855,609
Fred C Nelles School	62—For support of Fred C. Nelles School for Boys, Department of the Youth Authority, in accordance with the following schedule	1,593,972
	Schedule:	
	(a) Salaries and Wages	1,276,058
	(b) Operating Expenses and Equipment	327,544
	Total of schedule	1,603,602
	Less estimated reimbursements	9,630
	Net appropriation	1,593,972
Paso Robles School	63—For support of Paso Robles School for Boys, Department of the Youth Authority, in accordance with the following schedule	1,513,905
	Schedule:	
	(a) Salaries and Wages	1,211,155
	(b) Operating Expenses and Equipment	312,506
	Total of schedule	1,523,661
	Less estimated reimbursements	9,756
	Net appropriation	1,513,905

Item		Amount	
64—For support of Preston School of Industry, Department of the Youth Authority, in accordance with the following schedule		2,805,356	Preston School of Industry
Schedule:			
(a) Salaries and Wages	2,282,627		
(b) Operating Expenses and Equipment	609,469		
Total of schedule	2,892,096		
Less estimated reimbursements	86,740		
Net appropriation	2,805,356		
65—For support of Youth Training School, Department of the Youth Authority, in accordance with the following schedule		3,143,823	Youth Training School
Schedule:			
(a) Salaries and Wages	2,173,848		
(b) Operating Expenses and Equipment	994,260		
Total of schedule	3,168,108		
Less estimated reimbursements	24,285		
Net appropriation	3,143,823		
66—For Support of Los Guilucos School for Girls, Department of the Youth Authority, in accordance with the following schedule		1,155,805	Los Guilucos School
Schedule:			
(a) Salaries and Wages	908,752		
(b) Operating Expenses and Equipment	256,398		
Total of schedule	1,165,150		
Less estimated reimbursements	9,345		
Net appropriation	1,155,805		
67—For support of Ventura School for Girls, Department of the Youth Authority, in accordance with the following schedule		1,150,177	Ventura School
Schedule:			
(a) Salaries and Wages	904,472		
(b) Operating Expenses and Equipment	267,060		
Total of schedule	1,171,532		
Less estimated reimbursements	21,355		
Net appropriation	1,150,177		

EDUCATION

Item		Amount
Department of Education	68—For support of Department of Education, Superintendent of Public Instruction and State Board of Education, in accordance with the following schedule	3,043,725
	Schedule:	
	(a) Salaries and Wages 3,170,947	
	(b) Operating Expenses and Equipment 911,167	
	Total of schedule 4,082,114	
	Less estimated amounts available from other sources:	
	(c) Reimbursements 945,389	
	(d) Amount payable from State School Building Aid Fund (Item 69) 93,000	
	Net appropriation 3,043,725	
	69—For additional support of Department of Education, payable from the State School Building Aid Fund	93,000
	70—For co-operation with the federal government for the improvement of instruction under the provisions of Title 3 of the National Defense Education Act of 1958, Department of Education	250,978
	71—For co-operation with the federal government for the improvement of statistical services under the provisions of Title 10 of the National Defense Education Act of 1958, Department of Education	47,500
Division of Libraries	72—For support of Division of Libraries, Department of Education and Board of Library Examiners, in accordance with the following schedule	971,901
	Schedule:	
	(a) Salaries and Wages 754,712	
	(b) Operating Expenses and Equipment 227,713	
	Total of schedule 982,425	
	Less estimated reimbursements 10,524	
	Net appropriation 971,901	
Industries for the Blind Los Angeles Center	73—For support of Los Angeles Center, California Industries for the Blind, in accordance with the following schedule	124,589

Item		Amount	
Schedule:			
(a) Salaries and Wages	103,147		
(b) Operating Expenses and Equipment	21,442		
Total of schedule	124,589		
74—For support of Oakland Center, California Industries for the Blind, in accordance with the following schedule		95,989	Oakland Center
Schedule:			
(a) Salaries and Wages	63,919		
(b) Operating Expenses and Equipment	32,070		
Total of schedule	95,989		
75—For support of San Diego Center, California Industries for the Blind, in accordance with the following schedule		54,834	San Diego Center
Schedule:			
(a) Salaries and Wages	41,240		
(b) Operating Expenses and Equipment	13,594		
Total of schedule	54,834		
76—For support of Oakland Orientation Center for the Blind, in accordance with the following schedule		336,163	Oakland Orientation Center for the Blind
Schedule:			
(a) Salaries and Wages	289,677		
(b) Operating Expenses and Equipment	73,617		
Total of schedule	363,294		
Less estimated reimbursements	27,131		
Net appropriation	336,163		
77—For support of Opportunity Work Centers for the Blind, Department of Education, in accordance with the following schedule		56,996	Opportunity Work Centers for the Blind
Schedule:			
(a) Salaries and Wages	40,130		
(b) Operating Expenses and Equipment	16,866		
Total of schedule	56,996		
78—For support of California School for the Blind, in accordance with the following schedule		605,820	School for the Blind

Item		Amount
	Schedule:	
	(a) Salaries and Wages	507,092
	(b) Operating Expenses and Equipment	141,712
	Total of schedule	648,804
	Less estimated reimbursements	42,984
	Net appropriation	605,820
Cerebral Palsied Children: Northern California	79—For support of School for Cerebral Palsied Children, Northern California, in accordance with the following schedule	449,616
	Schedule:	
	(a) Salaries and Wages	405,522
	(b) Operating Expenses and Equipment	53,494
	Total of schedule	459,016
	Less estimated reimbursements	9,400
	Net appropriation	449,616
Southern California	80—For support of School for Cerebral Palsied Children, Southern California, in accordance with the following schedule	369,763
	Schedule:	
	(a) Salaries and Wages	323,237
	(b) Operating Expenses and Equipment	50,016
	Total of schedule	373,253
	Less estimated reimbursements	3,490
	Net appropriation	369,763
School for the Deaf: Berkeley	81—For support of California School for the Deaf, Berkeley, in accordance with the following schedule	1,473,660
	Schedule:	
	(a) Salaries and Wages	1,261,464
	(b) Operating Expenses and Equipment	263,306
	Total of schedule	1,524,770
	Less estimated reimbursements	51,110
	Net appropriation	1,473,660
Riverside	82—For support of California School for the Deaf, Riverside, in accordance with the following schedule	1,631,376

Item		Amount
Schedule:		
(a) Salaries and Wages	1,415,637	
(b) Operating Expenses and Equipment	236,822	
Total of schedule	1,652,459	
Less estimated reimbursements	21,083	
Net appropriation	1,631,376	
83—For support of vocational education, Department of Education, in accordance with the following schedule		608,820
Schedule:		
(a) Salaries and Wages	832,667	
(b) Operating Expenses and Equipment	497,001	
Total of schedule	1,329,668	
Less estimated amounts available from other sources:		
(c) Reimbursements	67,719	
(d) Federal grants	653,129	
Net appropriation	608,820	
84—For vocational rehabilitation, Department of Education, in accordance with the following schedule		2,912,235
Schedule:		
(a) Salaries and Wages	3,041,522	
(b) Operating Expenses and Equipment	4,243,809	
Total of schedule	7,285,331	
Less estimated amounts available from other sources:		
(c) Reimbursements	15,352	
(d) Federal grants	4,357,744	
Net appropriation	2,912,235	
85—For support of State Teachers' Retirement System, in accordance with the following schedule		Teachers' Retirement System 447,009
Schedule:		
(a) Salaries and Wages	355,454	
(b) Operating Expenses and Equipment	91,555	
Total of schedule	447,009	

HIGHER EDUCATION

Item		Amount
Co-ordinating Council for Higher Education	86—For support of Co-ordinating Council for Higher Education, in accordance with the following schedule	226,937
	Schedule:	
	(a) Salaries and Wages 180,724	
	(b) Operating Expenses and Equipment 58,619	
	Total of schedule 239,343	
	Less estimated amounts available from Chapter 49, Statutes of 1960 12,406	
	Net appropriation 226,937	
	87—For payment of the State's share of the operating costs of the Western Interstate Commission for Higher Education, Co-ordinating Council for Higher Education	10,000
University of California	88—For support of University of California, exempt from Section 31 of this act	126,525,169
Sea Water Conversion Research	89—For research in the conversion of sea water to fresh water, University of California, exempt from Section 31 of this act	334,900
Farm Labor Study	89.5—For an evaluation study of time and motion studies of farm labor designed to provide the basis for improving the productiveness of farm workers, University of California, exempt from Section 31 of this act	25,000
Hastings College of Law	90—For support of Hastings College of Law, in accordance with the following schedule	398,992
	Schedule:	
	(a) Salaries and Wages 436,978	
	(b) Operating Expenses and Equipment 82,668	
	Total of schedule 519,646	
	Less estimated reimbursements 120,654	
	Net appropriation 398,992	
Trustees of the State College System	91—For support of Trustees of the State College System of California, in accordance with the following schedule	937,867
	Schedule:	
	(a) Salaries and Wages 739,752	
	(b) Operating Expenses and Equipment 198,115	
	Total of schedule 937,867	
	92—For student loan funds authorized by Education Code Section 557 for the purpose of making part of the payments pursuant to	

Item		Amount	
agreements entered into under Title II of the Act of Congress, cited as the National Defense Education Act of 1958, on behalf of the several state colleges. This appropriation is to be allocated by the Trustees of the State College System of California to the several state colleges		200,000	
93—For support of San Bernardino-Riverside State College		127,966	State Colleges San-Bernardino-Riverside
94—For support of South Bay State College		127,966	South Bay
95—For support of State College for Alameda County, in accordance with the following schedule		1,216,860	Alameda County
and in addition thereto any amounts collected for fees for parking facilities			
Schedule:			
(a) Salaries and Wages	1,085,296		
(b) Operating Expenses and Equipment	293,041		
Total of schedule	1,378,337		
Less estimated reimbursements	161,477		
Net appropriation	1,216,860		
96—For support of Chico State College, in accordance with the following schedule		3,451,432	Chico
and in addition thereto any amounts collected for fees for parking facilities			
Schedule:			
(a) Salaries and Wages	3,324,076		
(b) Operating Expenses and Equipment	591,236		
Total of schedule	3,915,312		
Less estimated reimbursements	463,880		
Net appropriation	3,451,432		
97—For support of Fresno State College, in accordance with the following schedule		5,551,229	Fresno
and in addition thereto any amounts collected for fees for parking facilities			
Schedule:			
(a) Salaries and Wages	5,549,900		
(b) Operating Expenses and Equipment	922,918		
Total of schedule	6,472,818		
Less estimated reimbursements	921,589		
Net appropriation	5,551,229		

	Item	Amount
Humboldt	98—For support of Humboldt State College, in accordance with the following schedule	2,776,873
	and in addition thereto any amounts collected for fees for parking facilities	
	Schedule:	
	(a) Salaries and Wages 2,595,236	
	(b) Operating Expenses and Equipment 441,502	
	Total of schedule 3,036,738	
	Less estimated reimbursements 259,865	
	Net appropriation 2,776,873	
Long Beach	99—For support of Long Beach State College, in accordance with the following schedule	6,421,819
	and in addition thereto any amounts collected for fees for parking facilities	
	Schedule:	
	(a) Salaries and Wages 6,643,133	
	(b) Operating Expenses and Equipment 1,068,510	
	Total of schedule 7,711,643	
	Less estimated reimbursements 1,289,824	
	Net appropriation 6,421,819	
Los Angeles	100—For support of Los Angeles State College of Applied Arts and Sciences, in accordance with the following schedule	7,494,036
	and in addition thereto any amounts collected for fees for parking facilities	
	Schedule:	
	(a) Salaries and Wages 7,783,246	
	(b) Operating Expenses and Equipment 1,326,562	
	Total of schedule 9,109,808	
	Less estimated reimbursements 1,615,772	
	Net appropriation 7,494,036	
Orange County	101—For support of Orange County State College, in accordance with the following schedule	1,377,510
	and in addition thereto any amounts collected for fees for parking facilities	
	Schedule:	
	(a) Salaries and Wages 1,222,812	
	(b) Operating Expenses and Equipment 342,644	
	Total of schedule 1,565,456	

Item		Amount	
Less estimated reimbursements	187,946		
Net appropriation	1,377,510		
102—For support of Sacramento State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities		4,151,565	Sacramento
Schedule:			
(a) Salaries and Wages	4,245,721		
(b) Operating Expenses and Equipment	686,449		
Total of schedule	4,932,170		
Less estimated reimbursements	780,605		
Net appropriation	4,151,565		
103—For support of San Diego State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities		7,493,220	San Diego
Schedule:			
(a) Salaries and Wages	7,624,319		
(b) Operating Expenses and Equipment	1,211,816		
Total of schedule	8,836,135		
Less estimated reimbursements	1,342,915		
Net appropriation	7,493,220		
104—For support of San Fernando Valley State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities		4,402,080	San Fernando Valley
Schedule:			
(a) Salaries and Wages	4,212,289		
(b) Operating Expenses and Equipment	886,496		
Total of schedule	5,098,785		
Less estimated reimbursements	696,705		
Net appropriation	4,402,080		
105—For support of San Francisco State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities		7,850,584	San Francisco

Item		Amount
	Schedule:	
	(a) Salaries and Wages	8,154,370
	(b) Operating Expenses and Equipment	1,370,769
	Total of schedule	9,525,139
	Less estimated reimbursements	1,674,555
	Net appropriation	7,850,584
San Jose	106—For support of San Jose State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities	10,583,879
	Schedule:	
	(a) Salaries and Wages	10,756,295
	(b) Operating Expenses and Equipment	1,578,337
	Total of schedule	12,334,632
	Less estimated reimbursements	1,750,753
	Net appropriation	10,583,879
Sonoma	107—For support of Sonoma State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities	413,604
	Schedule:	
	(a) Salaries and Wages	264,384
	(b) Operating Expenses and Equipment	166,570
	Total of schedule	430,954
	Less estimated reimbursements	17,350
	Net appropriation	413,604
Stanislaus	108—For support of Stanislaus State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities	816,846
	Schedule:	
	(a) Salaries and Wages	592,515
	(b) Operating Expenses and Equipment	283,606
	Total of schedule	876,121
	Less estimated reimbursements	59,275
	Net appropriation	816,846
California State Polytechnic	109—For support of California State Polytechnic College, in accordance with the following schedule	8,061,788

Item		Amount	
and in addition thereto any amounts collected for fees for parking facilities			
Schedule:			
(a) Salaries and Wages	7,569,714		
(b) Operating Expenses and Equipment	1,548,935		
Total of schedule	9,118,649		
Less estimated reimbursements	1,056,861		
Net appropriation	8,061,788		
110—For support of California Maritime Academy, in accordance with the following schedule		382,791	California Maritime Academy
Schedule:			
(a) Salaries and Wages	494,762		
(b) Operating Expenses and Equipment	221,645		
Total of schedule	716,407		
Less estimated reimbursements	333,616		
Net appropriation	382,791		
111—For support of the State Scholarship Commission in accordance with the following schedule		1,792,559	State Scholarship Commission
Schedule:			
(a) Salaries and Wages	58,447		
(b) Operating Expenses and Equipment	1,734,112		
Total of schedule	1,792,559		

FISCAL AFFAIRS

112—For support of State Board of Control, in accordance with the following schedule		15,725	Board of Control
Schedule:			
(a) Salaries and Wages	14,044		
(b) Operating Expenses and Equipment	1,681		
Total of schedule	15,725		
113—For support of State Controller, in accordance with the following schedule		3,427,678	Controller
Schedule:			
(a) Salaries and Wages	3,272,360		
(b) Operating Expenses and Equipment	1,376,635		
Total of schedule	4,648,995		

Item		Amount
	Less estimated amounts available from other sources:	
	(c) Reimbursements	87,262
	(d) Amount payable from the Motor Vehicle Fuel Fund (Item 114)	575,681
	(e) Amount payable from the State Redemption Tax Fund (Item 115)	209,876
	(f) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 116)	206,042
	(g) Amount payable from the State School Building Aid Fund (Item 117)	142,456
	Net appropriation	3,427,678
	114—For additional support of State Controller, payable from the Motor Vehicle Fuel Fund	575,681
	115—For additional support of State Controller, payable from the State Redemption Tax Fund	209,876
	116—For additional support of State Controller, payable from the Motor Vehicle Transportation Tax Fund	206,042
	117—For additional support of State Controller, payable from the State School Building Aid Fund	142,456
Board of Equalization	118—For support of State Board of Equalization, in accordance with the following schedule	12,863,275
	Schedule:	
	(a) Salaries and Wages	15,807,724
	(b) Operating Expenses and Equipment	3,190,934
	Total of schedule	18,998,658
	Less estimated amounts available from other sources:	
	(c) Reimbursements	4,133,578
	(d) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 119)	1,028,790
	(e) Amount payable from the Motor Vehicle Fuel Fund (Item 120)	973,015
	Net appropriation	12,863,275
	119—For additional support of State Board of Equalization, payable from the Motor Vehicle Transportation Tax Fund	1,028,790

Item		Amount	
120—For additional support of State Board of Equalization, payable from the Motor Vehicle Fuel Fund		973,015	
121—For support of Department of Finance, in accordance with the following schedule		8,029,423	Department of Finance
Schedule:			
(a) Salaries and Wages	11,058,841		
(b) Operating Expenses and Equipment	4,584,946		
Total of schedule	15,643,787		
Less estimated amounts available from other sources:			
(c) Reimbursements	6,602,033		
(d) Amount payable from Fair and Exposition Fund (Item 122)	238,959		
(e) Amount payable from the State School Building Aid Fund (Item 123)	773,372		
Net appropriation	8,029,423		
provided, that this appropriation shall be available for the purchase of insurance to insure the liability of the State and its officers and employees for damage or injury to persons or property resulting from the dangerous or defective condition of state-owned or state-controlled property under the jurisdiction of the Department of Finance.			
122—For additional support of Department of Finance, payable from the Fair and Exposition Fund		238,959	
123—For additional support of Department of Finance, payable from the State School Building Aid Fund		773,372	
123.5—For payment of interest on order of the Director of Finance on transfers of money from any special fund, which is subject to investment, to the General Fund under Section 16310 of the Government Code, computed at a rate determined by the Department of Finance to be the maximum rate of interest allowed interest bearing time deposits in banks at the time the money is transferred		310,000	
124—For support of California State Fair and Exposition, Department of Finance, payable from the State Fair Fund		2,337,522	California State Fair and Exposition
125—For augmentation of the State Fair Fund to be transferred to the State Fair Fund by the State Controller.		171,044	

	Item		Amount
Sixth District Agricultural Association	126—For support of Sixth District Agricultural Association, Fairs and Expositions Division, Department of Finance, payable from the Sixth District Agricultural Association Fund		473,701
	127—For augmentation of the Sixth District Agricultural Association Fund to be transferred to the Sixth District Agricultural Association Fund by the State Controller.		190,000
State Lands Division	128—For support of State Lands Division, State Lands Commission, Department of Finance, payable from the State Lands Act Fund, in accordance with the following schedule		1,115,442
	Schedule:		
	(a) Salaries and Wages	783,645	
	(b) Operating Expenses and Equipment	389,547	
	Total of schedule	1,173,192	
	Less estimated reimbursements	57,750	
	Net appropriation	1,115,442	
Franchise Tax Board	129—For support of Franchise Tax Board, in accordance with the following schedule		7,778,909
	Schedule:		
	(a) Salaries and Wages	6,579,675	
	(b) Operating Expenses and Equipment	1,199,234	
	Total of schedule	7,778,909	
State Treasurer	130—For support of the State Treasurer, in accordance with the following schedule		356,494
	Schedule:		
	(a) Salaries and Wages	304,748	
	(b) Operating Expenses and Equipment	199,456	
	Total of schedule	504,204	
	Less estimated reimbursements	147,710	
	Net appropriation	356,494	

HIGHWAY PATROL

Highway Patrol	131—For support of Department of the California Highway Patrol, payable from the Motor Vehicle Fund, in accordance with the following schedule	32,584,950

Item		Amount
Schedule:		
(a) Salaries and Wages	23,469,133	
(b) Operating Expenses and Equipment	9,425,967	
Total of schedule	32,895,100	
Less estimated reimbursements	310,150	
Net appropriation	32,584,950	

provided, that no part of this appropriation shall be expended in payment for services of personnel assigned to enforce the provisions of the ordinances of any city or county; provided further, however, that this restriction shall not limit the authority of members of the California Highway Patrol to enforce any city or county ordinance as an incident to their assigned duties with respect to traffic law enforcement; provided further, that no expenditure shall be made from the appropriation made by this item in connection with the activities of the California Highway Patrol Auxiliary.

132—For payment of deficiencies in appropriations for the Department of the California Highway Patrol which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $100,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund; provided, that amounts authorized from this item shall be made for purchase or operation of motor vehicles upon showing that such amounts are in excess of the amounts provided for in the appropriations to be augmented.

INDUSTRIAL RELATIONS

133—For support of Department of Industrial Relations, in accordance with the following schedule		11,377,417	Department of Industrial Relations
Schedule:			
(a) Salaries and Wages	9,146,784		
(b) Operating Expenses and Equipment	2,428,797		
Total of schedule	11,575,581		

Item		Amount
Less estimated reimbursements	198,164	
Net appropriation	11,377,417	

providing for offices of the Division of Fair Employment Practices located at San Francisco and Los Angeles.

133.5—To Department of Industrial Relations for the purpose of carrying out the programs authorized by Assembly Bill No. 2171 if that bill is finally enacted at the 1961 Regular Session 41,000

State Fire Marshal

134—For support of State Fire Marshal, in accordance with the following schedule 490,305

Schedule:

(a) Salaries and Wages	520,980	
(b) Operating Expenses and Equipment	134,793	
Total of schedule	655,773	
Less estimated amounts available from other sources:		
(c) Reimbursements	71,694	
(d) Amount payable from Dry Cleaners' Fund (Item 135)	93,774	
Net appropriation	490,305	

135—For additional support of State Fire Marshal, payable from the Dry Cleaners' Fund 93,774

JUSTICE

Department of Justice

136—For support of Department of Justice, in accordance with the following schedule 8,079,649

Schedule:

(a) Salaries and Wages	6,614,504	
(b) Operating Expenses and Equipment	2,326,488	
Total of schedule	8,940,992	
Less estimated reimbursements	861,343	
Net appropriation	8,079,649	

MENTAL HYGIENE

Department of Mental Hygiene

139—For support of Department of Mental Hygiene, in accordance with the following schedule 4,684,046

Item		Amount
Schedule:		
(a) Salaries and Wages	3,671,489	
(b) Operating Expenses and Equipment	1,331,235	
Total of schedule	5,002,724	
Less estimated amounts available from other sources:		
(c) Reimbursements	41,964	
(d) Estimated grants from the federal government or agencies thereof	276,714	
Net appropriation	4,684,046	
140—For additional support of the Department of Mental Hygiene and agencies under the jurisdiction of the department, to be transferred to and in augmentation of the support appropriations of the department and its agencies upon order of the Department of Finance in accordance with the following schedule		2,788,383
Schedule:		
(a) Department of Mental Hygiene	552,842	
(b) Outpatient Mental Hygiene Clinics, Department of Mental Hygiene	6,360	
(c) Neuropsychiatric Institute at University of California at Los Angeles, Department of Mental Hygiene	2,840	
(d) Agnews State Hospital	270,901	
(e) Atascadero State Hospital	150,957	
(f) Camarillo State Hospital	316,869	
(g) DeWitt State Hospital	151,871	
(h) Mendocino State Hospital	139,310	
(i) Metropolitan State Hospital	121,547	
(j) Modesto State Hospital	80,064	
(k) Napa State Hospital	248,453	
(l) Patton State Hospital	62,201	
(m) Stockton State Hospital	138,410	
(n) Fairview State Hospital	226,152	
(o) Pacific State Hospital	106,821	
(p) Porterville State Hospital	140,802	
(q) Sonoma State Hospital	71,983	
Total of schedule	2,788,383	
140.1—For additional support of the Department of Mental Hygiene and agencies under the jurisdiction of the department, to be trans-		

Item		Amount
	ferred to and in augmentation of the support appropriations of the department and its agencies upon order of the Department of Finance in accordance with the following schedule	3,000,000
	Schedule:	
	(a) Department of Mental Hygiene 114,600	
	(b) Outpatient Mental Hygiene Clinics, Department of Mental Hygiene 23,700	
	(c) Langley Porter Neuropsychiatric Institute 55,500	
	(d) Neuropsychiatric Institute at University of California at Los Angeles, Department of Mental Hygiene 38,400	
	(e) Agnews State Hospital 238,800	
	(f) Atascadero State Hospital 90,000	
	(g) Camarillo State Hospital 304,500	
	(h) DeWitt State Hospital 134,700	
	(i) Mendocino State Hospital 135,900	
	(j) Metropolitan State Hospital 207,900	
	(k) Modesto State Hospital 147,600	
	(l) Napa State Hospital 281,700	
	(m) Patton State Hospital 262,500	
	(n) Stockton State Hospital 223,800	
	(o) Fairview State Hospital 133,200	
	(p) Pacific State Hospital 204,600	
	(q) Porterville State Hospital 160,500	
	(r) Sonoma State Hospital 242,100	
	Total of schedule 3,000,000	
Salary increases	141—For salary increases, to be allocated by the Department of Finance to the agencies of the Department of Mental Hygiene, in augmentation of their respective appropriations for support, in such amounts as will make sufficient money available to be paid each employee in the psychiatric technician series of position classifications the increase in compensation provided for in any increased salary range established during the 1961-62 fiscal year by the State Personnel Board	2,231,000
Transportation of patients	142—For transportation of patients and other persons committed to state institutions of the Department of Mental Hygiene, to be expended by the Department of Mental Hygiene, in accordance with the following schedule	76,137

Item		Amount
Schedule:		
(a) Operating Expenses	126,895	
Less estimated reimbursements	50,758	
Net appropriation	76,137	
143—For expenses of deportation and transfer of patients of the Department of Mental Hygiene, Department of Mental Hygiene, in accordance with the following schedule		107,350
Schedule:		
(a) Operating Expenses	117,350	
Less estimated reimbursements	10,000	
Net appropriation	107,350	
144—For family care of patients paroled or on leave of absence from state institutions of the Department of Mental Hygiene pursuant to Section 6726 of the Welfare and Institutions Code, Department of Mental Hygiene		2,364,300
145—For additional family care of patients paroled or on leave of absence from state institutions of the Department of Mental Hygiene pursuant to Section 6726 of the Welfare and Institutions Code, Department of Mental Hygiene, to be transferred in augmentation of Item 144		336,720
146—For care and treatment of mentally retarded persons in private medical facilities, Department of Mental Hygiene		250,000
No money shall be expended from the appropriation made in this item unless the Legislature, at its 1961 Regular Session, enacts legislation authorizing the Department of Mental Hygiene to make payments to private medical facilities for the care and treatment of mentally retarded persons.		
147—For research projects, Department of Mental Hygiene, to be expended only on allocations to agencies of the Department of Mental Hygiene authorized by the Department of Finance		1,002,000
The appropriation made by this item shall remain available for allocation, reallocation, and expenditure until June 30, 1964.		
And in addition any amounts received for research projects from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		
148—For additional research projects, Department of Mental Hygiene, to be expended only on		

Family care

Private medical facilities

Research

Item		Amount
	allocations to agencies of the Department of Mental Hygiene authorized by the Department of Finance	105,000
	The appropriation made by this item shall remain available for allocation, reallocation and expenditure until June 30, 1964.	
	And in addition any amounts received for research projects from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.	
Day Treatment Centers 149	—For support of Day Treatment Centers, Department of Mental Hygiene, to be expended only on allocations authorized by the Department of Finance	150,000
	And in addition any amounts received for Day Treatment Centers from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.	
150	—For additional support of Day Treatment Centers, Department of Mental Hygiene, to be expended only on allocations authorized by the Department of Finance	150,000
	And in addition, any amounts received for Day Treatment Centers from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.	
	The appropriation made by this item shall not be available for expenditure until January 1, 1962, and until the Department of Mental Hygiene has filed a report with the Joint Legislative Budget Committee on the effectiveness of the San Diego Day Treatment Center.	
Outpatient Clinics 151	—For support of Outpatient Mental Hygiene Clinics, Department of Mental Hygiene, in accordance with the following schedule	757,568
	Schedule:	
	(a) Salaries and Wages 755,051	
	(b) Operating Expenses and Equipment 136,496	
	Total of schedule 891,547	
	Less estimated amounts available from other sources:	
	(c) Estimated grants from the federal government or agencies thereof 133,979	
	Net appropriation 757,568	

Item		Amount	
152—For support of Langley Porter Neuropsychiatric Institute, in accordance with the following schedule		1,989,066	Langley Porter Neuropsychiatric Institute
Schedule:			
(a) Salaries and Wages	1,793,350		
(b) Operating Expenses and Equipment	248,864		
Total of schedule	2,042,214		
Less estimated reimbursements	53,148		
Net appropriation	1,989,066		
153—For support of Neuropsychiatric Institute at University of California at Los Angeles, Department of Mental Hygiene, in accordance with the following schedule		3,024,058	Neuropsychiatric Institute
Schedule:			
(a) Salaries and Wages	2,530,842		
(b) Operating Expenses and Equipment	544,235		
Total of schedule	3,075,077		
Less estimated reimbursements	51,019		
Net appropriation	3,024,058		
154—For support of Agnews State Hospital, in accordance with the following schedule		9,400,856	State Hospitals. Agnews
Schedule:			
(a) Salaries and Wages	7,544,120		
(b) Operating Expenses and Equipment	1,956,434		
Total of schedule	9,500,554		
Less estimated reimbursements	99,698		
Net appropriation	9,400,856		
155—For support of Atascadero State Hospital, in accordance with the following schedule		3,633,053	Atascadero
Schedule:			
(a) Salaries and Wages	2,864,784		
(b) Operating Expenses and Equipment	821,351		
Total of schedule	3,686,135		
Less estimated reimbursements	53,082		
Net appropriation	3,633,053		
156—For support of Camarillo State Hospital, in accordance with the following schedule		12,031,038	Camarillo

Item		Amount
	Schedule:	
	(a) Salaries and Wages 9,581,003	
	(b) Operating Expenses and Equipment 2,673,762	
	Total of schedule 12,254,765	
	Less estimated reimbursements .. 223,727	
	Net appropriation 12,031,038	
DeWitt	157—For support of DeWitt State Hospital, in accordance with the following schedule	5,589,509
	Schedule:	
	(a) Salaries and Wages 4,237,343	
	(b) Operating Expenses and Equipment 1,420,478	
	Total of schedule 5,657,821	
	Less estimated reimbursements ... 68,312	
	Net appropriation 5,589,509	
Mendocino	158—For support of Mendocino State Hospital, in accordance with the following schedule	5,318,007
	Schedule:	
	(a) Salaries and Wages 4,273,711	
	(b) Operating Expenses and Equipment 1,125,952	
	Total of schedule 5,399,663	
	Less estimated reimbursements ... 81,656	
	Net appropriation 5,318,007	
Metropolitan	159—For support of Metropolitan State Hospital, in accordance with the following schedule...	8,461,661
	Schedule:	
	(a) Salaries and Wages 6,650,007	
	(b) Operating Expenses and Equipment 1,936,633	
	Total of schedule 8,586,640	
	Less estimated reimbursements 124,979	
	Net appropriation 8,461,661	
Modesto	160—For support of Modesto State Hospital, in accordance with the following schedule.....	5,896,367
	Schedule:	
	(a) Salaries and Wages 4,693,000	
	(b) Operating Expenses and Equipment 1,252,019	
	Total of schedule 5,945,019	

Item		Amount	
Less estimated reimbursements	48,652		
Net appropriation	5,896,367		
161—For support of Napa State Hospital, in accordance with the following schedule		11,050,824	Napa
Schedule:			
(a) Salaries and Wages	8,891,253		
(b) Operating Expenses and Equipment	2,308,310		
Total of schedule	11,199,563		
Less estimated reimbursements	148,739		
Net appropriation	11,050,824		
162—For support of Patton State Hospital, in accordance with the following schedule		10,335,225	Patton
Schedule:			
(a) Salaries and Wages	8,279,288		
(b) Operating Expenses and Equipment	2,149,809		
Total of schedule	10,429,097		
Less estimated reimbursements	93,872		
Net appropriation	10,335,225		
163—For support of Stockton State Hospital, in accordance with the following schedule		8,816,699	Stockton
Schedule:			
(a) Salaries and Wages	7,025,807		
(b) Operating Expenses and Equipment	1,885,307		
Total of schedule	8,911,114		
Less estimated reimbursements	94,415		
Net appropriation	8,816,699		
164—For support of Fairview State Hospital, in accordance with the following schedule		5,262,091	Fairview
Schedule:			
(a) Salaries and Wages	4,278,630		
(b) Operating Expenses and Equipment	1,037,193		
Total of schedule	5,315,823		
Less estimated reimbursements	53,732		
Net appropriation	5,262,091		
165—For support of Pacific State Hospital, in accordance with the following schedule		7,945,021	Pacific

	Item	Amount
	Schedule:	
	(a) Salaries and Wages 6,487,333	
	(b) Operating Expenses and Equipment 1,588,910	
	Total of schedule 8,076,243	
	Less estimated reimbursements 131,222	
	Net appropriation 7,945,021	
Porterville	166—For support of Porterville State Hospital, in accordance with the following schedule	6,358,464
	Schedule:	
	(a) Salaries and Wages 5,115,148	
	(b) Operating Expenses and Equipment 1,297,600	
	Total of schedule 6,412,748	
	Less estimated reimbursements 54,284	
	Net appropriation 6,358,464	
Sonoma	167—For support of Sonoma State Hospital, in accordance with the following schedule	9,363,492
	Schedule:	
	(a) Salaries and Wages 7,708,938	
	(b) Operating Expenses and Equipment 1,780,954	
	Total of schedule 9,489,892	
	Less estimated reimbursements 126,400	
	Net appropriation 9,363,492	
	MILITARY AFFAIRS	
Military Department	168—For support of Military Department, in accordance with the following schedule	2,671,458
	Schedule:	
	(a) Salaries and Wages 2,059,603	
	(b) Operating Expenses and Equipment 1,062,762	
	Total of schedule 3,122,665	
	Less estimated reimbursements 450,907	
	Net appropriation 2,671,458	
	provided, that no expenditures shall be made from this appropriation as a substitution for personnel, equipment, facilities, or other assistance, or for any portion thereof, which in the absence of such expenditure, or of this appropriation, would be available to the	

Item		Amount	
Adjutant General, the California National Guard or the California National Guard Reserve from the federal government.			
168.5—For maintenance of California Cadet Corps, Military Department, in accordance with the following schedule		65,368	Cadet Corps
Schedule:			
(a) Salaries and Wages	14,603		
(b) Operating Expenses and Equipment	50,765		
Total of schedule	65,368		

MOTOR VEHICLES

169—For support of Department of Motor Vehicles, payable from the Motor Vehicle Fund, in accordance with the following schedule		26,008,951	Department of Motor Vehicles
Schedule:			
(a) Salaries and Wages	24,679,366		
(b) Operating Expenses and Equipment	6,934,110		
Total of schedule	31,613,476		
Less estimated amounts available from other sources:			
(c) Reimbursements	1,127,880		
(d) Amount payable from Motor Vehicle License Fee Fund (Item 170)	4,304,651		
(e) Amount payable from General Fund (Item 171)	171,994		
Net appropriation	26,008,951		
provided, that the amount made available for placing photographs on drivers licenses shall be used for no other purpose.			
170—For additional support, Department of Motor Vehicles, payable from the Motor Vehicle License Fee Fund to be transferred to the Motor Vehicle Fund in augmentation of Item 169, as provided by Section 11003 of the Revenue and Taxation Code.		4,304,651	
171—For additional support, Department of Motor Vehicles to be transferred to the Motor Vehicle Fund in augmentation of Item 169 in the amounts ordered by the Department of Finance.		171,994	

Item		Amount
171.1—For rental of an office building in Palm Springs, and for salaries, wages, operating expenses, and equipment in connection with the operation of such office, Department of Motor Vehicles, payable from the Motor Vehicle Fund		30,946
172—For payment of deficiencies in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $350,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund.		
NATURAL RESOURCES		
Department of Fish and Game 173—For support of Department of Fish and Game, and for the maintenance and construction of fish screens and other stream improvements, payable from moneys in the Fish and Game Preservation Fund including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item. The appropriation made by this item shall be expended in accordance with the following schedule		9,437,589
Schedule:		
(a) Salaries and Wages	5,923,699	
(b) Operating Expenses and Equipment	4,001,269	
Total of schedule	9,924,968	
Less estimated reimbursements	487,379	
Net appropriation	9,437,589	
174—For co-operation with the federal government in the purchase of land for game production, improvement of waterfowl areas and research in game management under the provisions of the Pittman-Robertson Act, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund including revenue subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item		191,306
175—For co-operation with the federal government in fish restoration and management projects		

Item			Amount	
	under provisions of the Dingell-Johnson Act, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item		82,515	
176—For State's share of the expenses of the Pacific Marine Fisheries Commission, in accordance with the Pacific Marine Fisheries Compact, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item			16,700	Pacific Marine Fisheries Commission
177—For research in the development of commercial fisheries of the Pacific Ocean and of marine products, Marine Research Committee, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 8046 of the Fish and Game Code			116,701	Commercial fisheries research
178—For support of Division of Administrative Services, Department of Natural Resources, in accordance with the following schedule			633,178	Division of Administrative Services
Schedule:				
(a) Salaries and Wages		598,732		
(b) Operating Expenses and Equipment		96,352		
Total of schedule		695,084		
Less estimated reimbursements		61,906		
Net appropriation		633,178		
179—For Department of Natural Resources exhibit at State Fair, Division of Administrative Services, Department of Natural Resources, in accordance with the following schedule			4,900	State Fair exhibit
Schedule:				
(a) State Fair exhibit		5,000		
Less estimated reimbursements		100		
Net appropriation		4,900		
180—For support of Division of Beaches and Parks, Department of Natural Resources and in addition thereto any amounts received from fees, rentals and other return for the				Division of Beaches and Parks

Item		Amount
	use of any state park area in accordance with the following schedule	5,781,567
	Schedule:	
	(a) Salaries and Wages 6,194,525	
	(b) Operating Expenses and Equipment 2,765,662	
	Total of schedule 8,960,187	
	Less estimated reimbursements 3,178,620	
	Net appropriation 5,781,567	
	181—For operation and maintenance of roadside rests, Division of Beaches and Parks, Department of Natural Resources	12,500
Division of Forestry	182—For support of Division of Forestry, Department of Natural Resources, in accordance with the following schedule	18,738,676
	Schedule:	
	(a) Salaries and Wages 16,654,239	
	(b) Operating Expenses and Equipment 5,787,801	
	Total of schedule 22,442,040	
	Less estimated reimbursements 3,703,364	
	Net appropriation 18,738,676	
	183—For allotment pursuant to Section 4006 of the Public Resources Code for the prevention and suppression of forest fires on state responsibility lands within the counties shown below, Division of Forestry, Department of Natural Resources, in accordance with the following schedule	1,446,971
	Schedule:	
	(a) Kern County 376,159	
	(b) Los Angeles County 512,839	
	(c) Marin County 119,244	
	(d) San Mateo County 68,067	
	(e) Santa Barbara County 182,234	
	(f) Ventura County 188,428	
	Total of schedule 1,446,971	
	184—For direct allotment to the United States Forest Service, for prevention and suppression of forest fires on private and state-owned lands located within and adjacent to the boundaries of United States National Forests within this State, Division of Forestry, Department of Natural Resources	1,178,249

Item		Amount
185	For white pine blister rust control on state and private lands, Division of Forestry, Department of Natural Resources; provided, that any amount expended from this item for the control of white pine blister rust on private lands must be matched by an expenditure of an equal amount from sources other than the appropriation made by this item. Control to be effected in accordance with Sections 4451 through 4459 of the Public Resources Code, and may be pursuant to an agreement which may provide for the advance of the State's contribution or any part thereof to the federal government	80,000
186	For emergency fire suppression and detection, and for the purposes provided by Section 4006.5 of the Public Resources Code, Division of Forestry, Department of Natural Resources, which may be transferred to Item 182 upon executive order of the Department of Finance	320,000
187	For forest insect control, Division of Forestry, Department of Natural Resources, to be expended in accordance with Sections 4451 through 4459 of the Public Resources Code	20,000
188	For wild land vegetation and soil mapping project in co-operation with the California Forest and Range Experiment Station of the United States Department of Agriculture and the University of California, Division of Forestry, Department of Natural Resources	110,581
189	For watershed research at the San Dimas Experimental Forest in co-operation with the California Forest and Range Experiment Station of the United States Department of Agriculture, Division of Forestry, Department of Natural Resources	23,472
190	For forest and fire research, Division of Forestry, Department of Natural Resources provided, that $100,000 of this appropriation is contingent upon enactment of legislation abolishing the State Lands Act Fund.	164,764
191	For support of Division of Mines, Department of Natural Resources and in addition thereto any amounts received from sale of mineral information service and, notwithstanding the provisions of Section 2210 of the Public Resources Code, from the sale of publications issued by the division, in accordance with the following schedule	Division of Mines 673,766

Item		Amount
	Schedule:	
	(a) Salaries and Wages	532,297
	(b) Operating Expenses and Equipment	354,284
	Total of schedule	886,581
	Less estimated amounts available from other sources:	
	(c) Estimated reimbursements from sale of mineral information service and publications	43,500
	(d) Amount payable from the State Lands Act Fund (Item 192)	169,315
	Net appropriation	673,766
	192—For additional support of Division of Mines, Department of Natural Resources, payable from the State Lands Act Fund	169,315
	193—**For geological exploration in co-operation with United States Geological Survey, Division of Mines, Department of Natural Resources** provided, that any amount withdrawn from this item must be matched by an expenditure of a like amount by the federal government in this State for this purpose.	30,000
	194—For publication of portions of a state geologic map, Division of Mines, Department of Natural Resources, and in addition any amounts received from sale of state geologic maps, in accordance with the following schedule	15,754
	Schedule:	
	(a) Operating Expenses	28,254
	Less estimated reimbursements	12,500
	Net appropriation	15,754
Division of Oil and Gas	195—For support of Division of Oil and Gas, Department of Natural Resources, payable from the Petroleum and Gas Fund, in accordance with the following schedule	775,271
	Schedule:	
	(a) Salaries and Wages	653,813
	(b) Operating Expenses and Equipment	223,738
	Total of schedule	877,551

Item		Amount
Less estimated amounts available from other sources:		
(c) Reimbursements	16,104	
(d) Amount payable from Subsidence Abatement Fund (Item 196)	86,176	
Net appropriation	775,271	
196—For support of Division of Oil and Gas, Department of Natural Resources, payable from the Subsidence Abatement Fund		86,176
197—For support of Division of Recreation, Department of Natural Resources, in accordance with the following schedule		115,596
Schedule:		
(a) Salaries and Wages	76,186	
(b) Operating Expenses and Equipment	39,410	
Total of schedule	115,596	
198—For support of Division of Small Craft Harbors, Department of Natural Resources, in accordance with the following schedule		74,826
Schedule:		
(a) Salaries and Wages	49,058	
(b) Operating Expenses and Equipment	25,768	
Total of schedule	74,826	
199—For support of Division of Small Craft Harbors, Department of Natural Resources, payable from the Small Craft Harbors Revolving Fund, in accordance with the following schedule		194,113
Schedule:		
(a) Salaries and Wages	136,746	
(b) Operating Expenses and Equipment	57,367	
Total of schedule	194,113	
200—For support of Division of Soil Conservation, Department of Natural Resources, in accordance with the following schedule		452,153
Schedule:		
(a) Salaries and Wages	352,703	
(b) Operating Expenses and Equipment	99,450	
Total of schedule	452,153	
201—For operation of the United States Soil Conservation Service Nursery located at Pleasan-		

Division of Recreation

Division of Small Craft Harbors

Division of Soil Conservation

Item		Amount
	ton, Division of Soil Conservation, Department of Natural Resources, under co-operative agreement with the United States Soil Conservation Service	34,230
	PUBLIC HEALTH	
Department of Public Health	202—For support of Department of Public Health, in accordance with the following schedule	8,169,278
	Schedule:	
	(a) Salaries and Wages 7,333,150	
	(b) Operating Expenses and Equipment 2,805,301	
	Total of schedule 10,138,451	
	Less estimated amounts available from other sources:	
	(c) Reimbursements 235,473	
	(d) Estimated grants from the federal government or agencies thereof 1,733,700	
	Net appropriation 8,169,278	
	provided, that of the amount appropriated by this item, $17,737 is available contingent upon enactment of Senate Bill No. 621 at the 1961 Legislature.	
	202.1—For additional support of Department of Public Health for establishing a demonstration project for hospital care for alcoholics and arrangement of post hospital care	25,000
	202.5—For additional support of Department of Public Health for establishing a community alcoholism clinic at Long Beach	35,000
	202.7—For additional support of Department of Public Health for establishing a demonstration recovery home for homeless alcoholics	20,000
	202.9—For additional support of Department of Public Health for establishing a detoxification center for acutely intoxicated alcoholics	25,000
	203—For additional support of Department of Public Health for the study of an epilepsy program pursuant to Chapter 2033, Statutes of 1959	79,714
Motor Vehicle Pollution Control Board	204—For support of Motor Vehicle Pollution Control Board, Department of Public Health, in accordance with the following schedule	500,000

Item		Amount
Schedule:		
(a) Salaries and Wages	114,000	
(b) Operating Expenses and Equipment	386,000	
Total of schedule	500,000	

PUBLIC WORKS

Division of Architecture

205—For expenditure by the Division of Architecture, Department of Public Works, payable from the Division of Architecture Revolving Fund, for the purposes specified in Section 14030 of the Government Code, in accordance with the following schedule 9,426,214

Schedule:		
(a) Salaries and Wages	8,424,386	
(b) Operating Expenses and Equipment	1,001,828	
Total of schedule	9,426,214	

provided, that any balances in the Division of Architecture Revolving Fund continue to be appropriated by and subject to Section 14030 of the Government Code, and are available for construction and for augmentation of this appropriation.

206—For support of Division of Architecture, Department of Public Works, payable from the Division of Architecture Public Building Fund, in accordance with the following schedule 1,232,772

Schedule:		
(a) Salaries and Wages	953,870	
(b) Operating Expenses and Equipment	278,902	
Total of schedule	1,232,772	

State Building Standards Commission

207—For support of State Building Standards Commission, Division of Architecture, Department of Public Works, in accordance with the following schedule 61,601

Schedule:		
(a) Salaries and Wages	45,510	
(b) Operating Expenses and Equipment	16,091	
Total of schedule	61,601	

California Aeronautics Commission

208—For support of California Aeronautics Commission, in accordance with the following schedule 91,425

Item		Amount
	Schedule:	
	(a) Salaries and Wages	54,705
	(b) Operating Expenses and Equipment	36,720
	Total of schedule	91,425
	209—For support of California Aeronautics Commission, from moneys appropriated by Section 8352(f) of the Revenue and Taxation Code, before the apportionments provided in Section 8357 of the Revenue and Taxation Code, payable from the Motor Vehicle Fuel Fund	14,750
Colorado River Boundary Commission	210—For support of Colorado River Boundary Commission, payable from the State Lands Act Fund	16,000

REGULATION AND LICENSING

Department of Alcoholic Beverage Control	211—For support of Department of Alcoholic Beverage Control, in accordance with the following schedule	3,534,832
	Schedule:	
	(a) Salaries and Wages	2,967,856
	(b) Operating Expenses and Equipment	568,476
	Total of schedule	3,536,332
	Less estimated reimbursements	1,500
	Net appropriation	3,534,832
Alcoholic Beverage Control Appeals Board	212—For support of Alcoholic Beverage Control Appeals Board, in accordance with the following schedule	98,467
	Schedule:	
	(a) Salaries and Wages	78,695
	(b) Operating Expenses and Equipment	19,772
	Total of schedule	98,467
California Districts Securities Commission	213—For support of California Districts Securities Commission, in accordance with the following schedule	64,354
	Schedule:	
	(a) Salaries and Wages	59,859
	(b) Operating Expenses and Equipment	15,535
	Total of schedule	75,394

Item		Amount	
Less estimated reimbursements for services to districts and other agencies	11,040		
Net appropriation	64,354		
214—For support of California Horse Racing Board, payable from the Fair and Exposition Fund, in accordance with the following schedule		196,762	California Horse Racing Board
Schedule:			
(a) Salaries and Wages	123,386		
(b) Operating Expenses and Equipment	73,376		
Total of schedule	196,762		
215—For support of State Banking Department, Department of Investment, payable from the State Banking Fund, in accordance with the following schedule		773,541	State Banking Department
Schedule:			
(a) Salaries and Wages	603,311		
(b) Operating Expenses and Equipment	170,230		
Total of schedule	773,541		
216—For support of Division of Corporations, Department of Investment, in accordance with the following schedule		2,588,595	Division of Corporations
Schedule:			
(a) Salaries and Wages	2,674,209		
(b) Operating Expenses and Equipment	466,986		
Total of schedule	3,141,195		
Less estimated reimbursements	552,600		
Net appropriation	2,588,595		
217—For support of Department of Insurance, payable from the Insurance Fund, in accordance with the following schedule		2,191,276	Department of Insurance
Schedule:			
(a) Salaries and Wages	1,734,502		
(b) Operating Expenses and Equipment	474,774		
Total of schedule	2,209,276		
Less estimated reimbursements	18,000		
Net appropriation	2,191,276		
218—For support of Division of Real Estate, Department of Investment, payable from the			Division of Real Estate

Item		Amount
Real Estate Fund, in accordance with the following schedule		1,927,917
Schedule:		
(a) Salaries and Wages	1,411,544	
(b) Operating Expenses and Equipment	788,703	
Total of schedule	2,200,247	
Less estimated amount available from other sources:		
(c) Amount payable from the Real Estate Education and Research Fund (Item 219)	272,330	
Net appropriation	1,927,917	
219—For educational and research needs of the real estate industry in California, payable from the Real Estate Education and Research Fund		474,830
to be allocated by the Department of Finance in amounts as it finds necessary to the University of California exempt from Section 31 of this act and to the Division of Real Estate, Department of Investment, to carry out the provisions of Section 10451.5 of the Business and Professions Code.		
Division of Savings and Loan 220—For support of Division of Savings and Loan, Department of Investment, payable from the Savings and Loan Inspection Fund, in accordance with the following schedule		933,107
Schedule:		
(a) Salaries and Wages	702,188	
(b) Operating Expenses and Equipment	231,419	
Total of schedule	933,607	
Less estimated reimbursements	500	
Net appropriation	933,107	
Board of Osteopathic Examiners 221—For support of Board of Osteopathic Examiners of the State of California, payable from the Contingent Fund of the Board of Osteopathic Examiners, in accordance with the following schedule		68,780
Schedule:		
(a) Salaries and Wages	42,949	
(b) Operating Expenses and Equipment	25,831	
Total of schedule	68,780	

Item			Amount	
222—For support of Board of Pilot Commissioners for the Harbor of San Diego			1,425	Board of Pilot Commissioners: San Diego
223—For support of Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners' Special Fund, in accordance with the following schedule			23,968	San Francisco, etc., Bays
Schedule:				
(a) Salaries and Wages	16,606			
(b) Operating Expenses and Equipment	7,362			
Total of schedule		23,968		
224—For support of Division of Administrative Procedure, Department of Professional and Vocational Standards, in accordance with the following schedule			70,987	Division of Administrative Procedure
Schedule:				
(a) Salaries and Wages	228,886			
(b) Operating Expenses and Equipment	134,102			
Total of schedule		362,988		
Less estimated reimbursements		292,001		
Net appropriation		70,987		
225—For support of State Board of Accountancy, payable from the Accountancy Fund, in accordance with the following schedule			263,515	State Boards Accountancy
Schedule:				
(a) Salaries and Wages	98,874			
(b) Operating Expenses and Equipment	164,641			
Total of schedule		263,515		
226—For support of California State Board of Architectural Examiners, payable from the California State Board of Architectural Examiners Fund, in accordance with the following schedule			89,725	Architectural Examiners
Schedule:				
(a) Salaries and Wages	54,600			
(b) Operating Expenses and Equipment	35,125			
Total of schedule		89,725		
227—For support of State Athletic Commission, payable from the Athletic Commission Fund, in accordance with the following schedule			180,910	Athletic Commission

Item		Amount
	Schedule:	
	(a) Salaries and Wages 121,878	
	(b) Operating Expenses and Equipment 59,032	
	Total of schedule 180,910	
Barber Examiners	228—For support of State Board of Barber Examiners, payable from the State Board of Barber Examiners' Fund, in accordance with the following schedule	185,746
	Schedule:	
	(a) Salaries and Wages 105,819	
	(b) Operating Expenses and Equipment 79,927	
	Total of schedule 185,746	
Cemetery Board	229—For support of Cemetery Board, payable from the Cemetery Fund, in accordance with the following schedule	52,879
	Schedule:	
	(a) Salaries and Wages 29,160	
	(b) Operating Expenses and Equipment 23,719	
	Total of schedule 52,879	
Chiropractic Examiners	230—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners' Fund, in accordance with the following schedule	83,943
	Schedule:	
	(a) Salaries and Wages 42,172	
	(b) Operating Expenses and Equipment 41,771	
	Total of schedule 83,943	
Registration for Civil and Professional Engineers	231—For support of State Board of Registration for Civil and Professional Engineers, payable from the Professional Engineers' Fund, in accordance with the following schedule.....	328,169
	Schedule:	
	(a) Salaries and Wages..... 210,202	
	(b) Operating Expenses and Equipment 117,967	
	Total of schedule..... 328,169	
Collection Agency Licensing	232—For support of Collection Agency Licensing Bureau, Department of Professional and Vocational Standards, payable from the Collection Agency Fund, in accordance with the following schedule	174,166

Item		Amount	
Schedule:			
(a) Salaries and Wages	86,946		
(b) Operating Expenses and Equipment	87,220		
Total of schedule	174,166		
233—For support of Contractors' State License Board, payable from the Contractors' License Fund, in accordance with the following schedule		1,119,129	Contractors' License
Schedule:			
(a) Salaries and Wages	694,854		
(b) Operating Expenses and Equipment	424,275		
Total of schedule	1,119,129		
234—For support of State Board of Cosmetology, payable from the Board of Cosmetology's Contingent Fund, in accordance with the following schedule		368,911	Cosmetology
Schedule:			
(a) Salaries and Wages	206,379		
(b) Operating Expenses and Equipment	162,532		
Total of schedule	368,911		
235—For support of Board of Dental Examiners of California, payable from the State Dentistry Fund, in accordance with the following schedule		143,689	Dental Examiners
Schedule:			
(a) Salaries and Wages	86,564		
(b) Operating Expenses and Equipment	57,125		
Total of schedule	143,689		
236—For support of State Board of Dry Cleaners, payable from the Dry Cleaners' Fund, in accordance with the following schedule		252,453	Dry Cleaners
Schedule:			
(a) Salaries and Wages	145,418		
(b) Operating Expenses and Equipment	107,035		
Total of schedule	252,453		
Provided that amount in category (b) above is intended to be the maximum available for the purpose of in-state travel during the 1961-1962 fiscal year notwithstanding the provisions of Section 2 of this act authorizing the			

Item		Amount
	creation of deficiencies under Section 11006 of the Government Code.	
Funeral Directors and Embalmers	237—For support of State Board of Funeral Directors and Embalmers, payable from the State Funeral Directors and Embalmers Fund, in accordance with the following schedule	66,806
	Schedule:	
	(a) Salaries and Wages 37,646	
	(b) Operating Expenses and Equipment 29,160	
	Total of schedule 66,806	
Furniture and Bedding Inspection	238—For support of Bureau of Furniture and Bedding Inspection, Department of Professional and Vocational Standards, payable from the Bureau of Furniture and Bedding Inspection Fund, in accordance with the following schedule	378,230
	Schedule:	
	(a) Salaries and Wages 255,117	
	(b) Operating Expenses and Equipment 123,113	
	Total of schedule 378,230	
Guide Dogs for Blind	239—For support of State Board of Guide Dogs for the Blind	4,866
Landscape Architects	240—For support of California State Board of Landscape Architects, payable from the California State Board of Landscape Architects Fund, in accordance with the following schedule	19,411
	Schedule:	
	(a) Salaries and Wages 6,821	
	(b) Operating Expenses and Equipment 12,590	
	Total of schedule 19,411	
Medical Examiners	241—For support of State Board of Medical Examiners, payable from the Contingent Fund of the Board of Medical Examiners, in accordance with the following schedule	488,911
	Schedule:	
	(a) Salaries and Wages 235,118	
	(b) Operating Expenses and Equipment 253,793	
	Total of schedule 488,911	
	242—For additional support of the State Board of Medical Examiners, payable from the Contingent Fund of the Board of Medical Examiners from those moneys deposited under the	

Item		Amount
provisions of Section 2614 of the Business and Professions Code, in accordance with the following schedule		14,450
Schedule:		
(a) Salaries and Wages	8,446	
(b) Operating Expenses and Equipment	6,004	
Total of schedule	14,450	
243—For support of State Board of Medical Examiners, payable from the Physical Therapy Fund, in accordance with the following schedule		13,302
Schedule:		
(a) Salaries and Wages	7,734	
(b) Operating Expenses and Equipment	5,568	
Total of schedule	13,302	
244—For support of Board of Nurse Examiners of the State of California, payable from the Board of Nurse Examiners' Fund, in accordance with the following schedule		349,359
Schedule:		
(a) Salaries and Wages	222,063	
(b) Operating Expenses and Equipment	127,296	
Total of schedule	349,359	
245—For support of State Board of Optometry, payable from the State Optometry Fund, in accordance with the following schedule		48,418
Schedule:		
(a) Salaries and Wages	26,356	
(b) Operating Expenses and Equipment	22,062	
Total of schedule	48,418	
246—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund, in accordance with the following schedule		328,686
Schedule:		
(a) Salaries and Wages	209,362	
(b) Operating Expenses and Equipment	121,356	
Total of schedule	330,718	
Less estimated reimbursements	2,032	
Net appropriation	328,686	

Nurse Examiners

Optometry

Pharmacy

Item		Amount
Private Investigators	247—For support of Bureau of Private Investigators and Adjusters, Department of Professional and Vocational Standards, payable from the Private Investigator and Adjuster Fund, in accordance with the following schedule	100,346
	Schedule:	
	(a) Salaries and Wages 60,258	
	(b) Operating Expenses and Equipment 46,688	
	Total of schedule 106,946	
	Less estimated reimbursements 6,600	
	Net appropriation 100,346	
Certified Shorthand Reporters	248—For support of Certified Shorthand Reporters Board, payable from the Shorthand Reporters' Fund, in accordance with the following schedule	20,822
	Schedule:	
	(a) Salaries and Wages 4,622	
	(b) Operating Expenses and Equipment 16,200	
	Total of schedule 20,822	
Social Work Examiners	249—For support of Board of Social Work Examiners of the State of California, payable from the Registered Social Workers' Fund, in accordance with the following schedule	30,862
	Schedule:	
	(a) Salaries and Wages 18,098	
	(b) Operating Expenses and Equipment 12,764	
	Total of schedule 30,862	
Structural Pest Control	250—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund, in accordance with the following schedule	87,219
	Schedule:	
	(a) Salaries and Wages 48,276	
	(b) Operating Expenses and Equipment 38,943	
	Total of schedule 87,219	
Veterinary Medicine	251—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund, in accordance with the following schedule	25,384

Item		Amount	
Schedule:			
(a) Salaries and Wages	10,203		
(b) Operating Expenses and Equipment	15,733		
Total of schedule	25,936		
Less estimated reimbursements	552		
Net appropriation	25,384		
252—For support of the Board of Vocational Nurse Examiners of the State of California, payable from the Vocational Nurse Examiners Fund, in accordance with the following schedule		68,391	Vocational Nurses
Schedule:			
(a) Salaries and Wages	33,911		
(b) Operating Expenses and Equipment	34,480		
Total of schedule	68,391		
253—For additional support of the Board of Vocational Nurse Examiners of the State of California, payable from the Vocational Nurse Examiners Fund from those moneys deposited under the provisions of Section 4547 of the Business and Professions Code, in accordance with the following schedule		49,324	
Schedule:			
(a) Salaries and Wages	32,078		
(b) Operating Expenses and Equipment	17,246		
Total of schedule	49,324		
254—For support of Yacht and Ship Brokers Commission, payable from the Yacht and Ship Brokers Fund, in accordance with the following schedule		18,816	Yacht and Ship Brokers Commission
Schedule:			
(a) Salaries and Wages	15,540		
(b) Operating Expenses and Equipment	10,705		
Total of schedule	26,245		
Less estimated reimbursements	7,429		
Net appropriation	18,816		
255—For support of Public Utilities Commission of the State of California, in accordance with the following schedule		3,527,046	Public Utilities Commission

Item		Amount
	Schedule:	
	(a) Salaries and Wages	5,246,142
	(b) Operating Expenses and Equipment	1,238,218
	Total of schedule	6,484,360
	Less estimated amount available from other sources:	
	(c) Reimbursements	100,000
	(d) Amount payable from the Transportation Rate Fund (Item 256)	2,857,314
	Net appropriation	3,527,046
256	For additional support of Public Utilities Commission of the State of California, payable from the Transportation Rate Fund	2,857,314

SOCIAL WELFARE

Department of Social Welfare

257	For support of Department of Social Welfare. Such appropriation, together with any grants made available by the federal government for support of the Department of Social Welfare during the 1961-62 fiscal year, shall be expended in accordance with the following schedule	3,794,687
	Schedule:	
	(a) Salaries and Wages	4,557,971
	(b) Operating Expenses and Equipment	1,659,661
	Total of schedule	6,217,632
	Less estimated amounts available from other sources:	
	(c) Reimbursements	135,600
	(d) Estimated grants from the federal government	2,287,345
	Net appropriation	3,794,687

provided, that any rule or regulation adopted by the State Social Welfare Board during the fiscal year 1961-62 which adds to the cost of any public assistance program shall only be effective from and after the date upon which it is approved by the Director of Finance. All such additional costs shall be reported by the Director of Finance to the Joint Legislative Budget Committee quarterly.

Item		Amount	
258—For support of the Citizens' Advisory Committee on Aging, in accordance with the following schedule		50,854	Citizens' Advisory Committee on Aging
Schedule:			
(a) Salaries and Wages	30,518		
(b) Operating Expenses and Equipment	20,336		
Total of schedule	50,854		

VETERANS AFFAIRS

259—For support of Department of Veterans Affairs, in accordance with the following schedule		577,212	Department of Veterans Affairs
Schedule:			
(a) Salaries and Wages	552,433		
(b) Operating Expenses and Equipment	145,580		
Total of schedule	698,013		
Less estimated amounts available from other sources:			
(c) From Veterans' Farm and Home Building Fund of 1943 (Item 260)	120,801		
Net appropriation	577,212		
260—For additional support of Department of Veterans Affairs, payable from the Veterans' Farm and Home Building Fund of 1943 to be transferred to the General Fund in augmentation of Item 259.		120,801	
261—For educational assistance to veterans and veterans' dependents, Department of Veterans Affairs, to be expended under the provisions of Sections 890 through 898 and Sections 981 through 981.7 of the Military and Veterans Code in accordance with the following schedule		3,344,300	Educational Assistance
Schedule:			
(a) Educational assistance to veterans	2,787,300		
(b) Educational assistance to veterans' dependents	557,000		
Total of schedule	3,344,300		
262—For support of Veterans' Home of California, in accordance with the following schedule		2,896,576	Veterans' Home

Item		Amount
	Schedule:	
	(a) Salaries and Wages	3,573,021
	(b) Operating Expenses and Equipment	1,054,737
	Total of schedule	4,627,758
	Less estimated amounts available from other sources:	
	(c) Reimbursements	65,870
	(d) Estimated receipts from federal government	1,665,312
	Net appropriation	2,896,576
	provided, that none of the funds herein appropriated shall be expended for the payment of sick leave pay for member employees.	
263	—For hospitalization and care of members, to be expended pursuant to Sections 1086.1 and 1086.2 of the Military and Veterans Code, and maintenance of physical facilities, of Woman's Relief Corps Home	10,600
United Spanish War Veterans' Commission 264	—For support of United Spanish War Veterans Commission	3,400

WATER RESOURCES

Department of Water Resources 265	—For expenditure by Department of Water Resources, in accordance with the provisions of Item 266 of this act and Sections 12930 through 12942 of the Water Code, in accordance with the following schedule payable from the Water Resources Revolving Fund	57,846,013
	Schedule:	
	(a) Salaries and Wages	15,321,531
	(b) Operating Expenses and Equipment	6,977,328
	(c) Contributions to State Employees' Retirement Fund	1,199,986
	(d) Work in co-operation with the federal government	1,156,965
	(e) Direct construction and acquisition	34,600,954
	Total of schedule	59,256,764
	Less estimated reimbursements	1,410,751
	Net appropriation	57,846,013
	provided, that any remaining balances in the Water Resources Revolving Fund continue to be appropriated by and subject to Section 135 of the Water Code.	

Item			Amount
266—For transfer to the Water Resources Revolving Fund to be transferred by the State Controller in such amounts as the Department of Finance may authorize for support of Department of Water Resources, including co-operative work with other agencies, in accordance with the following schedule			10,064,646
Schedule:			
(a) General administration		667,433	
(b) Technical co-ordination		506,779	
(c) Basic data		2,779,719	
(d) Operation and maintenance		1,375,631	
(e) California water planning program		2,298,840	
(f) Other projects and activities		1,279,279	
(g) For work in co-operation with the federal government:			
	(1) Yuba River debris control	50,000	
	(2) Co-operative mapping	330,000	
	(3) Stream gaging	319,185	
	(4) Irrigation research	46,500	
	(5) Establishment of gaging stations	45,000	
	(6) Ground water basin and subsidence studies	142,000	
	(7) Development, installation and rating of an ultrasonic stream measuring station	13,000	
	(8) Forest management research	10,000	
	(9) Beach erosion investigations	25,000	
	(10) Research in snow pack management	68,500	
	(11) Sediment investigations	35,000	
	(12) Water quality investigations	42,780	
	(13) Leveling in subsidence areas	30,000	
Subtotal		1,156,965	
Total of schedule			10,064,646

provided, that the money so transferred be placed in a special account in that fund and shall not be available for expenditure after

Item		Amount
	June 30, 1962, and any unexpended balances shall be returned to the General Fund as of June 30, 1962; and provided further, that any amount withdrawn from (g) of this item must be matched by an expenditure of like amount by the federal government in this State for this purpose; and further provided, that $50,000 from (g) in the above schedule shall be available for Yuba River debris control subject to the provisions of Sections 340 through 342 of the Water Code and provided further, that none of these funds shall be available for expenditure involving new decentralized district offices not in existence on March 9, 1961.	
266.1	—For conducting investigations, surveys, and studies and preparing plans, estimates, and reports thereon, as to the feasibility of a dam and reservoir at Fish Slough in Inyo County, or at any other comparable sites in said county, for recreational purposes, Department of Water Resources, payable from the California Water Fund	70,000
266.5	—For transfer to the Water Resources Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize for support of Department of Water Resources, in augmentation of the appropriation made by Item 253, Budget Act of 1960, in accordance with the following schedule	286,325
	Schedule:	
	(a) Contributions to the State Employees' Retirement Fund 286,325	
	Total of schedule 286,325	
	Notwithstanding other provisions of this section, the appropriation made by this item is available for payment of expenditures incurred during the 1960-61 fiscal year.	
State Water Rights Board	267—For support of State Water Rights Board, and in addition any amounts received from filing fees for recordation of wells shall be expended in accordance with the following schedule	830,860
	Schedule:	
	(a) Salaries and Wages 706,117	
	(b) Operating Expenses and Equipment 178,743	
	Total of schedule 884,860	

Item		Amount	
Less estimated reimbursements --	54,000		
Net appropriation ------	830,860		
268—For support of Reclamation Board, in accordance with the following schedule ----------		173,602	Reclamation Board
Schedule:			
(a) Salaries and Wages -------	455,930		
(b) Operating Expenses and Equipment ----------	155,173		
Total of schedule -------	611,103		
Less estimated reimbursements --	437,501		
Net appropriation ------	173,602		
269—For support of Colorado River Board of California, in accordance with the following schedule ----------		221,072	Colorado River Board
Schedule:			
(a) Salaries and Wages -------	166,370		
(b) Operating Expenses and Equipment ----------	54,702		
Total of schedule -------	221,072		
270—For support of Klamath River Compact Commission ----------		5,698	Klamath River Commission
271—For support of California-Nevada Interstate Compact Commission ----------		98,000	California-Nevada Commission
272—For support of State Water Pollution Control Board and the regional water pollution control boards, in accordance with the following schedule ----------		917,362	Water Pollution Control Board
Schedule:			
(a) Salaries and Wages -------	477,963		
(b) Operating Expenses and Equipment ----------	439,399		
Total of schedule -------	917,362		

provided, that so much of $50,000 as may be needed shall be available to finance a study leading to an interagency agreement covering the co-ordination, collection, analysis, reporting and utilization of water quality and water pollution data by the Departments of Water Resources, Public Health, Fish and Game, and the State and Regional Water Pollution Control Boards; and further provided, that the Department of Finance shall determine the content of the study including necessary consulting services and make an equitable apportionment of the costs of this study among the agencies involved and provide for reimbursement of such amount by each agency to this item.

MISCELLANEOUS

Item		Amount
Workmen's Compensation Benefits	273—For the payment of workmen's compensation benefits in conformance with the provisions of Sections 3201 through 6002 and Sections 6100 through 6149 of the Labor Code and Public Law 108, Chapter 225, 81st Congress, First Session, as adopted by Section 340, Military and Veterans Code to state officers and employees whose salaries or wages at time of compensable injury or death were payable in whole or in part from the General Fund	2,350,000
Subsequent injury	274—For payment of the additional compensation for subsequent injury provided for by Section 4751 of the Labor Code, Department of Industrial Relations	875,000
Refund of tax payments, etc.	275—For refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund for the refund of which no other provision is made by law and for payment of prior judgments, liens or encumbrances pursuant to Section 12516, Government Code	31,000
Claim of Secretary of Board of Control	276—For claim of the Secretary of the State Board of Control, to be paid from the several funds, in accordance with the following schedule	355,081

Schedule:

(a) General Fund	86,353
(b) Department of Agriculture Fund	644
(c) State Beach and Park Fund	45,777
(d) Contractors' License Fund	56
(e) State Fair Fund	100
(f) Fish and Game Preservation Fund	169,754
(g) State Highway Fund	17,931
(h) Insurance Fund	16
(i) State Lands Act Fund	838
(j) Motor Vehicle Fund	9,877
(k) Motor Vehicle Fuel Fund	3,945
(*l*) Motor Vehicle License Fee Fund	1,792
(m) Poultry Testing Project Fund	22
(n) Real Estate Fund	225
(o) Division of Architecture Revolving Fund	179
(p) Public Building Construction Fund—Issue of 1956	518
(q) State School Building Aid Fund	3,214
(r) Unclaimed Property Fund	45

Item		Amount
(s) Veterans Farm and Home Building Fund of 1943	980	
(t) Water Resources Revolving Fund	7,694	
(u) Fund in possession of and under control of the 22d District Agricultural Association	5,121	
Total of schedule	355,081	

277—To Secretary of the State Board of Control for payment of claims filed pursuant to Chapter 2099, Statutes of 1957, from the Fish and Game Preservation Fund, an amount equal to the sum derived or to be derived from the sale by the State of boats, nets and fishing equipment acquired pursuant to that statute and Item 266 of the Budget Act of 1958 and thereafter credited to the Fish and Game Preservation Fund.

278—For augmentation of Correctional Industries Revolving Fund ..... 500,000 Correctional Industries Revolving Fund
to be transferred by the State Controller in such amounts and for such periods as the Department of Finance may authorize.

279—For augmentation of Purchasing Revolving Fund ..... 141,767 Purchase Revolving Fund
to be transferred by the State Controller in such amounts and for such periods as the Department of Finance may authorize.

280—For augmentation of the Purchasing Revolving Fund, to be transferred by the State Controller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Controller shall transfer to this item from any appropriation made from the General Fund by the provisions of Section 2 of this act that part of such appropriation which is intended to be used and is available for the purchase or replacement of automobiles.

281—For temporary transfers to the General Fund in accordance with Section 16310 of the Government Code, payable from the California Water Fund; provided, that this item does not authorize any transfer which will interfere with the object for which said California Water Fund was created.

282—For support of Capitol Building and Planning Commission, in accordance with the following schedule ..... 2,500 Capitol Building and Planning Commission

Item		Amount
	and in addition any amounts received from other sources shall be available for expenditure pursuant to the provisions of Chapter 1952, Statutes of 1959. Schedule:	
	(a) Operating Expenses and Equipment	2,500
	Total of schedule	2,500
Health and Welfare Benefits Fund	282.5—For Health and Welfare Benefits Fund, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes in such amounts as will make sufficient money available to pay the State's contributions and administrative costs for health and welfare benefits as provided in Assembly Bill No. 541 for each state officer or employee in the state service whose compensation, or a portion thereof, is payable from the General Fund	2,400,000
	For state officers and employees, including officers whose salaries are specified by statute, whose compensation, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide the State's contributions for health and welfare benefits for each such officer or employee, in accordance with Assembly Bill No. 541, which amount is to be made available by executive order of the Director of Finance in augmentation of their respective appropriations for support or for other purposes.	
	The appropriation made by this item is contingent upon enactment into law the provisions of Assembly Bill No. 541 at the 1961 Legislative Session.	
	RESERVE FOR CONTINGENCIES	
Emergency Fund	283—For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies	1,000,000
	provided, that loans may be made from the Emergency Fund to state agencies which derive their support from sources other than the General Fund, upon such terms and conditions for repayment as may be prescribed by	

Item		Amount	
the Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the State Controller to the fund from which the support of the agency is derived. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law.			
283.1—For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies, in augmentation of the appropriation made by Item 277, Budget Act of 1960		340,000	
Notwithstanding other provisions of this section, the appropriation made by this item is available for payment of expenditures incurred during the 1960-61 fiscal year.			

CAPITAL OUTLAY SECTION

SEC. 2.1. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1961-62, 1962-63 and 1963-64 fiscal years.

Item		Amount	
285—For Capital Outlay, Correctional Training Facility, Department of Corrections, in accordance with the following schedule		145,785	Department of Corrections: Correctional Training Facility
Schedule:			
(a) Minor projects	145,785		
Total of schedule	145,785		
286—For Capital Outlay, Deuel Vocational Institution, Department of Corrections, in accordance with the following schedule		54,710	Deuel Vocational Institution
Schedule:			
(a) Minor projects	54,710		
Total of schedule	54,710		
287—For Capital Outlay, State Prison at Folsom, Department of Corrections, in accordance with the following schedule		21,300	Folsom State Prison
Schedule:			
(a) Minor projects	21,300		
Total of schedule	21,300		
288—For Capital Outlay, California Institution for Men, including Tehachapi Branch, Department of Corrections, in accordance with the following schedule		43,890	Institution for Men

	Item		Amount
	Schedule:		
	(a) Minor projects	43,890	
	Total of schedule	43,890	
Medical Facility	289—For Capital Outlay, Medical Facility, Department of Corrections, in accordance with the following schedule		8,930
	Schedule:		
	(a) Minor projects	8,930	
	Total of schedule	8,930	
Men's Colony East Facility	290—For Capital Outlay, Men's Colony—East Facility, Department of Corrections, in accordance with the following schedule		4,000
	Schedule:		
	(a) Minor projects	4,000	
	Total of schedule	4,000	
San Quentin State Prison	291—For Capital Outlay, State Prison at San Quentin, Department of Corrections, in accordance with the following schedule		86,056
	Schedule:		
	(a) Minor projects	86,056	
	Total of schedule	86,056	
Reception Centers: Northern California	292—For Capital Outlay, Northern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule		121,000
	Schedule:		
	(a) Minor projects	121,000	
	Total of schedule	121,000	
Fricot Ranch School	293—For Capital Outlay, Fricot Ranch School for Boys, Department of the Youth Authority, in accordance with the following schedule		23,000
	Schedule:		
	(a) Minor projects	23,000	
	Total of schedule	23,000	
Fred C. Nelles School	294—For Capital Outlay, Fred C. Nelles School for Boys, Department of the Youth Authority, in accordance with the following schedule		63,000
	Schedule:		
	(a) Minor projects	63,000	
	Total of schedule	63,000	
Paso Robles School	295—For Capital Outlay, Paso Robles School for Boys, Department of the Youth Authority, in accordance with the following schedule		85,900
	Schedule:		
	(a) Minor projects	85,900	
	Total of schedule	85,900	

Item		Amount
296—For Capital Outlay, Preston School of Industry, Department of the Youth Authority, in accordance with the following schedule		40,200
Schedule:		
(a) Minor projects	40,200	
Total of schedule	40,200	
297—For Capital Outlay, Youth Training School, Department of the Youth Authority, in accordance with the following schedule		8,125
Schedule:		
(a) Minor projects	8,125	
Total of schedule	8,125	
298—For Capital Outlay, Los Guilucos School for Girls, Department of the Youth Authority, in accordance with the following schedule		75,600
Schedule:		
(a) Minor projects	75,600	
Total of schedule	75,600	
298.5—For Capital Outlay, land acquisition, purchase of equipment, moving expense, or lease of temporary or permanent facilities, and any other expenses in connection with relocation or rehabilitation for the Oakland Orientation Center for the Blind and the Oakland Center, California Industries for the Blind provided, that any proceeds from the sale of the present facilities shall be deposited in the State Treasury and credited to this appropriation for reversion to the unappropriated balance of the General Fund.		1,900,000
299—For Capital Outlay, California School for the Blind, in accordance with the following schedule		17,400
Schedule:		
(a) Minor projects	17,400	
Total of schedule	17,400	
300—For Capital Outlay, California School for the Deaf, Berkeley, in accordance with the following schedule		50,550
Schedule:		
(a) Construct swimming pool	41,300	
(b) Minor projects	9,250	
Total of schedule	50,550	
301—For Capital Outlay, California School for the Deaf, Riverside, in accordance with the following schedule		3,000

Preston School of Industry

Youth Training School

Los Guilucos School

Industries for the Blind. Oakland Center

School for the Blind

School for the Deaf. Berkeley

Riverside

	Item	Amount
	Schedule:	
	(a) Minor projects ---------- 3,000	
	Total of schedule-------- 3,000	
University of California	302—For Capital Outlay, University of California, exempt from Section 31, of this act, in accordance with the following schedule--------	1,732,000
	Schedule:	
	(a) Minor projects ---------- 1,732,000	
	Total of schedule-------- 1,732,000	
State Colleges: Chico	303—For Capital Outlay, Chico State College, in accordance with the following schedule-----	123,850
	Schedule:	
	(a) Minor projects ---------- 123,850	
	Total of schedule-------- 123,850	
Fresno	304—For Capital Outlay, Fresno State College, in accordance with the following schedule-----	140,950
	Schedule:	
	(a) Minor projects ---------- 140,950	
	Total of schedule-------- 140,950	
Humboldt	305—For Capital Outlay, Humboldt State College, in accordance with the following schedule---	118,050
	Schedule:	
	(a) Minor projects ---------- 118,050	
	Total of schedule-------- 118,050	
Long Beach	306—For Capital Outlay, Long Beach State College, in accordance with the following schedule ----------	12,600
	Schedule:	
	(a) Minor projects ---------- 12,600	
	Total of schedule-------- 12,600	
Los Angeles	307—For Capital Outlay, Los Angeles State College of Applied Arts and Sciences, in accordance with the following schedule----------	86,200
	Schedule:	
	(a) Minor projects ---------- 86,200	
	Total of schedule-------- 86,200	
Sacramento	308—For Capital Outlay, Sacramento State College, in accordance with the following schedule---	85,250
	Schedule:	
	(a) Minor projects ---------- 85,250	
	Total of schedule-------- 85,250	
San Diego	309—For Capital Outlay, San Diego State College, in accordance with the following schedule---	58,100

Item		Amount	
Schedule:			
(a) Minor projects	58,100		
Total of schedule	58,100		
310—For Capital Outlay, San Fernando Valley State College, in accordance with the following schedule		107,100	San Fernando Valley
Schedule:			
(a) Minor projects	107,100		
Total of schedule	107,100		
311—For Capital Outlay, San Francisco State College in accordance with the following schedule		120,750	San Francisco
Schedule:			
(a) Minor projects	120,750		
Total of schedule	120,750		
312—For Capital Outlay, San Jose State College, in accordance with the following schedule		118,100	San Jose
Schedule:			
(a) Minor projects	118,100		
Total of schedule	118,100		
313—For Capital Outlay, California State Polytechnic College, in accordance with the following schedule		107,675	California State Polytechnic
Schedule:			
(a) Minor projects—San Luis Obispo Campus	77,475		
(b) Minor projects—Kellogg-Voorhis Campus	30,200		
Total of schedule	107,675		
314—For Capital Outlay, California Maritime Academy, in accordance with the following schedule		5,000	Maritime Academy
Schedule:			
(a) Minor projects	5,000		
Total of schedule	5,000		
315—For Capital Outlay, Department of Employment, in accordance with the following schedule, payable from the Department of Employment Contingent Fund		131,300	Department of Employment
Schedule:			
(a) Alter and equip existing building—Hollywood	46,300		
(b) Alter and equip existing building—San Bernardino	75,000		
(c) Minor projects	10,000		
Total of schedule	131,300		

Item		Amount
	provided, that the amount appropriated by this item shall be reduced by the amount of any federal grants under Title III of the Social Security Act made available for expenditure for the purposes specified by this item.	
316	For Capital Outlay, Department of Employment, for the purposes listed below, payable from moneys credited to this State's account in the Unemployment Trust Fund and made available to this State under Section 903 of the Social Security Act, as amended	7,219,115
	Purposes:	
	(a) Site acquisition for parking lot and future building in:	
	(1) Pasadena	
	(2) Sacramento	
	(3) Vallejo	
	(4) San Francisco	
	(5) Oakland	
	(6) Richmond	
	(7) Modesto	
	(8) Berkeley	
	(9) El Centro	
	(10) Marysville	
	(11) Merced	
	(b) Construct and equip building addition and parking lot—Hollywood	
	(c) Construct and equip building addition—San Bernardino	
	(d) Construct and equip office building and parking lot—Los Angeles	
	(e) Construct and equip new office building in:	
	(1) Pasadena	
	(2) Oakland	
	(3) Richmond	
	(4) Modesto	
	(5) Berkeley	
	(6) El Centro	
	(7) Marysville	
	(8) Merced	
	(f) Preliminary plans for fiscal year 1962-63	
	(g) Construct and equip parking lots in:	
	(1) Bakersfield	
	(2) Chico	
	(3) Eureka	
	(4) Fullerton	
	(5) Indio	
	(6) Inglewood	
	(7) Redding	

Item		Amount	
	(8) Riverside (9) Salinas (10) Santa Barbara (11) Sacramento (12) San Francisco (13) Vallejo (14) Stockton		
	(h) Construct and equip, including necessary street work, curbs and gutters, a parking lot—Santa Rosa		
	(i) Minor projects		
	(j) As an alternative to (a)(7) or (e)(4) of this item, acquire, improve, remodel and equip an existing building and property, including parking lot — Modesto		
	provided, that such money is requisitioned from the Unemployment Trust Fund pursuant to Section 1528.5 of the Unemployment Insurance Code; no part of the money hereby appropriated may be obligated after the expiration of the two-year period beginning with the date of the enactment of this act. For purposes of this item, "date of the enactment" means July 1, 1961; the total amount obligated pursuant to this item and Item 420 during the fiscal year 1961-62 or pursuant to this item during the fiscal year 1962-63, shall not exceed the amount by which the aggregate of the amounts credited to the account of this State pursuant to Section 903 of the Social Security Act during such particular fiscal year and the four preceding fiscal years exceed the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this State during such five fiscal years.		
317—For Capital Outlay, Department of Finance, in accordance with the following schedule—		183,000	Department of Finance
	Schedule:		
	(a) Minor projects ---------- 183,000		
	Total of schedule-------- 183,000		
317.1—For construction, improvements and equipment of Governor's mansion, Department of Finance, to be constructed at a location to be determined by the State Public Works Board and in addition thereto, the unexpended balance as of June 30, 1961, of the appropriation made by Item 322(a) of the Budget Act		325,000	Governor's Mansion

Item		Amount
	of 1960 is hereby reappropriated for the above purpose.	
Office building San Bernardino	317.5—For Capital Outlay, Department of Finance, for site development and planning of an office building in the City of San Bernardino, an amount equivalent to any amount received by the Department of Finance from the sale or other disposition of any portion of the San Bernardino State Building site.	
Sixth District Agricultural Association	318—For Capital Outlay, Sixth District Agricultural Association, in accordance with the following schedule	74,700
	Schedule:	
	(a) Minor projects 74,700	
	Total of schedule 74,700	
Highway Patrol	319—For Capital Outlay, Department of the California Highway Patrol, in accordance with the following schedule, payable from the Motor Vehicle Fund	388,000
	Schedule:	
	(a) Construct office building—Fresno 240,000	
	(b) Construct office building—Merced 148.000	
	Total of schedule 388,000	
Langley Porter Neuropsychiatric Institute	320—For Capital Outlay, Langley Porter Neuropsychiatric Institute, in accordance with the following schedule	22,700
	Schedule:	
	(a) Minor projects 22,700	
	Total of schedule 22,700	
Neuropsychiatric Institute	321—For Capital Outlay, Neuropsychiatric Institute at University of California at Los Angeles, in accordance with the following schedule	10,000
	Schedule:	
	(a) Minor projects 10,000	
	Total of schedule 10,000	
State Hospitals Agnews	322—For Capital Outlay, Agnews State Hospital, in accordance with the following schedule	123,050
	Schedule:	
	(a) Minor projects 123,050	
	Total of schedule 123,050	
Atascadero	323—For Capital Outlay, Atascadero State Hospital, in accordance with the following schedule	56,450

Item		Amount
Schedule:		
(a) Minor projects	56,450	
Total of schedule	56,450	
324—For Capital Outlay, Camarillo State Hospital, in accordance with the following schedule		Camarillo 136,910
Schedule:		
(a) Minor projects	136,910	
Total of schedule	136,910	
325—For Capital Outlay, DeWitt State Hospital, in accordance with the following schedule		DeWitt 67,725
Schedule:		
(a) Minor projects	67,725	
Total of schedule	67,725	
326—For Capital Outlay, Mendocino State Hospital, in accordance with the following schedule		Mendocino 23,650
Schedule:		
(a) Minor projects	23,650	
Total of schedule	23,650	
327—For Capital Outlay, Metropolitan State Hospital, in accordance with the following schedule		Metropolitan 124,500
Schedule:		
(a) Minor projects	124,500	
Total of schedule	124,500	
328—For Capital Outlay, Modesto State Hospital, in accordance with the following schedule		Modesto 51,240
Schedule:		
(a) Minor projects	51,240	
Total of schedule	51,240	
329—For Capital Outlay, Napa State Hospital, in accordance with the following schedule		Napa 64,550
Schedule:		
(a) Minor projects	64,550	
Total of schedule	64,550	
330—For Capital Outlay, Patton State Hospital, in accordance with the following schedule		Patton 80,950
Schedule:		
(a) Minor projects	80,950	
Total of schedule	80,950	
331—For Capital Outlay, Stockton State Hospital, in accordance with the following schedule		Stockton 85,400

	Item		Amount
	Schedule:		
	(a) Minor projects	85,400	
	Total of schedule	85,400	
Fairview	332—For Capital Outlay, Fairview State Hospital, in accordance with the following schedule		75,900
	Schedule:		
	(a) Minor projects	75,900	
	Total of schedule	75,900	
Pacific	333—For Capital Outlay, Pacific State Hospital, in accordance with the following schedule		78,200
	Schedule:		
	(a) Minor projects	78,200	
	Total of schedule	78,200	
Porterville	334—For Capital Outlay, Porterville State Hospital, in accordance with the following schedule		28,270
	Schedule:		
	(a) Minor projects	28,270	
	Total of schedule	28,270	
Sonoma	335—For Capital Outlay, Sonoma State Hospital, in accordance with the following schedule		82,450
	Schedule:		
	(a) Minor projects	82,450	
	Total of schedule	82,450	
Military Department	336—For Capital Outlay, Military Department, in accordance with the following schedule		25,000
	Schedule:		
	(a) Minor projects	25,000	
	Total of schedule	25,000	
Department of Motor Vehicles	337—For Capital Outlay, Department of Motor Vehicles, in accordance with the following schedule, payable from the Motor Vehicle Fund		1,936,900
	Schedule:		
	(a) Site acquisition for parking—Sacramento	460,000	
	(b) Site acquisition for parking—Yuba City	17,500	
	(c) Construct office building—North Hollywood	300,000	
	(d) Construct office building—Santa Ana	237,000	
	(e) Construct office building—San Bernardino	348,400	
	(f) Construct office building—Pasadena	303,200	

Item		Amount
(g) Construct office building—Stockton	174,000	
(h) Minor projects	96,800	
Total of schedule	1,936,900	
338—For Capital Outlay, Department of Fish and Game, payable from the Fish and Game Preservation Fund including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item. The appropriation made by this item shall be expended in accordance with the following schedule		349,250
Schedule:		
(a) Rehabilitate Hot Creek Hatchery	312,500	
(b) Minor projects	36,750	
Total of schedule	349,250	
339—For Capital Outlay, Division of Beaches and Parks, Department of Natural Resources, in accordance with the following schedule		6,089,827
Schedule:		
(a) Site acquisition—statewide	525,000	
(b) Site acquisition—Carpinteria Beach State Park	240,000	
(c) Site acquisition—Golden Gate Project	80,000	
(d) Site acquisition—Hearst-San Simeon State Historical Monument	28,000	
(e) Site acquisition—MacKerricher Beach State Park	25,000	
(f) Site acquisition—Natural Bridges State Park	60,000	
(g) Site acquisition—Mt. San Jacinto State Park	335,000	
(h) Site acquisition—San Mateo Beaches State Park	120,000	
(i) Site acquisition—Twin Lakes Beach State Park	100,000	
(j) Site acquisition—Public domain lands controlled by United States Department of Interior, Bureau of Land Management	30,000	
(k) Site acquisition and construction—Pueblo de Los		

Department of Fish and Game

Division of Beaches and Parks

Item	Amount
Angeles State Historical Monument	200,000
Subtotal, site acquisition	1,743,000
(aa) Construction at Bolsa Chica Beach State Park	132,290
(bb) Construction at Brannan Island State Park	128,776
(cc) Construction at Columbia Historic State Park	184,875
(dd) Construction at Doheny Beach State Park	52,350
(ee) Construction at Hearst-San Simeon State Historical Monument	95,000
(ff) Construction at Hendy Woods State Park	286,767
(gg) Construction at Leo Carrillo Beach State Park	161,310
(hh) Construction at McGrath Beach State Park	330,300
(ii) Construction at Pismo Beach State Park	90,530
(jj) Construction at Plumas-Eureka State Park	242,970
(kk) Construction at San Buenaventura Beach State Park	314,050
(*ll*) Construction at Salton Sea State Park	87,300
(mm) Construction at San Mateo Beaches State Park	140,430
(nn) Construction at Sunset Beach State Park	82,235
(oo) Construction at San Elijo Beach State Park	632,600
(pp) Construction at San Clemente Beach State Park	65,810
(qq) Construction at Woodson Bridge State Park	152,148
(rr) Construction at San Francisco Maritime State Historical Monument	90,000
(ss) Minor projects	969,886
(tt) San Buenaventura Beach State Park storm damage rehabilitation	107,200
Subtotal, construction	4,346,827
Total of schedule	6,089,827

Item		Amount	
provided, that none of the funds made available in (j) in the above schedule shall be expended for the purchase of any property until there has been prepared for each proposed acquisition a complete study indicating the foreseeable development costs and the projected recreational utilization by the public and the cost benefit ratio resulting therefrom. Such studies for each site acquisition shall be presented to the State Public Works Board prior to or simultaneously with the request for the allocation of funds for site purchases.			
339.1—For recreational facilities at Frenchman's Reservoir, Division of Beaches and Parks, Department of Natural Resources		100,000	
340—For Capital Outlay, Division of Forestry, Department of Natural Resources, in accordance with the following schedule		821,569	Division of Forestry
Schedule:			
(a) Engineering, planning and inspection services	132,917		
(b) Minor projects	688,652		
Total of schedule	821,569		
340.1—For highway improvement, bank protection, and repair of bank and river damage incident due to Eel River flood action in the vicinity of Fernbridge on State Highway Routes 56 and 1, being upstream from said highways, Department of Public Works, payable from the State Highway Fund, from the portion available for expenditure in Group 1, as designated in Section 187 of the Streets and Highways Code		100,000	Department of Public Works
It is hereby declared that such work is necessary in connection with the construction and maintenance of State Highway Routes 56 and 1, and the Legislature finds that the expenditures under this item constitutes an expenditure for highway purposes within the meaning of Article XXVI of the Constitution of California.			
341—For Capital Outlay, Veterans' Home of California, in accordance with the following schedule		49,500	Veterans' Home
Schedule:			
(a) Minor projects	49,500		
Total of schedule	49,500		

Item		Amount
Department of Water Resources	342—For Capital Outlay, Department of Water Resources, in accordance with the following schedule	84,000
	Schedule:	
	(a) Minor projects 84,000	
	Total of schedule 84,000	
	343—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies	500,000
	The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.	
	344—For miscellaneous repairs, improvements and equipment, to be allocated to state agencies by the Department of Finance upon the approval of the State Public Works Board	100,000
	Notwithstanding other provisions of this act, the appropriation made by this item shall be limited to expenditures during the 1961-62 fiscal year.	

STATE CONSTRUCTION BOND ACT PROGRAM

Sec. 2.2. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1961-62, 1962-63 and 1963-64 fiscal years for expenditure only for the program contemplated by the State Construction Program Bond Act of 1955, or the State Construction Program Bond Act of 1958.

Item		Amount
Department of Agriculture	345—For Capital Outlay, Department of Agriculture, in accordance with the following schedule, payable from the State Construction Program Fund	358,500
	Schedule:	
	(a) Construct inspection station —Yermo 358,500	
	Total of schedule 358,500	
Conservation Centers	346—For Capital Outlay, Conservation Center and Branch Conservation Centers, in accordance with the following schedule, payable from the State Construction Program Fund	1,850,000
	Schedule:	
	(a) Equip conservation center— Lassen County—phase I 500,000	

Item		Amount	
(b) Equip conservation center branch—Tuolumne County —phase I	50,000		
(c) Construct conservation center branch—North Coast	1,250,000		
(d) Equip conservation center branch—North Coast—phase I	50,000		
Total of schedule	1,850,000		
347—For Capital Outlay, Deuel Vocational Institution, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		98,800	Deuel Vocational Institution
Schedule:			
(a) Construct in-service training building	98,800		
Total of schedule	98,800		
348—For Capital Outlay, California Institution for Men, including Tehachapi Branch, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		605,000	Institution for Men
Schedule:			
(a) Equip hospital addition	105,000		
(b) Working drawings for new institution	500,000		
Total of schedule	605,000		
349—For Capital Outlay, State Prison at San Quentin, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		8,000	San Quentin State Prison
Schedule:			
(a) Equip chapel—phase II	8,000		
Total of schedule	8,000		
349.5—For Capital Outlay, California Rehabilitation Center, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		5,060,000	Rehabilitation Center
(a) Rehabilitate surplus federal establishment	3,260,000		
(b) Equip surplus federal establishment	1,800,000		
Total of schedule	5,060,000		

Item		Amount
Institution for Women	350—For Capital Outlay, California Institution for Women, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund	1,236,800
	Schedule:	
	(a) Construct reception-guidance center	1,236,800
	Total of schedule	1,236,800
Reception Center Northern California	351—For Capital Outlay, Northern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund	129,550
	Schedule:	
	(a) Improve storm water disposal system	117,600
	(b) Equip living unit	11,950
	Total of schedule	129,550
Fred C Nelles School	352—For Capital Outlay, Fred C. Nelles School for Boys, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund	1,069,600
	Schedule:	
	(a) Construct classroom building—phase II	248,100
	(b) Equip classroom building—phase II	17,300
	(c) Construct commissary	197,700
	(d) Equip commissary	16,000
	(e) Construct storm water drainage system—phase I	103,800
	(f) Enlarge gymnasium, shower and dressing room facilities	92,000
	(g) Equip gymnasium, shower and dressing room facilities	2,600
	(h) Install security lighting	74,600
	(i) Equip food service building	40,500
	(j) Equip two 50-boy dormitories	26,000
	(k) Working drawings—convert dining facilities to chapels	11,000
	(*l*) Construct living unit	240,000
	Total of schedule	1,069,600

Item		Amount	
353—For Capital Outlay, Northern California Youth Center, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		150,000	Youth Center: Northern California
Schedule:			
(a) Working drawings—central services unit and initial 400-ward institution—second increment	150,000		
Total of schedule	150,000		
354—For Capital Outlay, Youth Training School, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		98,235	Youth Training School
Schedule:			
(a) Construct and equip visiting room addition	98,235		
Total of schedule	98,235		
355—For Capital Outlay, Ventura School for Girls, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		574,370	Ventura School
Schedule:			
(a) Equip new school	574,370		
Total of schedule	574,370		
356—For Capital Outlay, School for Cerebral Palsied Children, Southern California, in accordance with the following schedule, payable from the State Construction Program Fund		1,516,500	School for Cerebral Palsied Children Southern California
Schedule:			
(a) Construct new facility	1,516,500		
Total of schedule	1,516,500		
357—For Capital Outlay, University of California, exempt from Section 31, of this act, in accordance with the following schedule, payable from the State Construction Program Fund provided, that withdrawals shall be as required to meet maturing obligations as certified by the University of California notwithstanding any other provision of law.		46,268,000	University of California
Schedule:			
(a) Preliminary plans	127,200		
(b) Residence halls	3,000,000		
(c) Equip education-psychology building—Berkeley	457,400		

Item		Amount
(d)	Equip agricultural greenhouses—Berkeley	49,500
(e)	Construct environmental design building—Berkeley	5,612,900
(f)	Construct photosynthesis laboratory—Berkeley	387,200
(g)	Construct and equip sanitary engineering building—Berkeley	220,900
(h)	Construct and equip alterations to Haviland Hall—Berkeley	326,700
(i)	Construct alterations to Hearst Mining Building—Berkeley	570,200
(j)	Construct alterations to life sciences building—Berkeley	593,100
(k)	Construct alterations to home economics building—Berkeley	202,300
(*l*)	Working drawings for physical sciences lecture hall—Berkeley	21,900
(m)	Construct biochemistry building—Berkeley	2,631,700
(n)	Construct utilities—Berkeley	365,100
(o)	Working drawings for chemistry unit 2—Berkeley	186,500
(p)	Land acquisition—Berkeley	680,000
(q)	Equip partially physical sciences unit 1—Davis	50,000
(r)	Construct and equip addition to physical education building—Davis	633,600
(s)	Construct office section of classroom and office building unit 2—Davis	1,096,600
(t)	Construct library addition to, and make alterations to, library-administration building—Davis	1,678,600
(u)	Construct veterinary science laboratory animal housing unit 2—Davis	141,500
(v)	Construct and equip poultry husbandry building for experimental birds—Davis	144,200

Item	Amount
(w) Complete construction and partially equip building B for school of science and engineering—La Jolla	520,000
(x) Construct building C for school of science and engineering—La Jolla	2,298,800
(y) Construct utilities and site development—step 2 for school of science and engineering—La Jolla	233,100
(z) Equip graduate school of business administration building—Los Angeles	257,300
(aa) Equip engineering unit 3—Los Angeles	335,000
(bb) Complete addition to chemistry-geology building—step 1—Los Angeles	169,700
(cc) Construct north campus library unit 1—Los Angeles	4,609,700
(dd) Construct physics unit 2—Los Angeles	5,043,800
(ee) Working drawings for art unit 2—Los Angeles	123,100
(ff) Construct life sciences graduate instruction and research unit 2—Los Angeles	1,209,600
(gg) Construct utilities, roads and walks to north campus area—Los Angeles	181,900
(hh) Working drawings for university activities memorial center—Los Angeles	152,000
(ii) Construct physical rehabilitation unit—Los Angeles Medical Center	3,311,500
(jj) Construct humanities building—Riverside	3,145,000
(kk) Construct addition to the library building—Riverside	1,582,200
(*ll*) Land acquisition—Riverside	650,000
(mm) Construct improvements to field 9—Riverside	56,200
(nn) Construct protective filters and coolers for glasshouses step 1—Riverside	229,900
(oo) Construct primary electrical system expansion—San Francisco	275,600

Item		Amount
	(pp) Working drawings for addition and alterations to clinics building—San Francisco	162,300
	(qq) Equip library unit 2—Santa Barbara	191,000
	(rr) Construct classroom wing of classroom and office unit 2—Santa Barbara	1,002,200
	(ss) Construct utilities and site development — Santa Barbara	156,500
	(tt) Construct central laboratory for radioactive materials—Santa Barbara	597,800
	(uu) Land Acquisition—Santa Barbara	596,700
	Total of schedule	46,268,000

provided, that of the amount scheduled in (hh) above, $60,000 represents the extent to which the State assumes responsibility for facilities to meet the basic educational need for the physical educational program. The balance of $92,000 is an advance to the University of California, and shall be applied to the State's share of any future construction costs of this project.

State Colleges· Alameda County

358—For Capital Outlay, State College for Alameda County, in accordance with the following schedule, payable from the State Construction Program Fund 8,870,400

Schedule:

(a)	Construct fine arts building	2,310,000
(b)	Construct science building	5,310,000
(c)	Site development—phase II	850,400
(d)	Equip—initial complement 2d increment	400,000
	Total of schedule	8,870,400

Chico

359—For Capital Outlay, Chico State College, in accordance with the following schedule, payable from the State Construction Program Fund 578,590

Schedule:

(a)	Remodel administration building—phase II	410,600
(b)	Working drawings for engineering building	65,000
(c)	Equip remodeled administration building—phase I	4,060

Item		Amount
(d) Equip men's gymnasium --	98,930	
Total of schedule -------	578,590	
360—For Capital Outlay, Fresno State College, in accordance with the following schedule, payable from the State Construction Program Fund ----------		103,200
Schedule:		
(a) Working drawings for library addition ----------	60,000	
(b) Equip men's gymnasium --	43,200	
Total of schedule -------	103,200	
361—For Capital Outlay, Humboldt State College, in accordance with the following schedule, payable from the State Construction Program Fund ----------		1,190,165
Schedule:		
(a) Working drawings for remodeling library --------	20,000	
(b) Construct outdoor physical education facilities --------	202,700	
(c) Construct corporation yard-	473,000	
(d) Working drawings for marine fisheries laboratory -	32,550	
(e) Equip education psychology building ----------	115,200	
(f) Equip library ----------	122,100	
(g) Equip engineering curricula	88,475	
(h) Equip corporation yard----	19,540	
(i) Construct surface parking--	116,600	
Total of schedule--------	1,190,165	
362—For Capital Outlay, Long Beach State College, in accordance with the following schedule, payable from the State Construction Program Fund ----------		1,140,875
Schedule:		
(a) Working drawings for health service building-----	43,600	
(b) Equip engineering building—2d increment --------	761,800	
(c) Equip administration building addition ----------	17,750	
(d) Equip fine arts wing No. 3	260,945	
(e) Equip science wing No. 3—2d increment ----------	56,780	
Total of schedule--------	1,140,875	

Fresno

Humboldt

Long Beach

	Item		Amount
Los Angeles	363—For Capital Outlay, Los Angeles State College of Applied Arts and Sciences, in accordance with the following schedule, payable from the State Construction Program Fund		2,388,500
	Schedule:		
	(a) Site acquisition, development and construction—parking	1,258,000	
	(b) Working drawings for classroom building No. 2 (partial)	200,000	
	(c) Working drawings for engineering building addition (partial)	100,000	
	(d) Construct feeding facility for classroom building No. 1	380,500	
	(e) Equip science building—2d increment	450,000	
	Total of schedule	2,388,500	
Orange County	364—For Capital Outlay, Orange County State College, in accordance with the following schedule, payable from the State Construction Program Fund		8,543,400
	Schedule:		
	(a) Construct science building and boiler plant	8,293,400	
	(b) Working drawings for music-speech-drama building	250,000	
	Total of schedule	8,543,400	
Sacramento	365—For Capital Outlay, Sacramento State College, in accordance with the following schedule, payable from the State Construction Program Fund		140,435
	Schedule:		
	(a) Working drawings for music building addition	95,000	
	(b) Equip women's gymnasium	45,435	
	Total of schedule	140,435	
San Diego	366—For Capital Outlay, San Diego State College, in accordance with the following schedule, payable from the State Construction Program Fund		1,056,500
	Schedule:		
	(a) Site development — parking	173,000	
	(b) Working drawings for classroom building	180,000	
	(c) Equip life science and psychology building—1st increment	500,000	

Item		Amount
(d) Construct boiler plant addition	123,500	
(e) Working drawings for drama building	80,000	
Total of schedule	1,056,500	
367—For Capital Outlay, San Fernando Valley State College, in accordance with the following schedule, payable from the State Construction Program Fund		9,257,290
Schedule:		
(a) Site acquisition—parking	1,300,000	
(b) Construct classroom building No. 1	7,093,040	
(c) Construct outdoor physical education facilities—augmentation	183,800	
(d) Construct street improvements—Zelzah Avenue	64,900	
(e) Working drawings for engineering building	250,000	
(f) Working drawings for administration — classroom building	200,000	
(g) Equip physical education facilities	165,550	
Total of schedule	9,257,290	
368—For Capital Outlay, San Francisco State College, in accordance with the following schedule, payable from the State Construction Program Fund		255,125
Schedule:		
(a) Working drawings for psychology and air science building	60,000	
(b) Working drawings for music-speech building addition	90,000	
(c) Working drawings for classroom building No. 2 addition	20,000	
(d) Equip engineering curricula —2d increment	75,000	
(e) Equip multistory garage	10,125	
Total of schedule	255,125	
369—For Capital Outlay, San Jose State College, in accordance with the following schedule, payable from the State Construction Program Fund		2,700,290

San Fernando Valley

San Francisco

San Jose

Item		Amount
	Schedule:	
	(a) Equip engineering building —1st increment	2,000,000
	(b) Equip aeronautics building	200,290
	(c) Working drawings for science building No. 2	500,000
	Total of schedule	2,700,290
Stanislaus	370—For Capital Outlay, Stanislaus State College, in accordance with the following schedule, payable from the State Construction Program Fund	510,000
	Schedule:	
	(a) Master plans, site development and working drawings for classroom building, library, cafeteria and physical education facilities	510,000
	Total of schedule	510,000
California State Polytechnic	371—For Capital Outlay, California State Polytechnic College, in accordance with the following schedule, payable from the State Construction Program Fund	2,330,270
	Schedule:	
	(a) Equip engineering program—1st increment—San Luis Obispo Campus	260,100
	(b) Remodel administration building—phase I—San Luis Obispo Campus	244,300
	(c) Equip remodeled administration building—1st increment — San Luis Obispo Campus	113,780
	(d) Equip food processing building—San Luis Obispo Campus	256,900
	(e) Equip physical science building—San Luis Obispo Campus	137,600
	(f) Site development—San Luis Obispo Campus	233,000
	(g) Water development—off-campus — Kellogg - Voorhis Campus	135,600
	(h) Working drawings for engineering buildings—Kellogg-Voorhis Campus	200,000

Item		Amount
(i) Working drawings for men's gymnasium and swimming pool—Kellogg-Voorhis Campus	100,000	
(j) Remodel physics building—Kellogg-Voorhis Campus	42,500	
(k) Site development—Kellogg-Voorhis Campus	233,000	
(l) Equip administration classroom building—Kellogg-Voorhis Campus	93,500	
(m) Equip agriculture classroom building — Kellogg-Voorhis Campus	186,150	
(o) Equip physics building — Kellogg-Voorhis Campus	67,740	
(p) Construct surface parking—Kellogg-Voorhis Campus	26,100	
Total of schedule	2,330,270	
371.1—For site development and improvements on federal or state property rented by California State Polytechnic College, payable from the State Construction Program Fund		200,000
372—For Capital Outlay, Department of Finance, in accordance with the following schedule, payable from the State Construction Program Fund		362,000
Schedule:		
(a) Remodel Capitol Annex	262,000	
(b) Elevator modernization—Los Angeles State Building	100,000	
Total of schedule	362,000	
373—For Capital Outlay, Atascadero State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		336,000
Schedule:		
(a) Construct emergency security alterations and improvements	336,000	
Total of schedule	336,000	
374—For Capital Outlay, Camarillo State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		200,000

Department of Finance

State Hospitals: Atascadero

Camarillo

Item		Amount
	Schedule:	
	(a) Construct canteen building 180,000	
	(b) Equip canteen building 20,000	
	Total of schedule 200,000	
DeWitt	375—For Capital Outlay, DeWitt State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund	10,000
	Schedule:	
	(a) Master plan for new facility 10,000	
	Total of schedule 10,000	
Mendocino	376—For Capital Outlay, Mendocino State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund	206,800
	Schedule:	
	(a) Replace boilers 206,800	
	Total of schedule 206,800	
Metropolitan	377—For Capital Outlay, Metropolitan State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund	306,500
	Schedule:	
	(a) Replace boiler facilities 306,500	
	Total of schedule 306,500	
Modesto	378—For Capital Outlay, Modesto State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund	50,000
	Schedule:	
	(a) Master plan for new facility 50,000	
	Total of schedule 50,000	
Napa	379—For Capital Outlay, Napa State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund	149,070
	Schedule:	
	(a) Remodel serving areas, south ward group—phase II 137,070	
	(b) Equip serving areas 12,000	
	Total of schedule 149,070	
Stockton	380—For Capital Outlay, Stockton State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund	109,000

Item		Amount
Schedule:		
(a) Construct addition to units A and B, cottage 12	99,000	
(b) Equip addition to units A and B, cottage 12	10,000	
Total of schedule	109,000	
381—For Capital Outlay, Sonoma State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		2,016,700
Schedule:		
(a) Construct wards and treatment unit for severely handicapped patients	2,000,000	
(b) Equip school addition	16,700	
Total of schedule	2,016,700	
382—For Capital Outlay, Military Department, in accordance with the following schedule, payable from the State Construction Program Fund		134,700
Schedule:		
(a) Construct air national guard base food service facilities—Ontario	134,700	
Total of schedule	134,700	
383—For Capital Outlay, Division of Forestry, Department of Natural Resources, in accordance with the following schedule, payable from the State Construction Program Fund		2,028,823
Schedule:		
(a) Site acquisition for forestry conservation camps	85,000	
(b) Site acquisition for Placer Ranger Unit headquarters	35,000	
(c) Site acquisition for various lookouts and forest fire stations	38,000	
(d) Construct District V headquarters	615,200	
(e) Construct Orange County Ranger Unit messhall and barracks	126,550	
(f) Equip Orange County Ranger Unit messhall and barracks	6,304	
(g) Construct Santa Cruz Ranger Unit messhall and barracks	96,625	

Sonoma

Military Department

Division of Forestry

Item		Amount
	(h) Construct Sonoma Forestry Conservation Camp—1st phase ---------- 171,125	
	(i) Equip Sonoma Forestry Conservation Camp—1st phase ---------- 134,721	
	(j) Construct California Men's Colony Conservation Camp- 30,000	
	(k) Equip California Men's Colony Conservation Camp --- 195,127	
	(l) Construct Lassen, Humboldt and Tuolumne Conservation Centers ---------- 87,968	
	(m) Equip Lassen, Humboldt and Tuolumne Conservation Centers ---------- 407,203	
	Total of schedule-------- 2,028,823	
Department of Public Health	384—For Capital Outlay, Department of Public Health, in accordance with the following schedule, payable from the State Construction Program Fund----------	50,000
	Schedule:	
	(a) Site acquisition for headquarters building addition - 50,000	
	Total of schedule ------- 50,000	

LOCAL ASSISTANCE SECTION

SEC. 2.3. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1961-62 fiscal year beginning July 1, 1961, and ending June 30, 1962. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006, Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

EDUCATION

Item		Amount	
386—For vocational education programs in public school districts conducted under the provisions of Sections 6251 through 6254 of the Education Code, Department of Education in accordance with the following schedule		195,762	Vocational Education
Schedule:			
(a) Payments to public school districts	2,141,006		
Total of schedule	2,141,006		
Less estimated amounts available from other sources:			
(b) Federal grants	1,945,244		
Net appropriation	195,762		
387—For support of child care centers, Department of Education, to be apportioned by the department in the manner provided by Section 11 of Chapter 1427, Statutes of 1953, as amended, directly to school districts maintaining child care centers pursuant to Sections 16601 through 16640 and Sections 16645.1 through 16645.27 of the Education Code		4,947,851	Child care centers
388—For transfer by State Controller to the Teachers' Retirement Fund for operation of the State Teachers' Retirement System		41,236,000	Teachers' Retirement System
389—For publishing, purchasing and shipping free textbooks, Department of Education, in accordance with the following schedule		7,268,908	Free textbooks
Schedule:			
(a) Salaries and Wages	96,607		
(b) Operating Expenses and Equipment	7,217,301		
Total of schedule	7,313,908		
Less estimated reimbursements	45,000		
Net appropriation	7,268,908		

provided that none of the moneys appropriated by this item may be expended for publishing, purchasing or shipping any textbook, which has been conditionally approved or adopted by the State Board of Education subject to the condition that revisions will be made in such textbook by the publisher, unless and until such revisions have been made to the complete satisfaction of said board.

The Department of Finance shall maintain a procedure which will indicate any cases in

Item		Amount
	which the numbers and estimated costs of textbooks represented in printing orders placed during the budget year vary from the amounts contained in the budget schedule submitted by the Department of Education upon which this item of appropriation is based, and the Department of Finance shall unallot all amounts which are made available because of such differences. Upon presentation of need, the Department of Finance may reallot such funds as it finds necessary. It shall report all such actions to the Joint Legislative Budget Committee prior to January 1, 1962.	
	PUBLIC HEALTH	
Local agencies	390—For assistance to local agencies in the establishment and operation of mental health services, in accordance with the provisions of Division 8 of the Welfare and Institutions Code	3,130,500
Physically handicapped children	391—For assistance to counties, and cities and counties, to be expended for services to physically handicapped children, including children diagnosed as suffering from phenylketonuria in accordance with provisions of Sections 249 through 271 of the Health and Safety Code, Department of Public Health— provided, that $1,500,000 shall be for statewide diagnoses; not to exceed $50,000 shall be for state care of physically handicapped children whose county of residence cannot be established and the balance of this appropriation shall be made available to the several counties as follows:	6,650,000
	(a) The State Department of Public Health shall allocate to each county and city and county an amount which, when added to the amount provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, shall equal three times the amount provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, or shall equal the sum needed for the fiscal year as estimated by the State Department of Public Health and approved by the county or city and county not to exceed twenty thousand dollars ($20,000), whichever is the greater.	
	(b) If the amount allocated to any county or city and county pursuant to subsection (a)	

Item	Amount

when added to the sum provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, is less than the sum needed for the fiscal year as estimated by the State Department of Public Health and approved by the county or city and county, the State Department of Public Health shall make available to the county or city and county an additional amount not to exceed twice any amount provided by the county or city and county in addition to that required by Section 270 of the Health and Safety Code.

(c) For the purpose of administration by independent counties there shall be allocated an amount equal to two-thirds of the expenditures for the local administration of each independent county's program, made in accordance with a budget approved by the Department of Public Health; provided, however, that such amount shall not exceed 6¾ percent of the gross total expenditures for diagnosis and treatment by that county in the preceding fiscal year.

(d) No funds may be allocated to any county with a population of 200,000 or more as of the first day of the fiscal year specified in Section 2 of this act, unless such county is independently administering the program; provided, however, during the first six months of the first fiscal year in which any county is affected by this provision, and after notification to the Department of Public Health by a county that action is being taken to assume independent administration of the program, payments may continue to be made on behalf of such county by the State.

(e) Expenditures made under this item to reimburse counties and cities and counties for the State's share of the cost of such services shall be charged to the fiscal year in which the county or city and county issues its warrant in payment of such services. Expenditures made under this item on behalf of counties or cities and counties for the cost of such services shall be charged to the year in which the warrant is issued by the State Controller.

Item		Amount
Tuberculosis sanatoria	392—For assistance to counties, and cities and counties, for maintenance of tuberculosis sanatoria, Department of Public Health including an additional amount of two dollars and twenty-one cents ($2 21) per patient-day in accordance with Sections 3300 and 3301 of the Health and Safety Code; and leasing of facilities in accordance with Section 3295 of the Health and Safety Code.	4,962,475
Local health services	393—For assistance to counties by the establishment of local health services in accordance with Section 1157 of the Health and Safety Code, Department of Public Health	310,370
Local health departments	394—For assistance to cities, counties, local health agencies and local health districts for the establishment of minimum standards of personnel, organization and administration of local health departments, in accordance with the provisions of Chapter 8, Part 2, Division 1 of the Health and Safety Code, Department of Public Health	3,869,045
Research in gnat control	395—For subsidies to local districts for research regarding the control of gnats as provided by Sections 2425 and 2426 of the Health and Safety Code, Department of Public Health provided, that the Department of Public Health shall not allocate any of the money appropriated by this item to a local district unless and until money equal to or in excess of the amount proposed to be allocated by the department to the local district shall be made available by the local district for expenditure for the purpose for which the allocation is to be made, to the end that any sums allocated by the department shall be matched by like or greater amounts from sources other than the State Treasury or funds of any agency which is a part of the executive department of the State Government.	20,000
Mosquito research	396—For research, demonstrations and assistance to local agencies for reporting the incidence of mosquitoes as provided by Sections 2425 and 2426 of the Health and Safety Code, Department of Public Health	190,550
Physically handicapped minors	397—For assistance to local agencies for the treatment of physically handicapped minors by physical and occupational therapy to be provided in special schools and classes with assignment of therapists based on the number of children with cerebral palsy requiring therapy and that treatment be made avail-	

Item		Amount
	able for other disabling conditions only on a "time available" basis, Department of Public Health. Of the amount herein appropriated there may be expended so much as may be necessary by the Department of Public Health to furnish therapeutic services in those areas where it deems the local agencies are unable or not ready to employ personnel directly	1,600,000
	provided, that all therapists are transferred to the employment of local agencies as soon as possible.	
398	—For assistance to cities, counties, cities and counties, and local hospital districts in the construction of hospital facilities, Department of Public Health, to be expended under provisions of the California Hospital Survey and Construction Act	6,105,866
	and in addition thereto any amounts remaining unexpended on June 30, 1961, in the appropriation made by Item 370, Budget Act of 1960.	

Hospital facilities

PUBLIC WORKS

399	—For expenditure in accordance with Sections 12570 through 12830 of the Water Code, for payment of, and for reimbursement for necessary advances made for, the cost of co-operation by the State, Department of Water Resources, in accordance with the following schedule	2,075,949
	Schedule:	
	(a) San Bernardino County Flood Control District, Santa Ana River Basin Project, as authorized by Section 12679 of the Water Code	149,000
	(b) Los Angeles County Flood Control District, Los Angeles and San Gabriel Rivers and Ballona Creek Project, as authorized by Section 12682 of the Water Code	92,297
	(c) County of Santa Barbara, Santa Maria River Project, as authorized by Section 12707 of the Water Code	374,000
	(d) Ventura County Flood Control District, Santa Clara	

Department of Water Resources: Flood Control

Item		Amount
	River Project, as authorized by Section 12673 of the Water Code	172,000
	(e) Ventura County Flood Control District, Ventura River Basin Project, as authorized by Section 12671 of the Water Code	187,000
	(f) Solano County Flood Control and Water Conservation District, Green Valley Creek Project, as authorized by Section 12750 of the Water Code	70,200
	(g) Alameda County Flood Control and Water Conservation District, San Lorenzo Creek Project, as authorized by Section 12701 of the Water Code	116,300
	(h) Riverside County Flood Control and Water Conservation District, Santa Ana River Basin Project, as authorized by Section 12679 of the Water Code	561,152
	(i) City of Santa Cruz, San Lorenzo River Project, as authorized by Section 12704 of the Water Code	50,000
	(j) Santa Barbara County, Santa Ynez River Watershed Protection Project, as authorized by Section 12690 of the Water Code	304,000
	Total of schedule	2,075,949
	The appropriation made by this item shall remain available for expenditure until June 30, 1964.	
Watershed protection	400—For expenditure in accordance with Sections 12850 through 12875 of the Water Code, for payment of, and for reimbursement for necessary advances made for the cost of co-operation by the State, for watershed protection and flood prevention projects as authorized by said sections, Department of Water Resources, in accordance with the following schedule	753,500

Item		Amount
Schedule:		
(a) Buena Vista Creek Watershed Protection Project	16,000	
(b) Central Sonoma Project	305,100	
(c) Adobe Creek Watershed Protection Project	40,700	
(d) Walnut Creek Watershed Protection Project	249,700	
(e) Marsh - Kellogg Watershed Protection Project	142,000	
Total of schedule	753,500	

The appropriation made by this item shall remain available for expenditure until June 30, 1964. No expenditure shall be made until the local organizations give assurances that they will maintain and operate the projects after completion in such manner as will accomplish the purposes for which the projects were authorized and constructed and as may be required by the Secretary of Agriculture and the Department of Water Resources, and that the local organizations will hold and save the State of California free from damages or claims due to the construction, installation, or operation of the project.

400.1—For expenditure in accordance with Sections 12850 through 12875 of the Water Code, for payment of, and for reimbursement for necessary advances for the cost of co-operation by the State for the Ulatis Creek Watershed Project, as authorized by said sections, Department of Water Resources 50,000

Ulatis Creek Watershed Project

provided, that no reallocation shall be made until the Department of Water Resources finds that the requirements of Section 12868(a), (b), (c), (d), and (e) of said code have been met; provided further, that prior to any reallocation the Solano County Flood Control and Water Conservation District shall give assurances that it will maintain and operate the project after completion in such manner as will accomplish the purposes for which the project was authorized and constructed and as may be required by the Secretary of Agriculture and the Department of Water Resources, and that the Solano County Flood Control and Water Conservation District will hold and save the State of California free from damages or claims due to the construction, installation, or operation of the

Item		Amount
	project. The appropriation made by this item shall remain available for expenditure until June 30, 1964.	
Flood control projects	401—For land, easements and rights-of-way, including but not limited to, borrow pits, spoil areas and easements for levees, clearing, flood control works and flowage, necessary for the completion or operation of the following projects in the Sacramento and San Joaquin watersheds as authorized by Sections 12648 through 12654 and Section 12656.5 of the Water Code; for the construction costs in lieu thereof as authorized by Section 8621 of the Water Code; and for advances to the federal government or payments to the federal government or others for incidental construction or reconstruction items which are an obligation of the State in connection with the completion or operation of the aforesaid projects and for materials and necessary construction, reconstruction, relocation, or alterations to highways, railroads, bridges, power lines, communication lines, pipelines, irrigation works and other structures and facilities and for appraisals, surveys and engineering studies incident thereto including determining the boundaries and appropriate assessments of the Lower San Joaquin River Levee District within the area benefited by the Lower San Joaquin River Flood Control Project, the Reclamation Board, in accordance with the following schedule ----------	6,155,000
	Schedule:	
	(a) Sacramento River Flood Control Project ---------- 963,500	
	(b) Lower San Joaquin River Flood Control Project ----- 3,266,500	
	(c) Calaveras River and Littlejohn Creek and tributaries Project ---------- 1,920,000	
	(d) Sacramento River Flood Control Project — Chico Landing to Red Bluff----- 5,000	
	Total of schedule-------- 6,155,000	
Beach erosion control projects	402—To pay the State's share of the cost of local participation required and to make advances to meet the federal share in connection with	

Item		Amount
federal beach erosion control projects, in accordance with Sections 335 through 339 of the Water Code, Department of Water Resources, in accordance with the following schedule---		570,968
Schedule:		
(a) Ventura County—State's share ----------	110,500	
(b) City of Oceanside—State's share ----------	44,000	
(c) City of Oceanside—Advance for federal share----------	44,000	
(d) San Buenaventura Beach State Park—State's share--	27,000	
(e) San Buenaventura Beach State Park—Advanced for federal share ----------	27,000	
(f) Doheny Beach State Park—State's share ----------	52,400	
(g) Doheny Beach State Park—Advanced for federal share	52,400	
(h) Ventura County, Pierpont Bay—State's share --------	45,334	
(i) Ventura County, Pierpont Bay—Advance for federal share ----------	45,334	
(j) Santa Cruz Project, West Cliff Drive—State's share--	62,000	
(k) Santa Cruz Project, West Cliff Drive — Advance for federal share ----------	61,000	
Total of schedule--------	570,968	
402.1—For allocation and expenditure by the Public Utilities Commission to assist cities, counties, and cities and counties in paying their share of the cost of constructing grade crossing protection works, in augmentation of the appropriation made by Chapter 1739 of the Statutes of 1953, payable from the State Highway Fund ----------		250,000
402.2—For Capital Outlay, Department of Public Works, for traffic and revenue studies, preliminary location studies, permit applications, and public hearings, preliminary design and cost analysis, right-of-way and utility negotiations and appraisals, approach road connection studies and design and a portion of structural design for a toll tube or toll bridge crossing between the Cities of San Diego and Coronado, payable out of the money in the		

Grade crossing protection works

Traffic and revenue study, etc

Item		Amount
	State Highway Fund available for construction of State Highways in County Group No. 2, as specified in Section 187 of the Streets and Highways Code provided, that the California Toll Bridge Authority shall return said appropriation, or so much thereof as may be used, together with interest thereon at the rate of one and one-half percent (1½%) per annum, to be computed on the total amount withdrawn during any one year, to the State Treasury to be accredited to the State Highway Fund available for construction of highways in County Group No. 2, as specified in Section 187 of the Streets and Highways Code from the proceeds of the first sale of revenue bonds issued for the construction of any toll bridge, toll tube, or other highway crossing under the provisions of the California Toll Bridge Authority Act between the Cities of San Diego and Coronado.	525,000
June Lake Public Utility District	403—For transfer to the State Water Pollution Control Fund for expenditure by the State Water Pollution Control Board in accordance with Sections 13100 through 13105 of the Water Code solely for the purpose of making a loan to the June Lake Public Utility District to finance the cost of installation of sewerage facilities by said district, payable from the California Water Fund	100,000

SOCIAL WELFARE

Item		Amount
Local projects	404—For the cost of local projects in rehabilitating families and dealing with difficult family problems in the aid to needy children program, for in-service training and for scholarship or educational leave stipends to increase the supply of trained public assistance personnel for county welfare departments, to be expended in accordance with the provisions of Section 119 and Sections 1580 through 1583 of the Welfare and Institutions Code, Department of Social Welfare	721,000
Local community organizations	405—For grants to local community organizations pursuant to contracts with said organizations for the promotion and development of activities in behalf of aged persons, to be expended in accordance with the provisions of Chapter 5, Division 3, Welfare and Institutions Code, Department of Social Welfare	150,000

Item	Amount	
406—For reimbursement of expenses incurred by counties and cities in maintaining approved services for the licensing and inspection of agencies for child care and home finding, and agencies for the care of the aged, Department of Social Welfare, to be expended in accordance with the provisions of Sections 1622 and 2302 of the Welfare and Institutions Code— provided, that all or any portion of this appropriation may be transferred to Item 257 for support of Department of Social Welfare, upon executive order of the Department of Finance.	1,304,004	Social services reimbursement
407—For reimbursement to counties for the cost of the adoption programs and care of children, Department of Social Welfare, to be expended in accordance with the provisions of Sections 1640 through 1644 of the Welfare and Institutions Code ---------- provided, that all or any portion of this appropriation may be transferred to Item 257 for support of Department of Social Welfare, upon executive order of the Department of Finance.	2,978,828	
OTHER PURPOSES		
408—For State's share of salaries of judges of superior courts as provided by Section 68206 of the Government Code----------	3,860,351	Salaries Superior Court judges
409—For contributions to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs, to be expended in accordance with Section 972 of the Military and Veterans Code------	500,000	County service officers
410—For salaries of county agricultural commissioners or compensation for services performed for county agricultural departments, Department of Agriculture, to be expended in accordance with the provisions of Section 63.5 of the Agricultural Code----------	176,100	County agricultural commissioners, etc
411—For furnishing of workmen's compensation to disaster service workers and their dependents in accordance with the provisions of Sections 3201 through 6002 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services as adjusting agent, Governor's office, State Disaster Office ---------- The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at	50,000	Workmen's compensation to civil defense workers

Item		Amount
	the time presenting vouchers and itemized statements, any portion of the appropriation contained in this item, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workmen's compensation and adjusting services are excepted from the operation of Section 16003 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the State Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the State Controller requires.	
Juvenile homes, etc.	412—For reimbursements to counties for maintenance of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with the provisions of Sections 950 through 966 of the Welfare and Institutions Code	2,726,550
	413—For reimbursements to counties for construction of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with the provisions of Article 13, Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code. Notwithstanding other provisions of this section, the amount made available by this item shall be available for expenditure until June 30, 1963, but not more than $196,415 of said amount may be expended during the 1961-62 fiscal year.	286,415
Soil conservation districts	413.1—For grants to soil conservation districts, Division of Soil Conservation, Department of Natural Resources. The appropriation made by this item is contingent upon enactment of legislation abolishing the State Lands Act Fund.	100,000

APPENDIX

SEC. 3. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1961-62 fiscal year beginning July 1, 1961, and ending June 30, 1962. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys

in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006, Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

OFFICE BUILDINGS

Item		Amount	
415	For construction and equipment of an office building in the City of Sacramento, under the provisions of the State Building Construction Act of 1955 (commencing at Section 15800 of the Government Code), State Public Works Board, in augmentation of Item 460, Budget Act of 1958, payable without regard to fiscal years from the Public Building Construction Fund	2,710,100	Office building: Sacramento
416	For acquisition of real property and development and construction thereon in the City of Sacramento for sale or lease to the State pursuant to Section 20209 of the Government Code, for use as a parking lot, Board of Administration, State Employees' Retirement System, payable from the State Employees' Retirement Fund	1,500,000	Parking lot: City of Sacramento

WORLD TRADE CENTER

417	For transfer to the Special Deposit Fund from the San Francisco Harbor Improvement Fund such transfer to be made by the State Controller upon order of the San Francisco Port Authority as determined and requested by the San Francisco World Trade Center Authority to be expended by the San Francisco World Trade Center Authority in the manner and for the purposes authorized under the provisions of the World Trade Center Authorities Act approved July 17, 1947, Chapter 1508, Statutes of 1947, including, but not limited to, expenses for surveys, plans, estimates, preliminary engineering and other expenses (preliminary or otherwise) incident to the acquisition, construction, financing, promotion and operation of a world trade center in the City and County of San Francisco; provided, that no withdrawals shall be made hereunder	71,518	San Francisco World Trade Center Authority

Item		Amount

which in the opinion of the San Francisco Port Authority would prevent the San Francisco Port Authority from meeting its current obligations from said San Francisco Harbor Improvement Fund under the Harbors and Navigation Code. The San Francisco World Trade Center Authority and the San Francisco Port Authority shall agree in writing upon the terms and conditions for repayment of any amounts withdrawn from this appropriation, which agreement shall be subject to the approval of the Department of Finance, and which agreement may provide for repayment solely from the proceeds of the sale of revenue bonds issued with respect to the San Francisco World Trade Center under the provisions of said World Trade Center Authorities Act if and when sold. The said agreement from time to time may be modified by the parties thereto with the consent of the Department of Finance.

Except as may be provided by said agreement or any amendment or modification thereof, any return of said moneys to said San Francisco Harbor Improvement Fund shall not be subject to any provisions or limitations of Sections 10.4 and 10.5 or any other provision of the World Trade Center Authorities Act which otherwise might limit the source of or delay or postpone reimbursement of any appropriation, transfer, or advances by the State of California or any agency thereof.

UNEMPLOYMENT ADMINISTRATION

Unemployment compensation disability benefits

418—For administration of unemployment compensation disability benefits, Department of Employment, payable from the Unemployment Compensation Disability Fund, in accordance with the following schedule_____ 6,220,713

Schedule:

(a) Salaries and Wages_____ 4,703,472

(b) Operating Expenses and Equipment _____ 1,517,241

Total of schedule_____ 6,220,713

Support of Department of Employment

419—For additional support of the Department of Employment, payable from the Department of Employment Contingent Fund, and in addition thereto any grants made available by

Item		Amount
	the federal government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Department of Finance	225,723
420	For additional support of Department of Employment for the payment of expenses incurred by the Department of Finance in examining and experting the books of the Department of Employment pursuant to Section 13294 of the Government Code, payable from moneys credited to this State's account in the Unemployment Trust Fund and made available to this State under Section 903 of the Social Security Act, as amended ------ provided that:	25,500
	(a) Such money is requisitioned from the Unemployment Trust Fund pursuant to Section 1528.5 of the Unemployment Insurance Code.	
	(b) The period within which such money may be obligated is specifically limited to the period beginning July 1, 1961 and ending June 30, 1962.	
	(c) The total amount obligated pursuant to this item and Item 316 of this act during the fiscal year 1961-62 shall not exceed the amount by which	
	(1) The aggregate of the amounts credited to the account of this State pursuant to Section 903 of the Social Security Act during such fiscal year and the four preceding fiscal years, exceeds	
	(2) The aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this State during such five fiscal years.	

Statutory salaries Continuation of prior increases

SEC. 4. There has been included in the applicable items of appropriation in this act for the support of the several state offices, departments, boards, bureaus, commissions, and other state agencies, amounts from the General Fund and the various special funds sufficient to continue in effect for the 1961-62 fiscal year the increases in salaries paid to state officers whose salaries are specified by statute for which funds were made available by Item 276 of the Budget Act of 1959 and Item 275 of the Budget Act of 1960, pursuant to Section 11570 of the Government Code; provided, that none of the moneys made

available by this act shall be expended to augment the salaries of those state officers whose salaries are specified by statute and whose salaries were established or increased by other legislation enacted in 1961.

Agency created by law

SEC. 4.1. Appropriations contained in this act for the units of state government over which any agency created by law shall have administrative responsibility are hereby made available upon order of the Director of Finance for pro rata support expenses of any such agency created by law.

Encumbrances prior to July 1, 1961

SEC. 4.5. Subject to the provisions of this act, any appropriation for expenditure under this act during the 1961-62 fiscal year, may, with the approval of the Director of Finance, be encumbered prior to July 1, 1961, by incurring obligations to be paid after June 30, 1961.

Obligations for fiscal year 1962-63

SEC. 5. Because it is necessary to insure the availability of adequate equipment for physical facilities constructed for the operation of custodial, mental health, educational, administrative, military, and other agencies of the state government; because uncertainties as to completion dates make precise advance planning of equipment purchases impossible; and since delivery of some kinds of equipment cannot be made for six months or longer from the date of ordering; state agencies are therefore authorized to incur obligations, to be met during the 1962-63 fiscal year, for the purchase of equipment related to capital outlay projects for which the Legislature has appropriated construction funds; provided, that no obligation shall be incurred under the provisions of this section without the approval of the Department of Finance and the State Public Works Board. Purchase orders issued and contracts entered into under the provisions of this section shall not exceed a total of $1,000,000 in estimated cost.

Limitation

SEC. 6. Any project, except minor projects, included in any appropriation made herein for capital outlay shall be subject to the provisions of Section 15790 of the Government Code.

Property Acquisition Law

SEC. 7. Any acquisition of land or other real property included in any appropriation made herein for capital outlay except appropriations from the California Water Fund shall be subject to the provisions of the Property Acquisition Law.

Regents of University of California

Nothing contained in this section shall be construed to limit or control the Regents of the University of California in the expenditure of funds appropriated for acquisition of land or other real property for the use, development or enlargement of the University of California.

All property acquisitions, notwithstanding other exemptions of this section, shall be reported to the Public Works Board.

The following provisions shall apply with respect to Item 316, Section 2.1, of this act:

(a) The net proceeds of any sale pursuant to Section 15862 of the Government Code and any net rentals received by the Department of Finance pursuant to Section 15862 of the Government Code shall be deposited in the Unemployment Trust Fund.

(b) Sections 15865 and 15866 of the Government Code shall not apply.

(c) In case of any conflict between the Property Acquisition Law and Section 903 of the Social Security Act, as amended, the provisions of Section 903 of the Social Security Act, as amended, shall prevail.

Limitation

SEC. 8. No money appropriated herein in any item for capital outlay may be expended by any state agency except amounts for acquisition of land or other real property, amount needed for equipment, preliminary surveys, studies and planning and minor projects until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such time of appropriation for capital outlay; provided further, no major project for which appropriation is made hereunder regarding which the Director of Finance or his authorized representative requests review of working plans shall be put out to bid until the working plans therefor have been approved by the Department of Finance; provided further, that no money appropriated herein may be spent for working drawings for any project as to which there has been made substantial change or changes from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that no money appropriated herein may be spent for equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance.

Regents of University of California

Nothing in this section shall be construed to limit or control the Regents of the University of California in the expenditure of funds appropriated for capital outlay for the use, development or enlargement of the University of California.

The Regents of the University of California shall report to the Public Works Board the expenditures for capital outlay, except minor projects, from appropriations contained in this act.

Same

SEC. 9. Notwithstanding any other provision of law, the portion of each sum of money heretofore appropriated or allocated, hereby appropriated or hereafter allocated to the Regents of the University of California for capital outlay which remains after the purpose for which each said sum was appropriated or allocated has been accomplished, and which have been or hereafter are withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 23201 of the Education Code, together with increments, by way of interest or otherwise, on any such appropriation or allocations, shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated by the Regents of the University of California to projects not otherwise authorized by legislative

appropriation or by allocation by the State Public Works Board. Such sums shall be available for expenditure in payment of any encumbrances heretofore or hereafter incurred without regard to fiscal years; provided, however, that any unencumbered balances existing as of the date on which each such appropriation or allocation otherwise would lapse, shall then revert.

A report shall be submitted to the State Public Works Board of any allocations made by the Regents of the University of California pursuant to the provisions of this section.

Unexpended balances

SEC. 10. Notwithstanding any other provisions of law, the unexpended balances as of June 30, 1961, of the following appropriations, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1962:

Department of Corrections:
- California Men's Colony, Item 278, Budget Act of 1958
- State Prison at San Quentin, Item 295(a), Budget Act of 1957
- State Prison at San Quentin, Item 295(b), Budget Act of 1957

Department of the Youth Authority:
- Los Guilucos School for Girls, Item 314(g), Budget Act of 1957
- Ventura School for Girls, Item 311(b), Budget Act of 1958

University of California:
- University of California, Item 353, Budget Act of 1957
- University of California, Item 354(j), Budget Act of 1957
- University of California, Item 354(p), Budget Act of 1957
- University of California, Item 354(r), Budget Act of 1957
- University of California, Item 354(ee), Budget Act of 1957
- University of California, Item 362, Budget Act of 1958
- University of California, Item 363, Budget Act of 1958
- University of California, Item 364, Budget Act of 1958
- University of California, Item 365, Budget Act of 1958

State College System:
- State college for Alameda County, Item 313.1, Budget Act of 1958
- Chico State College, Item 319(c), Budget Act of 1957
- Chico State College, Item 315, Budget Act of 1958
- Chico State College, Item 316(b), Budget Act of 1958
- Chico State College, Item 318, Budget Act of 1958
- Fresno State College, Item 320(a), Budget Act of 1958
- Fresno State College, Item 321(a), Budget Act of 1958
- Sacramento State College, Item 334(a), Budget Act of 1958
- San Diego State College, Item 336(b), Budget Act of 1958
- San Diego State College, Item 337(c), Budget Act of 1958
- San Diego State College, Item 337(d), Budget Act of 1958
- San Diego State College, Item 337(e), Budget Act of 1958
- San Fernando Valley State College, Item 451(a), Budget Act of 1957
- San Jose State College, Item 345(d), Budget Act of 1958

San Jose State College, Item 345(f), Budget Act of 1958
San Jose State College, Item 345(g), Budget Act of 1958
San Jose State College, Item 346(d), Budget Act of 1958
San Jose State College, Item 346(f), Budget Act of 1958
California State Polytechnic College, Item 341, Budget Act of 1957
California State Polytechnic College, Item 349(g), Budget Act of 1958

Department of Finance:
Department of Finance, Item 359, Budget Act of 1957
Department of Finance, Chapter 1075, Statutes of 1957
Sixth District Agricultural Association, Item 372, Budget Act of 1958

Department of Mental Hygiene:
Camarillo State Hospital, Item 374(h) Budget Act of 1957
Napa State Hospital, Item 383(e) Budget Act of 1957

Department of Motor Vehicles:
Department of Motor Vehicles, Item 399, Budget Act of 1957
Department of Motor Vehicles, Item 400(b) Budget Act of 1957
Department of Motor Vehicles, Item 409, Budget Act of 1958
Department of Motor Vehicles, Item 410(g), Budget Act of 1958
Department of Motor Vehicles, Item 411, Budget Act of 1958
Department of Motor Vehicles, Chapter 2380, Statutes of 1957 as amended

Department of Natural Resources:
Division of Beaches and Parks, Item 400(c), (g), (k), (o), (p), (q), (t), (x), (oo), (rr), (zz), (aaa), (mmm) and (qqq), Budget Act of 1956
Division of Beaches and Parks, Item 400.1 (h), (s), (v), (x), (cc), (ff), (jj), (ll), (pp), (rr), (vv), (ccc), and (ddd), Budget Act of 1956
Division of Beaches and Parks, Item 400.2, Budget Act of 1956
Division of Beaches and Parks, Sec. 1 (3), (6), and (8), Chapter 2169, Statutes of 1957
Division of Beaches and Parks, Chapter 2381, Statutes of 1957
Division of Beaches and Parks, Chapter 2386, Statutes of 1957
Division of Beaches and Parks, Chapter 287, Statutes of 1959
Division of Beaches and Parks, Chapter 2040, Statutes of 1959
Division of Beaches and Parks, Sec. 8.7, Budget Act of 1959
Division of Beaches and Parks, Item 173(a), (b), (c), (d), and (e), Budget Act of 1960
Division of Forestry, Item 390.2(c), Budget Act of 1955

Division of Forestry, Item 408(a) and (d), Budget Act of 1956
Division of Forestry, Item 407(c), Budget Act of 1957
Division of Forestry, Item 408(a) and (b), Budget Act of 1957
Division of Forestry, Item 418, Budget Act of 1958
Division of Forestry, Item 420(d), Budget Act of 1958
Department of Public Works:
Golden Gate Authority Commission, Item 275.5, Budget Act of 1959
Department of Water Resources:
Department of Water Resources, Item 374, Budget Act of 1960
Reclamation Board, Item 428(c), Budget Act of 1958

Same

SEC. 12. The unexpended balance as of June 30, 1961, of the appropriation made by Item 3(a) and 3(d), Chapter 1681, Statutes of 1957, is hereby reappropriated for the same purpose and shall remain available until June 30, 1962; and in addition, the appropriation made by Item 3(d) of that act shall be available for expenditure until June 30, 1962, for capital outlay and master plans.

Same

SEC. 12.1. The unexpended balance as of June 30, 1961, of the appropriation made by Section 1(4), Chapter 2169, Statutes of 1957, is hereby reappropriated for the same purpose and shall be available until June 30, 1962.

Same

SEC. 12.2. The unexpended balance as of June 30, 1961, of the appropriation made by Item 317(a), Budget Act of 1958, is hereby reappropriated for the same purpose; and in addition, shall be available for construction and shall be available for expenditure until June 30, 1962.

Same

SEC. 12.5. The unexpended balance as of June 30, 1961, of the appropriation made by Section 1 of Chapter 1875 of the Statutes of 1959, is hereby reappropriated for the same purpose and shall remain available until June 30, 1964.

Same Bodie State Historical Monument

SEC. 13. The unexpended balance as of June 30, 1961, of the appropriation made by Item 400(s), Budget Act of 1956, is hereby reappropriated for the purposes provided in said appropriation and in addition the funds shall be available for the acquisition of personal property. The funds shall be available until June 30, 1962, for expenditure by the Division of Beaches and Parks, Department of Natural Resources for Bodie State Historical Monument.

SEC. 14. The amount appropriated by Item 434(h), Budget Act of 1957, is hereby reappropriated for the same purpose and shall be available for expenditure until June 30, 1963.

SEC. 14.1. As of June 30, 1961, the unexpended balance of that part of the appropriation made by Item 405(i) of the Budget Act of 1959, shall revert to the unappropriated balance of the General Fund.

Reappropriation Los Angeles State College

SEC. 15. The appropriation made by Item 305(b), Budget Act of 1960 in the amount of $125,000 is hereby reappropriated to Los Angeles State College of Applied Arts and Sciences

to be used for construction and site development of land acquired for parking and shall remain available until June 30, 1964.

Reappropriation

SEC. 16. The unexpended balance as of June 30, 1961, of the appropriation made by Item 361.1, Budget Act of 1956, as amended by Section 10 of the Budget Act of 1960, is hereby reappropriated for expenditure for the same purpose, and shall be available until June 30, 1962.

Same

SEC. 17. The unexpended balance as of June 30, 1961, of the appropriation made by Item 361.2, Budget Act of 1956, is hereby reappropriated for expenditure for the same purpose, and shall be available until June 30, 1962.

Unexpended balances

SEC. 18. As of June 30, 1961, the unexpended balances in the following appropriations shall revert to the unappropriated surplus of the fund from which they are payable:

Item 427.5, Budget Act of 1958
Chapter 5, Statutes of 1960, 1st Extraordinary Session
Item 302(a), Budget Act of 1960
Item 293(b), Budget Act of 1960
Item 293(c), Budget Act of 1960
Item 390, Budget Act of 1959
Chapter 1582, Statutes of 1957

Same

SEC. 19. As of June 30, 1962, the unexpended balance of the appropriation made by Chapter 2252, Statutes of 1957, shall revert to the unappropriated surplus of the California Water Fund.

Capital outlay State Construction Program Fund

SEC. 19.1. Notwithstanding any other provision of this act, the Director of Finance may from time to time direct that any part of the undisbursed balance of any appropriation or reappropriation made in the Budget Act of 1960, from the General Fund for any capital outlay project which is also a project or part of a program contemplated by the State Construction Program Bond Act of 1955, or the State Construction Program Bond Act of 1958, shall be payable from the State Construction Program Fund instead of from the General Fund, and the amounts so authorized as payable from the State Construction Program Fund pursuant to this section are hereby appropriated for expenditure during the 1961-62, 1962-63 and 1963-64 fiscal years. Appropriations from the State Construction Program Fund pursuant to this section shall be deemed to be included in that portion of this Budget Act entitled "State Construction Bond Act Program."

Printing Division

SEC. 19.4. There is hereby appropriated to the Printing Division, Department of Finance for expenditures during the 1961-62 fiscal year the amount of $167,000 payable from the State Printing Fund, provided, that any balances in the State Printing Fund continue to be appropriated by and subject to Sections 13537, 13602, and 13640 of the Government Code and are available for operation of the State Printing Office and for augmentation of this appropriation for emergency replacements.

State Printing Fund

SEC. 19.5. On or before September 30, 1961, the State Controller shall transfer to the General Fund any amount of surplus and working capital advances in the State Printing Fund which totals in excess of $5,290,000 as of June 30, 1961.

No machinery or equipment shall be purchased by or for the State Printing Division except as provided for in this act and for emergency replacements which shall be reported to the Joint Legislative Budget Committee quarterly.

No augmentation shall be made to the capital of the State Printing Fund during the 1961-62 fiscal year except as specifically provided for in this act.

Any proposed capital addition to the State Printing Fund for the 1962-63 fiscal year shall be included in the proposed budget for that fiscal year as an appropriation out of the General Fund.

The term State Printing Fund as used herein means the State Printing Fund as it now exists or that portion of any other fund out of which the operations of the State Printing Division are financed subsequent to June 30, 1961.

Unencumbered balances

SEC. 19.6. As of June 30, 1961, the unencumbered balance of the appropriation made by the provisions of Section 16409 of the Government Code shall revert to the unappropriated balance of the General Fund On July 1, 1961, $5,000,000 shall be appropriated from the General Fund to be expended in accordance with, and in augmentation of the provisions of Section 16409 of the Government Code.

Same

SEC. 19.7. As of June 30, 1961, the unencumbered balance of the appropriation made by Chapter 1071, Statutes of 1957, as amended by Item 323.1 of the Budget Act of 1960, shall revert to the unappropriated balance of the General Fund.

California state Fair and Exposition

On July 1, 1961, the amount that reverts on June 30, 1961, is appropriated from the General Fund to the Director of Finance for capital outlay purposes, in connection with the California State Fair and Exposition, and shall be available for encumbrance until June 30, 1963.

Unexpended balances

SEC. 19.8. As of June 30, 1961, the unexpended balances in the appropriation made by the provisions of Item 343 of the Budget Act of 1960, shall revert to the unappropriated balance of the General Fund.

Military department

On July 1, 1961, there is hereby appropriated from the General Fund to the Military Department, for capital outlay, the amounts that revert to the General Fund as of June 30, 1961, from the appropriations made by the provisions of Item 343 of the Budget Act of 1960, Item 394.1 and Section 6.2 of the Budget Act of 1956, and Item 397 of the Budget Act of 1957, to be expended in accordance with the provisions of said appropriations, and shall be available for expenditure until June 30, 1963.

Unencumbered balance

SEC. 19.10. As of June 30, 1961, the unencumbered balance in the appropriation made by Item 382, of the Budget Act of 1960, shall revert to the unappropriated balance of the General Fund.

As of July 1, 1961, there is appropriated from the General Fund, the amount that reverts on June 30, 1961, from the appropriation made by Item 382, of the Budget Act of 1960, for reimbursement to counties for construction of juvenile homes and camps, Department of the Youth Authority, to be expended during the 1961-62 fiscal year, in accordance with the provisions of Article 13, Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code. Juvenile homes and camps

SEC. 19.11. As of June 30, 1961, the unencumbered balances in the appropriations made by Items 405, 405.1, 405.5 and 406 of the Budget Act of 1959, and Items 371 and 372 of the Budget Act of 1960, shall revert to the unappropriated balance of the General Fund. Unencumbered balance

On July 1, 1961, there is appropriated from the General Fund the amounts that revert on June 30, 1961 from the appropriations made by Item 445 of the Budget Act of 1958, Item 405, except 405(i), in accordance with Section 14.1 of this act and Items 405.1, 405.5, and 406 of the Budget Act of 1959, and Items 371 and 372 of the Budget Act of 1960, to be expended for the purposes as set forth in the reverted appropriations, and shall be available for expenditure until June 30, 1962.

SEC. 19.12. On July 1, 1961, there is appropriated for the 1961-62 fiscal year, the amounts that have reverted to the unappropriated surplus of the General Fund from Item 373(a) of the Budget Act of 1960, and Item 390 of the Budget Act of 1959, to be expended in accordance with the provisions of said items. Unappropriated surplus

SEC. 20. No money appropriated by this act shall be used to pay the salary of any authorized state position, which position was vacant and had been vacant or continuously unfilled during the period between October 1, 1960, and July 1, 1961, except with the specific approval of the Department of Finance, subsequent to July 1, 1961. Salaries of vacant state positions

The Department of Finance, not later than 30 days prior to the convening of the 1962 Regular Session of the Legislature, shall present to the Joint Legislative Budget Committee, assembled in meeting, a report of all positions as of July 1, 1961, which were vacant or continuously unfilled during the period between October 1, 1960 and July 1, 1961, and a report of all authorizations to fill vacant positions and all positions abolished pursuant to this section.

SEC. 21. Since it is imperative for the university and the state colleges to recruit adequate and competent faculty necessary to maintain the current academic standards and the faculty-student ratios and to meet the immediately foreseeable needs occasioned by the rapid growth of enrollment during the years just ahead, and since, by the nature of their duties, faculty members must as a rule be employed on an annual basis, therefore, the University of California and the state colleges are authorized to incur salary obligations in an amount not to exceed $1,500,000 for the university and a total of $1,500,000 Salary obligations University of California and state colleges

for the state colleges by appointment of additional academic staff members during the 1961-62 fiscal year for services beginning in the 1962-63 fiscal year.

The intent of this authorization is to assist in maintaining current academic standards and faculty-student ratios in relationship to expanding student enrollments.

Acquisition, etc., of motor vehicles

SEC. 22. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of Finance has investigated and established the necessity therefor.

All passenger type motor vehicles purchased from any appropriation made by this act for the use of state employees and officers, except constitutional officers, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of Finance on the basis of unusual requirements, such as use by the California Highway Patrol, which would justify the need for an automobile of a heavier class.

Same

SEC. 23. All passenger type motor vehicles purchased either from any appropriation made by this act or from any other appropriation available therefor for the use of the Department of Public Works, except for use of officers excepted in Section 22 of this act, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of Finance on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

Limitations on expenditures House, etc., furnishings

SEC. 24. None of the moneys appropriated by this act or for an expenditure which is supplemented from money appropriated by this act shall be used to purchase furnishings for any house or apartment of three or more rooms other than a dormitory which is rented to a state employee except for a superintendent of an institution, warden of a prison, or physicians. This provision shall not apply to the purchase of refrigerators, heaters, air-conditioning equipment, stoves, linoleum, or equipment normally furnished in construction of the house as may be determined by the State Board of Control. Any such funds that are appropriated by this act for this purpose shall be held intact and be reverted to the fund from which they were appropriated. It is the intent of the Legislature that no money shall be appropriated henceforth for the purpose of house furnishings. Such furnishings are not to be provided by the State nor shall any money be paid from this appropriation for their replacement, repair or otherwise except in connection with the disposal of the same.

Rugs, carpets

SEC. 25. No moneys appropriated by this act shall be used, either directly or by supplementing any other appropriation, to purchase rugs or carpets for any state office except for offices used by elective officers and other department heads. The Director of Finance shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state offices under this section.

Scope of appropriations: Support

SEC. 26. Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses,

including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Capital outlay

Whenever herein an appropriation is made for capital outlay, it shall include acquisition of land or other real property, major construction, improvements, equipment, designs, working plans, specifications, repairs and equipment necessary in connection with a construction or improvement project.

Real property

Whenever herein any item of appropriation contains provision for acquisition of land or other real property, it shall include all necessary expenses in connection with the acquisition of such property.

Schedules

Whenever appropriation is made in accordance with a schedule set forth after such appropriation, the expenditures from such item for each category or project included in the schedule shall be limited to the amount specified for such category or project, except as otherwise provided in this act. Each such schedule is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money, and is not itself an item of appropriation.

Definitions

As used in this act in reference to such schedules "category" or "project" means a class of expenditures such as, but not limited to:

(a) "Salaries and wages" which shall include all expenditures for payment of officers and employees of the State but do not include compensation of independent contractors rendering personal services to the State under contract;

(b) "Operating expenses and equipment" which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), and all other proper expenses;

(c) "Construct" or "construction" when used in connection with a capital outlay project shall include all such related things as fixtures, installed equipment, and auxiliary facilities;

(d) "Working drawings" are defined as a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project. All necessary professional fees and administrative service costs are included in the preparation of such drawings.

(e) "Minor projects" include construction, improvements, repairs and equipment projects not specifically set forth in the schedule.

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to that document entitled, "State of California Budget for the fiscal year July 1, 1961, to June 30, 1962," submitted by the Governor to the Legislature at the 1961

Regular Session, the uniform accounting system prescribed by the Department of Finance under the provisions of Section 13290 of the Government Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act.

Transfers from categories

SEC. 27. The Director of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a category or project designated in any schedule set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule. The Director of Finance shall present to the Joint Legislative Budget Committee assembled in meeting a report on all authorizations given pursuant to this section during the preceding quarter.

Augmentations

SEC. 28. The Director of Finance may authorize the augmentation of the amount available for expenditure for any category in the schedule set forth for any appropriation in this act or any additional category in the amount of any funds which he estimates will be received by an officer, department, division, bureau, or other agency during the 1961-62 fiscal year from any other state agency, from any agency of local government or the federal government, from any appropriation made by the Legislature or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration.

Reductions

The Director of Finance may also reduce any category whenever he determines that funds to be received will be less than the amount taken into consideration in the schedule.

Premiums for official bonds

SEC. 29. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

Expenditures from Emergency Fund, etc

SEC. 30. Whenever an expenditure is authorized from the Emergency Fund, from Price Increase Funds, from the Salary Increase Funds, or from a special fund pursuant to Section 11006 of the Government Code, in addition to an appropriation made by this act, such authorized expenditures may, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

Application of Gov C Sec 13320

SEC. 31. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

Establishment of positions

The fiscal year budget shall authorize in such manner as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions. No new positions or change in grade or class of an

existing position shall be established unless authorized by the Department of Finance on the basis of work program and organization.

Each fiscal year budget shall provide for a salary savings reserve to which shall be transferred on a document initiated by the agency and submitted to the Department of Finance the unencumbered balance remaining in each allotment for salaries and wages at the close of each quarter or other period of time covered by the allotment. The unencumbered balance remaining in each budget allotment for salaries and wages shall be computed by deducting from the amount of the allotment the expenditures and accrued obligations for salaries and wages chargeable to such allotment for the period covered thereby. The amount in the salary savings reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. Such transfer shall be approved only after it has been demonstrated to the satisfaction of the Department of Finance that the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages. Salary savings reserve

No money in any salary savings reserve may be expended to pay increases in salary ranges established after July 1, 1961, unless the Department of Finance certifies to the State Personnel Board prior to the adoption of such increased salary range that funds will be made available to pay the increased salaries resulting therefrom.

A certification on a payroll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the State Controller that such expenditures comply with the provisions of this section.

SEC. 31.5. All appropriations under this act for the support of the state colleges and the Trustees of the State College System shall be subject to the provisions of Section 13320 of the Government Code and Section 31 of this act, with the following exceptions: The Trustees of the State College System may approve any transfer of funds within the major budgetary functions of administration, instruction, plant operation, agriculture, off-campus centers, summer session, extension, special projects, and reimbursements, as provided in fiscal year budgets of the state colleges approved by the Department of Finance; provided, that no transfers between the categories of salaries and wages, operating expenses and equipment shall be made without the approval of the Director of Finance. In addition, the trustees may approve the substitution of one item of equipment for another within such aforementioned budgetary functions and the use of savings in equipment allotments, and may approve travel, both within and outside the State, and the payment of allowances and expenses related to travel, moving and the relocation of employees in accordance with the allowances established by the Board of Control and within funds appropriated by this act for this purpose. Exceptions to application of Gov C Sec. 13320

Subject to the foregoing, the trustees may approve adjustments in programs, within appropriations as adjusted for changes in enrollments approved by the Director of Finance.

Any transfers of funds, substitution of items of equipment, use of equipment savings, or approval of travel, moving or relocation allowances made under provision of this section shall be reported to the Director of Finance at such times and on forms prescribed by him

Expenditures in excess of appropriations

SEC. 32. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditures in excess of such appropriations, except the consent of the Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the State in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the State Controller nor paid out of any state appropriation Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the State in excess of the respective appropriations made by this act, except by the consent of the Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

Effect of veto

SEC. 33. If any item of appropriation in this act is vetoed, eliminated or reduced by the Governor under Sections 16 and 34 of Article IV of the Constitution while approving portions of this act, such veto, elimination or reduction shall not affect the other portions of this act and these other portions of this act, so approved, shall have the same effect in law as if any vetoed or eliminated items of appropriation had not been present in this act and as if any reduced item of appropriation had not been reduced.

Constitutionality

SEC. 34. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Current expenses

SEC. 35. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution of the State of California, take effect immediately.

Urgency

SEC. 36. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists an extreme shortage of physical facilities for the operation of the custodial, mental treatment, educational, administrative, military and other agencies of the state government, the present facilities being entirely inadequate due to great increases in population and added governmental responsibilities The capital outlay appropriations in this budget are all in continuation of an existing program to remedy the aforesaid shortage of facilities and to promote and sustain the economy of the State If they are not avail able for expenditure on July 1, 1961, the existing program will be delayed. The expeditious correction of such condition and the efficient operation of the State's business require the immediate availability of the new capital outlay appropriation and the uninterrupted availability of reappropriated capital outlay items contained in this measure It is therefore necessary that this act go into immediate effect.

CHAPTER 889

An act making an appropriation for the establishment of a branch office of the Department of Motor Vehicles in Turlock, California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1961 Filed with Secretary of State June 30, 1961] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. The sum of thirty thousand nine hundred forty-three dollars ($30,943) is hereby appropriated from the Motor Vehicle Fund to the Department of Motor Vehicles for the establishment of a branch office of the department in Turlock, California.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

The branch office in Turlock is urgently needed to permit proper enforcement of provisions of laws regulating vehicles on the highway of this State and to permit necessary maintenance of traffic safety in the Turlock area.

CHAPTER 890

An act to amend Sections 1, 4, 5, 9, 16, 28 and 32.5 of the Mojave Water Agency Law (Chapter 2146, commencing with Section 1, Statutes of 1959), relating to the Mojave Water Agency, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 30, 1961. Filed with Secretary of State June 30, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the Mojave Water Agency Law (Chapter 2146, commencing with Section 1, Statutes of 1959) is amended to read:

"Mojave Water Agency"

Section 1. There is hereby created a district to be known and designated as the "Mojave Water Agency." The territory of the agency shall be the following area:

Boundaries

Beginning at a point on the Westerly boundary of the County of San Bernardino, said point also being on the South line of Section 30, T4N, R7W, San Bernardino Base and Meridian;

Thence Northerly along said Westerly boundary of said County of San Bernardino following all its various courses to its intersection with the North line of T27S, R40E, Mt. Diablo Base and Meridian, said point of intersection also being the Northwest corner of Section 1, T27S, R40E, MDB&M;

Thence Easterly along the North line of Section 1, T27S, R40E, MDB&M, to the Northeast corner of said Section 1;

Thence Northerly along the West line of Section 6, T27S, R41E, MDB&M, to the Northwest corner of said Section 6;

Thence Easterly along the North Township line of T27S, R41E, MDB&M, to the Northeast corner of said Township;

Thence Southerly along the East line of Section 1 and the East line of Section 12 to the Southeast corner of Section 12, T27S, R41E, MDB&M;

Thence Easterly along the North line of Section 18, T27S, R42E, to the Northeast corner of said Section 18;

Thence Southerly along the East line of said Section 18, to the Southeast corner of said Section 18;

Thence Easterly along the North line of Section 20, T27S, R42E, MDB&M, to the Northeast corner of said Section 20;

Thence Southerly along the East line of said Section 20, MDB&M, to the Southeast corner of said Section 20;

Thence Easterly along the North line of Section 28, T27S, R42E, MDB&M, to the Northeast corner of said Section 28;

Thence Southerly along the East line of said Section 28, to the Southeast corner of said Section 28;

Thence Easterly along the North line of Section 34, T27S, R42E, MDB&M, to the Northeast corner of said Section 34;

Thence Southerly along the East line of said Section 34, to the Southeast corner of said Section 34;

Thence Easterly along the North line of Section 2 and Section 1, T28S, R42E, MDB&M, to the Northeast corner of said Section 1;

Thence Southerly along the East line of T28S, R42E, MDB&M, to the Southeast corner of Section 25 of said T28S, R42E;

Thence Westerly along the South line of said Section 25 to the Southwest corner of said Section 25;

Thence Southerly along the East line of Section 35, T28S, R42E, MDB&M, to the Southeast corner of said Section 35;

Thence Westerly along the South line of said Section 35, to the Northeast corner of Section 2, T29S, R42E, MDB&M;

Thence Southerly along the East line of Sections 2, 11, 14, 23, and 26, T29S, R42E, MDB&M, to the Southeast corner of said Section 26;

Thence Easterly along the North line of Section 36, T29S, R42E, MDB&M, and continuing Easterly along the North line of Section 31, 32, and 33, T29S, R43E, MDB&M, to the Northeast corner of said Section 33;

Thence Northerly along the West line of Section 27, T29S, R43E, MDB&M, to the Northwest corner of said Section 27;

Thence Easterly along the North line of Sections 27, 26, and 25, T29S, R43E, MDB&M, to the Northeast corner of said Section 25;

Thence Northerly along the West line of Section 19, T29S, R44E, MDB&M, to the Northwest corner of said Section 19;

Thence Easterly along the North line of Sections 19, 20, and 21, T29S, R44E, MDB&M, to the Northeast corner of said Section 21;

Thence Southerly along the East line of Sections 21, 28, and 33, T29S, R44E, MDB&M, to the Southeast corner of said Section 33;

Thence Southerly a distance of 6 miles, more or less, along the Naval Reservation Boundary to its intersection with the North line of Section 4, T31S, R44E, MDB&M, said point of intersection being 200 feet, more or less, Westerly of the Northeast corner of said Section 4;

Thence Easterly along the North Township line of Townships T31S, R44E, T31S, R45E, T31S, R46E, and T31S, R47E, MDB&M, to the Northeast corner of said Township T31S, R47E, said corner also being a point on the San Bernardino Meridian;

Thence Northerly along the San Bernardino Meridian to the Northwest corner of Section 18, T14N, R1E, San Bernardino Base and Meridian;

Thence Easterly along the North line of Sections 18, 17, 16, 15, 14, and 13, T14N, R1E, SBB&M, to the Northeast corner of said Section 13;

Thence Southerly along the East Township line of T14N, R1E and T13N, R1E, SBB&M, to the Southeast corner of said T13N, R1E;

Thence Easterly along the North line of Section 6, T12N, R2E, SBB&M, to the Northeast corner of said Section 6;

Thence Southerly along the East line of Sections 6 and 7, T12N, R2E, SBB&M, to the Southeast corner of said Section 7;

Thence Easterly along the North line of Section 17, T12N, R2E, SBB&M, to the Northeast corner of said Section 17;

Thence Northerly along the West line of Section 9, T12N, R2E, SBB&M to the Northwest corner of said Section 9;

Thence Easterly along the North line of Sections 9 and 10, T12N, R2E, SBB&M, to the Northeast corner of said Section 10;

Thence Southerly along the East line of said Section 10 to the Southeast corner of said Section 10;

Thence Easterly along the North line of Sections 14 and 13, T12N, R2E, SBB&M, to the Northeast corner of said Section 13;

Thence Southerly along the East line of said Section 13, to the Southeast corner of said Section 13;

Thence Easterly along the North line of Sections 19, 20, 21, 22, 23, and 24, T12N, R3E and Sections 19, 20, 21, 22, 23, and 24, T12N, R4E, SBB&M, to the Northeast corner of said Section 24, T12N, R4E, SBB&M;

Thence Southerly along the range line between Range 4 East and Range 5 East, to the Southeast corner of T3N, R4E, SBB&M;

Thence Westerly along the South Township line of T3N, R4E and T3N, R3E, SBB&M, to the Southwest corner of said T3N, R3E, said Southwest corner also being a point on the Northerly boundary of the San Bernardino National Forest;

Thence Northerly and Westerly along said Northerly boundary of said San Bernardino National Forest following all its various courses to the Southeast corner of Section 11, T3N, R1E, SBB&M;

Thence Westerly along the South line of Sections 11, 10, 9, 8, and 7, T3N, R1E, SBB&M, and continuing Westerly along the South line of Sections 12 and 11, T3N, R1W, SBB&M, to the Southwest corner of said Section 11;

Thence Northerly along the West line of said Section 11 to the Northwest corner of said Section 11;

Thence Westerly along the South line of Sections 3, 4, 5, and 6, T3N, R1W, SBB&M, and continuing Westerly along the South line of Sections 1, 2, 3, and 4, T3N, R2W, SBB&M, to the Southwest corner of said Section 4;

Thence Southerly along the East line of Section 8, T3N, R2W, SBB&M, to the Southeast corner of said Section 8;

Thence Westerly along the South line of Sections 8 and 7, T3N, R2W, SBB&M, and continuing Westerly along the South line of Sections 12, 11, 10, 9, 8, and 7, T3N, R3W, SBB&M, to the Southwest corner of said Section 7;

Thence Southerly along the East line of Section 13, T3N, R4W, SBB&M, to the Southeast corner of said Section 13;

Thence Westerly along the South line of said Section 13, T3N, R4W, to the Southeast corner of the Southwest quarter (SW ¼) of said Section 13;

Thence Southerly along the half-section line of Section 24, T3N, R4W, SBB&M, to the Southeast corner of the Southwest quarter (SW ¼) of said Section 24;

Thence Westerly along the South line of said Section 24, to the Southwest corner of said Section 24;

Thence Southerly along the East line of Section 26, T3N, R4W, SBB&M, to the Southeast corner of said Section 26;

Thence Westerly along the South line of Sections 26, 27, 28, 29, and 30, T3N, R4W, SBB&M, and continuing Westerly along the South line of Sections 25, 26, and 27, T3N, R5W, SBB&M, to the Southwest corner of said Section 27;

Thence Northerly along the West line of said Section 27, to the Northwest corner of the Southwest quarter (SW ¼) of said Section 27;

Thence Westerly along the half-section line of Section 28, T3N, R5W, SBB&M, to the Southwest corner of the Northwest quarter (NW ¼) of said Section 28;

Thence Northerly along the West line of said Section 28, to the Northwest corner of said Section 28;

Thence Westerly along the South line of Section 20, T3N, R5W, SBB&M, to the Southwest corner of the Southeast quarter (SE ¼) of said Section 20;

Thence Northerly along the half-section line of said Section 20, to the Northwest corner of the Northeast quarter (NE ¼) of said Section 20;

Thence Westerly along the South line of Section 17, T3N, R5W, SBB&M, to the Southwest corner of said Section 17;

Thence Northerly along the West line of said Section 17, to the Northwest corner of said Section 17;

Thence Westerly along the South line of Section 7, T3N, R5W, SBB&M, to the Southwest corner of said Section 7;

Thence Northerly along the West line of said Section 7, to the Northwest corner of said Section 7;

Thence Westerly along the South line of Sections 1 and 2, T3N, R6W, SBB&M, to the Southwest corner of said Section 2;

Thence Northerly along the West line of said Section 2 to the Northwest corner of said Section 2;

Thence Westerly along the South line of Sections 34, 33, 32, and 31, T4N, R6W, SBB&M, and continuing Westerly along the South line of Sections 36, 35, 34, and 33, T4N, R7W, SBB&M, to the Southwest corner of said Section 33;

Thence Northerly along the West line of said Section 33, to the Northwest corner of the Southwest quarter (SW ¼) of said Section 33;

Thence Westerly along the half-section line of Section 32, T4N, R7W, SBB&M, to the Southwest corner of the Northwest quarter (NW ¼) of said Section 32;

Thence Northerly along the West line of said Section 32 to the Northwest corner of said Section 32;

Thence Westerly along the South line of Section 30, T4N, R7W, SBB&M. to its intersection with the Westerly boundary of the County of San Bernardino, said point of intersection being the point of beginning.

SEC. 2. Section 4 of said act is amended to read:

Board of directors

Sec. 4. The board of directors shall consist of eleven (11) directors, all of whom shall be registered to vote within the agency. The directors first elected and appointed under this act shall hold office until the third Tuesday in April, 1961, and the election and qualifications of their successors.

Terms

The term of office of each director shall be four (4) years.

Vacancies

All vacancies occurring in the office of director shall be filled by appointment by the remaining directors elected and appointed. An appointment to fill a vacancy in the office of director shall be for the unexpired term of the office in which the vacancy exists.

Successive elective members of the board of directors shall be elected by the voters of the agency as provided in this act and the three remaining members of the board of directors shall be appointed as provided for in this act.

Election of members

On the third Tuesday of April, 1961, seven (7) members of said board of directors, designated and referred to as members numbered one (1) through seven (7), respectively, shall be elected, one from each of the seven (7) divisions of the agency as in Section 3.1. Each such director shall be voted on only by those voters living within the division of which said director is a registered voter and one (1) director, designated and referred to as director number 8, shall be elected by the voters of the agency at large, in accordance with the provisions of this act pertaining to the qualifications of directors. The remaining three (3) directors designated and referred to as directors numbers 9, 10 and 11, and shall each be appointed within fifteen (15) days after the elective directors are elected, as follows:

(a) Director number 9 shall be appointed by the Board of Supervisors of San Bernardino County from the San Bernardino County Flood Control Advisory Committee Zone 4 or 6:

(b) Director number 10 shall be appointed by the governing body of the Mojave Desert Soil Conservation District;

(c) Director number 11 shall be appointed by the governing bodies of the several municipalities and districts lying in whole or in part within the agency which are authorized by law to sell and distribute water, each of which shall have one vote in the appointment of said director, and the person receiving the greatest number of votes shall be deemed appointed.

Of the seven (7) divisional directors first elected from each of the seven divisions, directors numbers 1, 3, 5 and 7 shall hold office until their successors are elected and qualified at the general agency election which shall be held in the first succeeding odd-numbered year, more than six months from the election at which the said directors were elected. Directors

numbers 2, 4 and 6 shall hold office until their successors are elected and qualified at the general agency election which shall be held in the second succeeding odd-numbered year.

The one director elected from the agency at large at the election held on the third Tuesday of April 1961, shall hold office until his successor is elected and qualified at the second succeeding general agency election.

Of the three (3) directors appointed after the election held on the third Tuesday of April 1961, director number 9 shall hold office until his successor is appointed and qualified within 15 days after the general agency election which shall be held in the first succeeding odd-numbered year. Directors numbers 10 and 11 shall hold office until their successors are appointed and qualified within 15 days after the general agency election which shall be held in the second succeeding odd-numbered year.

In case any two or more persons receive an equal number of votes, the governing board of the agency shall forthwith summon the candidates who have received tie votes to appear before it, at a time and place to be designated by the board, and the board shall at that time and place determine the tie by lot.

No more than three (3) directors, either elected or appointed, may be residents of any one division. In the event of the election or appointment, or the election and appointment, of more than three directors from any one division, the governing board of the agency shall be the judge of the qualifications of its members and of election returns subject to the provisions of this act.

The succeeding elective directors shall be nominated and elected at the agency general election which shall be held on the second Tuesday of April of each odd-numbered year. The election shall be conducted in accordance with the provisions of Part 2 (commencing with Section 9480), Division 11 of the Elections Code, and elective and appointive directors shall take office on the second Tuesday of the month following the agency general election.

SEC. 3. Section 5 of said act is amended to read:

Sec. 5. If, at 12:00 o'clock noon on the 54th day prior to the day fixed for the agency general election, only one person has been nominated for each office of member of the board of directors to be filled at that election, or if no person has been nominated for any one or more of said offices, said board of directors shall by resolution entered in its minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the agency or a greater portion thereof is situated, at a regular or special meeting held prior to the date of election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons who have been nominated, or if no person or persons have been nominated, any qualified

Nominations

person or persons. The person appointed shall qualify and take office and serve exactly as if elected at an agency general election.

SEC. 4. Section 9 of said act is amended to read:

Meetings

Sec. 9. The board of directors shall be the governing body of the agency. It shall hold its first meeting on the second Tuesday of the month following the general agency election, and at said meeting elect from its membership a president, secretary and treasurer, and provide for the time and place of holding its meetings and the manner in which its special meetings may be called. Said board may consolidate the office of secretary and treasurer. All legislative sessions of the board of directors, whether regular or special, shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business.

SEC. 4.5. Section 16 of said act is amended to read:

Tax levy

Sec. 16. The agency may annually, at the time and in the manner of levying other county taxes, levy an ad valorem tax on land only within the agency for the purpose of paying the costs, expenses and obligations of the agency, excluding principal and interest on any bonded indebtedness, or to accomplish any of the purposes of the agency or of this act. The aggregate taxes levied under this section for any fiscal year shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of the taxable land in the agency exclusive of any tax levied to meet the principal or interest on any bonded indebtedness of the agency duly authorized by a vote of the electors. These taxes shall be levied and collected with, and not separately from, taxes for county purposes and the revenue derived from these taxes shall be paid into the treasury of the county to the credit of the agency and the board shall have the power to control and order the expenditure thereof. The provisions of the laws of the State of California prescribing the priority, time, and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency and the redemption from such sale and the duties of the various county officers with respect thereof, are, so far as they are applicable and not in conflict with the specific provisions of this act, hereby adopted for the agency and made a part hereof. Such officers shall be liable upon their several bonds for the faithful discharge of the duties imposed upon them by this act. The agency may, in addition to any other tax or assessment, levy a tax or assessment each year upon all real property in the agency sufficient to pay the interest and such portion of the principal of its bonds as is due or to become due before the time for making the next general tax levy.

The agency is empowered, without complying with the provisions of Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code, to levy an ad valorem tax on land only, for the fiscal year 1961-1962.

SEC. 5. Section 28 of said act is amended to read:

Sec. 28. The agency may be dissolved in the manner provided for the dissolution of districts by Article 10 (commencing with Section 58300), Chapter 1, Division 1, Title 6 of the Government Code, and the agency shall be considered a district within the meaning of all the provisions of that article. Dissolution

SEC. 6. Section 32.5 of said act is amended to read:

Sec. 32.5. Whenever a sufficient change in the population occurs in a division after its organization which makes it desirable in the opinion of the board of directors of the agency to relocate the boundary or boundaries of any division or divisions, or whenever any territory is added to or excluded from any division, the board of directors shall, by resolution, relocate the boundary lines of the division or divisions so as to equalize, as nearly as may be practicable, the population in the respective divisions. For this purpose, the board of directors may estimate the population by reference to the register of voters used at the last general elections, and may relocate the boundary lines of the respective divisions without regard to the places of residence of the directors then in office. The board of directors may relocate the boundary or boundaries of any division to make them correspond to county election precinct boundary lines. No such change in the division lines shall be made within the four (4) months immediately preceding the election of any director nor shall such change in division lines work a forfeiture of office of any director. Whenever changes are made in the division lines, each director then in office, and until his office becomes vacant by expiration of his term or otherwise, shall continue to be the director from the respective division bearing the number of his division as formerly located even though such director is not a resident of the relocated division. His successor shall be a resident and voter of the relocated division. Relocation of boundary lines

SEC. 7. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

Unless the change made in Section 16 of this act becomes effective immediately, the agency cannot levy an ad valorem tax on land within the agency boundaries for the fiscal year 1961-1962 and will be unable to finance its operations for the year 1961-1962.

CHAPTER 891

An act to add Section 70063 to the Government Code, relating to superior court reporters, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 30, 1961. Filed with Secretary of State June 30, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 70063 is added to the Government Code, to read:

70063. Any county having a population of 50,000 and not over 55,000, as determined by the 1960 Federal Census, the official phonographic reporters shall perform the following duties:

(1) Report all proceedings before the superior court;

(2) Report the proceedings of the grand jury;

(3) Act as the secretary of, and render stenographic and clerical assistance to, the judge of the department to which they are assigned by the presiding judge.

The official phonographic reporters of such county shall be paid for their services at a monthly salary rate established according to the following salary schedule:

Step A	Step B	Step C	Step D	Step E
$715	$755	$797	$842	$889

Except as otherwise provided herein, a person appointed as a regular official phonographic reporter shall receive for his first six months of service a monthly salary at the rate specified in step A. Upon the first day of the month following six months continuous service, such person shall receive a monthly salary at the rate specified in step B. On or after the first day of the month following each ensuing 12 months of continuous service the salary of such person shall be increased to the rate specified in the next higher step of the salary schedule until his salary equals the sum specified in step E of the schedule. All other regular official phonographic reporters shall receive monthly salaries under the schedule according to the length of their service.

The fee required by Section 70053 shall be five dollars ($5).

Operative date

SEC. 2. This act shall be operative July 1, 1961.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Mendocino Superior Court has found it difficult to obtain the services of qualified official phonographic reporters at the salary and fees presently provided for by law. In order to retain the services of the present reporters and to obtain the services of any additional reporters needed for the proper administration of justice in the Mendocino Superior Court, it is necessary that this act become operative July 1, 1961.

CHAPTER 892

An act to amend Sections 5010, 5010.5, 6214, 6216.5, 6217, 6505, 6816, 6992, 7501, 7604, and 7706, to add Section 9063.1 to, and to repeal Sections 6816.1, 6816.3, and 6816.7, of the Public Resources Code, and to amend Section 12912 of the Water Code, and to amend Section 16346 of, and to repeal Sections 16348 and 16349 of, the Government Code, relating to state funds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1961. Filed with Secretary of State June 30, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 5010 of the Public Resources Code is amended to read:

5010. The department, whenever in its judgment it is practicable to do so, shall collect fees, rentals, and other return for the use of any state park area, the amounts to be determined by the department and to be paid into the State Treasury to the credit of the General Fund. Fees, rentals, etc

SEC. 2. Section 5010.5 of said code is amended to read:

5010.5. The Director of Natural Resources may authorize the refund of moneys received or collected by himself or by the Division of Beaches and Parks illegally, or by mistake, inadvertence, or error. Claims authorized by the director shall be filed with the State Controller and the Controller shall draw his warrant against the General Fund in payment of such refund from any appropriation made for that purpose. Refunds

SEC. 3. Section 6214 of said code is amended to read:

6214. Fees shall be charged and collected by the commission pursuant to its rules and regulations for the following: Fees

(a) Certificates of purchase or duplicates thereof,
(b) Patents and certified copies of records thereof,
(c) For certifying a contested case to superior court,
(d) For certifying copies of papers,
(e) Such other fees as are allowed by law.

All fees received by the commission under this section shall be paid into the State Treasury monthly and placed to the credit of the General Fund.

SEC. 4. Section 6216.5 of said code is amended to read:

Oil, gas, and mineral leases San Francisco Harbor

6216.5. The commission may, with the consent of the Board of State Harbor Commissioners for San Francisco Harbor, and under the circumstances provided for in Section 6872, enter into oil, gas, and mineral extraction leases of land under the jurisdiction of the Board of State Harbor Commissioners for San Francisco Harbor in the same manner and to the same effect and upon the same terms, provisions and conditions of Part 2, Division 6 of this code as in the case of leases with reference to tide and submerged lands under the jurisdiction of the commission, except that notwithstanding the provisions of Section 6217 the proceeds of said leases shall be divided 50 percent to the San Francisco Harbor Improvement Fund and 50 percent to the General Fund.

SEC. 5. Section 6217 of said code is amended to read:

Disposition of fees, etc.

6217. Notwithstanding any other provision of law all fees, rentals, charges and other moneys, other than from the sale of school lands, collected by the commission, or by the State pursuant to any lease, permit or other agreement entered into by the commission, shall be deposited in the General Fund unless such moneys are required by the Constitution of this State or by law to be deposited in either the School Fund or the School Land Fund.

SEC. 6. Section 6505 of said code is amended to read:

Disposition of rentals

6505. All moneys received as rental for school lands under this chapter shall be paid into the State School Fund. All other money received under this chapter shall be paid into the General Fund.

SEC. 7. Section 6816 of said code is amended to read:

Deposit of moneys

6816. All moneys and remittances received by the State pursuant to this chapter, except rents, bonuses, royalties and profits accruing from the use of state school land, shall be deposited in the State Treasury as follows and in the following order:

(a) To the credit of the General Fund such revenue as necessary to provide in any fiscal year for the following:

(1) For the payment of refunds, as authorized by the commission and approved by the State Board of Control, out of appropriations made for that purpose by the Legislature.

(2) For the payment of expenditures made by the commission to carry out the provisions of this chapter, including the acquisition of real property or interests therein, the purchase of materials and supplies, and the conducting of operations by the State as provided herein, the payment by the State of such sums as may be provided pursuant to agreements or contracts authorized herein, and the payments of the necessary expenses of the commission, from any appropriations made for such purposes.

(3) For the general credit of the General Fund, the sum of fifteen million five hundred thousand dollars ($15,500,000).

(b) To the California Water Fund, all revenue in excess of the amount deposited in the General Fund pursuant to subdivision (a) of this section.

The commission may, with the approval of the State Board of Control, authorize the refund of moneys received or collected by it illegally or by mistake, inadvertence, or error. Claims authorized by the commission and approved by the State Board of Control shall be filed with the State Controller and the Controller shall draw his warrant against the General Fund in payment of such refund from any appropriation made for that purpose.

SEC. 8. Section 6816.1 of said code is repealed. Repeal

SEC. 9. Section 6816.3 of said code is repealed. Repeal

SEC. 10. Section 6816.7 of said code is repealed. Repeal

SEC. 11. Section 6992 of said code is amended to read:

6992. Leases for any such lands and for the privilege of taking minerals from the waters of streams and lakes may be issued by the commission by competitive bidding to the highest responsible bidder, under general regulations adopted by the commission. All money received by the State under this chapter shall be deposited in the General Fund in the State Treasury. Bids: Leases

SEC. 12. Section 7501 of said code is amended to read:

7501. Swamp and overflowed lands belonging to the State may be sold by the commission under rules and regulations prescribed by it and at a price fixed by it, payment to be made in cash to the commission. The proceeds from such sales of swamp and overflowed lands shall be paid into the State Treasury to the credit of the General Fund. This section shall not affect the sale of swamp and overflowed lands under any application filed with the commission prior to September 19, 1939. Sale of swamp and overflow lands

SEC. 13. Section 7604 of said code is amended to read:

7604. The lands designated in this chapter shall be sold at the price fixed by the commission. All moneys received for such lands shall be paid into the General Fund. Price

SEC. 14. Section 7706 of said code is amended to read:

7706. Each application for lands shall be accompanied by a fee of five dollars ($5), and no application shall be filed, or noted in any way until the fee is paid. Such fees shall be paid into the State Treasury on the first Monday of each month, and placed to the credit of the General Fund. The commission shall, on the first Monday of each month, make a written report to the State Controller, stating the amount of fees so paid, together with the sources from which they were derived, and the several amounts, by items. Application fee

SEC. 15. Section 9063.1 is added to said code, to read:

9063.1. From such money as may be appropriated therefor, the commission may make grants to districts organized pursuant to this division, and subject to the limitations contained therein, to assist such districts in carrying out any work that they are authorized to undertake whenever the commission Assistance grants to districts

determines that such work is necessary for the welfare of the people of the State, including but not limited to expenditures for small watershed flood control projects, and other works authorized under the provisions of this division.

SEC. 16. Section 12912 of the Water Code is amended to read:

Deposits in California Water Fund

12912. There shall be deposited in the California Water Fund:

(a) All resources of the Investment Fund.

(b) All receipts and revenues of any type and nature derived from any project constructed, operated, or maintained in whole or in part from the fund, except such receipts and revenues which are necessary to pay the costs of operation, maintenance, replacement, and debt service in connection with the project, and all receipts and revenues of any type or nature derived by the State from joint-use projects between the State and the federal government, except such receipts and revenues which are necessary to pay the costs of operation, maintenance, replacement and debt service, in connection with any such project.

(c) Such moneys in other funds which the Legislature may hereafter direct the Controller to transfer to the fund, and any money required to be deposited in the California Water Fund pursuant to the provisions of subdivision (b) of Section 6816 of the Public Resources Code.

(d) All revenues received by the State pursuant to the provisions of Chapter 29, Statutes of 1956, First Extraordinary Session.

(e) All money from any state bond issue authorized and sold for the purposes of this chapter.

(f) All other funds made available solely for the purposes of this chapter by gift or any other means.

(g) All income derived from the investment of moneys that are in the fund.

SEC. 17. Section 16346 of the Government Code is amended to read:

Abolishment of a special fund

16346. Whenever by statutory enactment or operation of the law, a special fund in the State Treasury is abolished, all of its assets, liabilities, and surplus shall, on order of the State Controller and as of the effective date of its abolition, be transferred to and become a part of the successor fund specified in the act providing for such abolition. Unless otherwise provided, all existing appropriations to the extent encumbered and also those which had been made for particular projects from the abolished fund shall continue to be available for the same purposes and periods from the successor fund.

Successor Fund

Where no successor fund is specified in the act providing for abolition, the General Fund shall be deemed to be the successor fund for purposes of this section.

Provisions of law continuously appropriating certain classes of revenue or other receipts upon their deposit in a particular fund in the State Treasury are not appropriations for particular projects for purposes of this section.

SEC. 18. Section 16348 of said code is repealed. Repeal

SEC. 19. Section 16349 of said code is repealed. Repeal

SEC. 20. This act shall become operative July 1, 1961. Operative date

SEC. 21. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

This act abolishes the State Lands Act Fund and the State Beach and Park Fund and is designed to operate in conjunction with an appropriation in the Budget Act for the support of the functions presently maintained out of the funds abolished. It is essential, therefore, that the act become operative at the same time as the Budget Act and that it go into effect immediately.

CHAPTER 893

An act to amend Sections 30008, 30102, 30103, 30105, 30106, 30108 and 30187 of the Revenue and Taxation Code, relating to the taxation of cigarettes, to take effect immediately

[Approved by Governor June 30, 1961. Filed with Secretary of State June 30, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 30008 of the Revenue and Taxation Code is amended to read:

30008. "Distribution" includes: "Distribution"

(a) The sale of untaxed cigarettes in this State;

(b) The use or consumption of untaxed cigarettes in this State.

SEC. 2. Section 30102 of said code is amended to read:

30102. The taxes imposed by this part shall not apply to the sale of cigarettes to: Military exchanges, etc

(a) United States Army, Air Force, Navy, or Coast Guard exchanges and commissaries and Navy or Coast Guard ships' stores, or

(b) The United States Veterans Administration.

SEC. 3. Section 30103 of said code is amended to read:

30103. The taxes imposed by this part shall not apply to the sale of cigarettes by the manufacturer to a licensed distributor. Sale by manufacturer

SEC. 4. Section 30105 of said code is amended to read:

30105. The taxes imposed by this part shall not apply to donations of cigarettes as samples in packets of five or less cigarettes. Donations

SEC. 5. Section 30106 of said code is amended to read:

Untaxed shipments Payment by consumer

30106. The taxes imposed by this part shall not apply to the use or consumption of untaxed cigarettes transported to this State in a single lot or shipment of not more than 200 cigarettes, or of not more than 200 untaxed cigarettes obtained at one time from any of the instrumentalities listed in Section 30102. The taxes resulting from a distribution of cigarettes within the meaning of subdivision (b) of Section 30008 shall be paid by the user or consumer.

SEC. 6. Section 30108 of said code is amended to read:

Collection by Distributor

30108. Every distributor engaged in business in this State and selling or accepting orders for cigarettes with respect to the sale of which the tax imposed by Section 30101 is inapplicable shall, at the time of making the sale or accepting the order or, if the purchaser is not then obligated to pay the tax with respect to his distribution of the cigarettes, at the time the purchaser becomes so obligated, collect the tax from the purchaser, if the purchaser is other than a licensed distributor, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the board.

"Distributor engaged in business in the State" means and includes any of the following:

(a) Any distributor maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place or other place of business.

(b) Any distributor having any representative, agent, salesman, canvasser or solicitor operating in this State under the authority of the distributor or its subsidiary for the purpose of selling, delivering, or the taking of orders for cigarettes.

SEC. 7. Section 30187 of said code is amended to read:

Report of consumer

30187. Every consumer or user subject to the tax resulting from a distribution of cigarettes within the meaning of subdivision (b) of Section 30008 from whom the tax has not been collected under Section 30108 shall on or before the 15th day of the month following receipt of cigarettes file with the board a report of the amount of cigarettes received by him in the preceding calendar month in such detail and form as the board may prescribe, submitting with the report the amount of tax due.

Tax levy

SEC. 8. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate

Operative date

effect. However, this act shall not become operative until July 1, 1961.

CHAPTER 894

An act to add Section 6449 to the Streets and Highways Code, relating to the Improvement Act of 1911, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1961. Filed with Secretary of State June 30, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 6449 is added to the Streets and Highways Code, to read:

6449. Whenever a school district acquires property subject to a bond or bonds issued under the terms of this division for unpaid assessments against said property, the district may include in its annual tax levy, in addition to moneys for all other purposes, an amount sufficient to pay the annual payments of principal and interest due on said bond or bonds. Said tax levy may be made notwithstanding that the said tax levy exceeds the maximum tax rate which may otherwise be imposed by law. No school district shall levy the tax authorized by this section for a period in excess of five years with respect to a particular parcel of property.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

In order that a school district already at its maximum statutory tax rate shall be able to include in its annual tax levy for the fiscal year beginning in 1961 an amount sufficient to pay the annual payments of principal and interest on bonds which the district is required to pay as a result of an acquisition of property subject to bonds issued pursuant to the Improvement Act of 1911, it is essential that this act go into effect immediately.

CHAPTER 895

An act to amend Sections 1, 3, 9, 11, 12, 14, 15, 16, 18, 19, 20, 21, 24, 27, and 28 of, and to add Sections 11.5, 32.1 and 32.2 to, the Yolo County Flood Control and Water Conservation District Act (Chapter 1657, Statutes of 1951), relating to the Yolo County Flood Control and Water Conservation District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1961 Filed with Secretary of State June 30, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the Yolo County Flood Control and Water Conservation District Act (Chapter 1657, Statutes of 1951) is amended to read:

"Yolo County Flood Control and Water Conservation District"

Section 1. A flood control and water conservation district is hereby created, to be called the "Yolo County Flood Control and Water Conservation District," and the boundaries and territory of said district are as follows:

Boundaries

All that territory of the County of Yolo lying within the exterior boundaries thereof, exclusive of the area within Reclamation Districts Nos. 108, 150, 307, 537, 730, 752, 765, 785, 787, 811, 819, 820, 821, 827, 900, 999, 1009, 1600, 2035, 2068, and 2076, the Knights Landing Ridge Drainage District, the Sacramento River West Side Levee District, and the Washington Levee District on the effective date of this act and also exclusive of the area within the Yolo-Zamora Water District and the Dunnigan Water District on the effective date of the act adding this exception.

SEC. 1.5. Section 3 of said act is amended to read:

Objects and purposes

Sec. 3. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical, for the control and disposition of the storm and flood waters of said district and to that end the district is hereby created to be a body corporate and politic and as such shall have power:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(d) To take by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and contract to sell, lease, or dispose of real, personal and mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes.

(e) To acquire and contract to acquire by purchase, condemnation, donation or other lawful means in the name of the district from private persons, public and private corporations, associations, agencies or districts, lands, rights-of-way, easements, privileges, material, and property of every kind within or without the district, to do all work and to acquire, construct maintain and operate any and all works and improvements within or without the district, and to make, execute, carry out and enforce all contracts of every character, necessary, convenient, incidental, useful or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

(f) To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use by the State, any political subdivision or district thereof.

In condemnation proceedings, the district shall proceed under the provisions of Title 7, Part 3, of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose; and it is hereby declared that the use of

the property, lands, rights-of-way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use, and the board is granted the same powers and rights with respect to the taking of property for the public uses of said district as are now or may hereafter be conferred by general law on the legislative body of a county, city and county, incorporated city or town, municipal water district or irrigation or reclamation district. No action in eminent domain to acquire property or interests therein outside the boundaries of Yolo County shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

(g) To compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed, or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along any such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes. Cost of relocating or otherwise changing any portion of a state highway shall not be paid from funds appropriated for state highway purposes, except that such funds may be used for betterment thereof in connection with such relocation or change.

(h) To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, tunnels, drains, poles, posts, wires, lamps, power plants, railroads, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and complete the same.

(i) To incur indebtedness, and to issue bonds in the manner herein provided and to provide for the issuance of warrants of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrants shall bear after registration and until such payment.

(j) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

(k) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including, if it deem advisable, a clerk, superintendent of work, assessor, treasurer and collector and define their powers and duties, and fix and determine the amount of bond required of each appointee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board.

The board shall have the power to combine any two or more offices in its discretion.

(*l*) To establish and fix the boundaries of zones in the district as provided in this act; to make transfers of money from the general funds of the district to any special fund and to create and administer such special funds as in their discretion may seem advisable, and to abolish same; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works, and improvements provided for herein, and to abolish same; and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

(m) To make and enter into contracts with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States, or any person, firm, association or corporation, jointly or severally, for the acquisition of property or rights or the construction, maintenance and operation, or the joint financing or use in whole or in part of any or all works and improvements provided in this act, including contracts with the State of California, the United States or any other public entity (1) for loans to finance planning, acquisition, construction, operation or maintenance of such works and improvements and lands, easements, and rights-of-way therefor, and (2) for grants for recreational or fish and wildlife enhancement benefits of such works and improvements, and to do any and all things required to carry out such contracts.

An action to determine the validity of any such contract may be commenced and prosecuted under the procedure set forth in Section 21 of this act.

(n) To lease or rent to or from any of the parties named in subdivision (m) of this section any property or rights necessary, in the opinion of the board, to accomplish or carry out any of the work or improvement or the maintenance thereof herein provided and under such terms and conditions as may be agreed upon between the parties.

(o) To receive and accept any and all contributions in labor, material or money from any of the parties named in subdivision (m) of this section, to be applied to the work or improvement herein provided for.

(p) To construct, purchase, lease or otherwise acquire works and to purchase, lease, appropriate, or otherwise acquire surface waters and water rights, useful or necessary to make use of water for any purposes authorized by this act.

(q) To do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage, and distribution for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses.

(r) To control flood and storm waters within the district and the flood and storm waters of streams outside of the district, which flow into the district; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to release such waters from surface reservoirs to replenish and augment the supply of waters in natural underground reservoirs and otherwise to reduce the waste of water and to protect life and property from floods within the district.

(s) To co-operate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Yolo, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

(t) To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Yolo County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through

any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Yolo County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

(u) To commence, maintain, intervene in, and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein, to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in or flowing into the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

(v) To prescribe reasonable rules and regulations and to fix and collect rates, tolls or charges for any water or service or facilities furnished, sold or leased by the district.

SEC. 2. Section 9 of said act is amended to read:

Title to property acquired by district

SEC. 9. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is authorized

to hold, use, acquire, manage, occupy and possess said property, as provided herein. If the board determines by resolution duly passed and entered in their minutes, that any district property, real or personal, is no longer necessary to be retained for the uses and purposes of the district, it may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties.

SEC. 3. Section 11 of said act is amended to read:

Indebtedness

SEC. 11. The district shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable.

This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act, authorizing the issuance of bonds, the levying of special assessments, the execution of contracts, with the United States or the State of California, the issuance of temporary negotiable notes, nor to the incurring of any indebtedness or liability authorized by a vote of the electors of the district at an election held for such purpose.

SEC. 4. Section 11.5 is added to said act, to read:

Issuance of temporary negotiable notes

SEC. 11.5. The district may issue temporary negotiable notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the district payable from revenues and taxes unless paid from other available funds of the district; and provided further, that the maturity shall not be later than four years from the date thereof and that the total aggregate amount of such notes outstanding at any one time shall not exceed 2 percent of the assessed value of the taxable property in the district.

SEC 5. Section 12 of said act is amended to read:

Levy and collection of tax

SEC. 12. The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with and not separately from taxes for county purposes, and not to exceed, however, the sum of ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay the costs and expenses of surveys, of zoning, compensation for clerical, engineering, legal, financial and, without limitation by the foregoing, any and all other necessary services, printing and advertising of all resolutions, notices, and other matter required to be printed, posted or published, all costs and expenses of legal actions or proceedings, and also the rental or purchase of real or personal property used in connection with such work

and surveys, or any other of its purposes and to repay the county any and all moneys loaned to the district for the purposes herein stated and prior to the receipt of taxes.

SEC. 6. Section 14 of said act is amended to read:

Determination of necessary moneys

Sec. 14. The board may estimate and determine the amount of money necessary to be raised to construct or purchase necessary works and acquire the necessary property and rights therefor and otherwise carry out the provisions of this act.

For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, the board may cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate.

In the estimate of the amount necessary to be raised, the board may include a sum sufficient to pay (a) all costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of such works, property and rights, and (b) all engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction. All such surveys, examinations, drawings, and plans shall be made under the direction of the engineer of the district and shall be certified by him After receiving such report the board may determine and declare by resolution whether or not the proposed plan of work is satisfactory and whether or not the project, as set forth in said report, is feasible, and if so, may make an order determining the amount of bonds that should be issued in order to raise the amount of money necessary therefor.

Prior to the calling of the bond election hereinafter referred to, the board shall cause the entire district to be divided into zones, if in its opinion such division is necessary because of varying benefits to the property within the district, together with a statement as to the percentages or amounts of the sum to be raised from each of the zones for the payment of the principal and interest of the bonds of the district. The district may be divided into as many zones as may be deemed necessary and each zone shall be composed of and include all of the lands in the district which in the opinion of the board will be benefited in substantially the same manner. The board may determine that no percentage or amount should be raised from a zone if in the board's determination no benefit will result to said zone from such project Each zone shall be designated on a map or plat of the district filed in the office of the board and such designation shall show the separate boundaries of each zone and a statement of the percentage or amount, if any, to be raised from each zone.

For additional bonded indebtedness, the board may establish different zones which may overlap those established for prior bonded indebtedness.

SEC. 7. Section 15 of said act is amended to read:

Notice of hearing

Sec. 15. Upon the filing of such map, as in Section 14 provided, the board shall give notice to all persons interested in the district by publication in a newspaper of general circulation published in the district, once a week for three successive weeks, which notice shall designate the time and place of hearing by the board, at which time and place any person interested in the district may appear and object to the inclusion of his lands within the zones into which the district is divided, or to the percentage or amount to be raised from each of said zones. All such objections shall be in writing, verified by the person or persons making the objection, and filed with the board on or before the date fixed for such hearing. Upon such hearing, the board may change or modify any of the zones or the percentages or amounts to be raised therefrom and shall distribute proportionately the percentage or amount to be raised in each zone in accordance with the benefits received therefrom. Such hearing may be continued from time to time by the board by an order entered on its minutes. At the conclusion of the hearing the board shall make a final determination as to the extent and boundaries of the zones and the percentages or amounts to be raised therefrom.

The location and extent of the zones within the district and the percentages or amounts to be raised therefrom shall be finally established and determined by the board and shall prevail for all purposes until any bonds to be issued by the district shall have been fully paid and discharged. Findings and determination of the board as to the extent and boundaries of the zones and the percentages or amounts to be raised therefrom shall be final and conclusive subject to ratification by the electors as herein provided.

SEC. 8. Section 16 of said act is amended to read:

Special election

Sec. 16. After the adoption of said report and estimate of the amount of money required to be raised and after the determination of the zones into which the district is divided and the percentages or amounts of the sum to be raised for the payment of the principal and interest of the bonds from each of such zones, the board shall call a special election and submit two propositions to the qualified voters of those zones of said district in which any portion of the sum for payment of the bonds is to be raised:

1. Shall the report adopted by the board be ratified?

2. Shall such zones of the district incur a bonded indebtedness for the purpose of providing for the control and disposition of flood and storm waters of said district and to protect from damage from such storm and flood waters, the waterways, property, public highways, and public places in said district, and for any other purpose set forth in Section 3 hereof?

Contents of special election resolution

The resolution calling the special election shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 6 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the ratification of the report adopted by the board, and for and against the incurring of such indebtedness.

For the purpose of said election, the board shall, in its resolution, establish election precincts within the boundaries of such zones of said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such resolution, such election shall be held as nearly as practicable in conformity with the general election laws of the State.

At such election all persons whose names appear on the last great register of County of Yolo as residing within such zones of the district shall be entitled to vote, except as hereinafter otherwise provided.

Notice of election

Such resolution calling such election shall be published once a day for at least seven days, in some newspaper published at least six days a week in said district, or once a week for two weeks in some newspaper published less than six days a week in such district, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspaper published less than six days a week. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

Vote

If at such election two-thirds or more of the votes are cast in favor of ratifying the adoption of the report by the board and the incurring of such bonded indebtedness, then the bonds of such zones of said district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act.

Additional bonded indebtedness

Additional bonded indebtedness may be authorized and the bonds issued, sold, and paid for, and the proceeds used, as provided in this act for original bonded indebtedness, and all other provisions of this act relating to bonds shall apply to additional bonded indebtedness.

SEC. 9. Section 18 of said act is amended to read:

Contracts with municipal corporations, etc.

Sec. 18. Notwithstanding any other provision in this act, the governing body of any municipal corporation or political subdivision at any time after the location and extent of zones within said district and the percentages or amounts to be raised therefrom in each of such zones for the purpose of assessment have been finally fixed and determined by the board as provided in Section 14, but before the calling of the bond election

as provided in Section 16 may, with the consent of the board, enter into a contract with the district to pay to the district for the benefit of the bond fund thereof, if a bond issue be authorized and bonds be issued, an amount which shall be equal to the total amount assessed against all zones situated entirely within the corporate limits of said municipality or political subdivision. Thereupon said charges against said zone or zones shall be canceled to the extent of said amount so agreed to be paid, and thereafter the electors residing within said zone or zones shall not be entitled to vote at such bond election. Such contract shall contain such other and additional provisions as the board deems necessary or advisable in order to protect the interests of the district and to substitute the contract in lieu and instead of the assessments within the zone or zones so assumed by said municipality or other political subdivision.

It shall be wholly optional with the board whether or not to proceed as provided in this section.

SEC. 10. Section 19 of said act is amended to read:

Bonds' Specifications

Sec. 19. The board may determine and provide by resolution for (a) the number of series in which the bonds are to be issued, (b) the date the bonds are to bear, (c) the maturity dates of the bonds, not exceeding 50 years from their respective dates, (d) the issuance of any bonds or a series in the form of serial or term maturities, (e) the interest of the bonds, not exceeding 6 percent a year, (f) the denomination of the bonds, (g) the form of the bonds, coupon or registered, (h) the registration and conversion privileges of the bonds, (i) the manner in which the bonds are to executed, (j) the medium and place of payment, and (k) the terms of redemption or call, with or without a premium, which premium shall not exceed 6 percent of the par value of the bonds.

SEC. 11. Section 20 of said act is amended to read:

Denominations

Sec. 20. The bonds shall be issued in such denominations as the said board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100) nor of a greater denomination than one thousand dollars ($1,000). The principal and interest of bonds shall be payable on the day and at place or places fixed therein. The bonds shall be signed by the chairman of the board or such other member of the board as the board may, by resolution, designate, and countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons of the bonds shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, the signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 12. Section 21 of said act is amended to read:

Action to determine validity of bonds

Sec. 21. At any time prior to the sale and delivery of any bonds authorized by this act, an action may be commenced by the board in the name of the district in the Superior Court of the State of California, in and for the County of Yolo, to determine the validity of any of the bonds. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some newspaper of general circulation published in Yolo County, such paper to be designated by the court having jurisdiction of the proceedings or by the judge thereof. A summons shall be issued in such action which summons besides the matters required by Section 407 of the Code of Civil Procedure shall contain a statement that the action is brought to determine the validity of bonds of the district to the amount stated therein. Jurisdiction shall be complete within 10 days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said 10 days appear and by proper proceedings contest the validity of such bonds. The action shall be given precedence in hearing and trial over all other civil actions or proceedings in such court and judgment shall be rendered therein declaring said bonds either valid or invalid. Either party may have the right to appeal to the Supreme Court at any time within 30 days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. Any action or proceeding commenced by any party other than the board to contest or in any manner interfere with the validity or disposition of said bonds must be tried in the Superior Court of the State of California, in and for the County of Yolo, and if the action or proceeding shall be commenced by the board as provided in this section, then no other such action or proceeding shall be thereafter commenced by any party or parties other than the board. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceeding leading up to the issuance of bonds or the validity of the bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to all actions or proceedings herein provided for.

SEC. 13. Section 24 of said act is amended to read:

Issuance of bonds conclusive of regularity, etc

Sec. 24. Bonds issued under this act shall be, by their issuance, conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations had or made under this act. No error, defect, irregularity, informality and no neglect or omission of any officer of the district in any procedure, taken hereunder, which does not affect the jurisdiction of the board to order the doing of the

thing or things proposed to be done, shall void or invalidate such proceedings or any bonds issued thereunder. The bonds and the interest thereon shall be paid by revenue derived from an annual assessment upon the taxable property within the zones of the district, in which any portion of the sum for payment of the bonds is to be raised except to the extent that other revenues of the district are or are expected to become available therefor, and all the taxable property in such zones of the district shall be and remain liable to be assessed for such payment as hereinafter provided.

SEC. 14. Section 27 of said act is amended to read:

Refunding bonds

SEC. 27. The district may provide for the issuance, sale or exchange of refunding bonds to redeem or retire bonds issued by it upon the terms, at the times, and in the manner which the board determines. All the provisions of this act relating to the issuance of bonds are applicable to refunding bonds and their issuance, sale, or exchange, except that the report submitted to the voters for ratification under Section 16 of this act shall concern the necessity or desirability and the proposed terms, times and manner of issuing refunding bonds instead of the nature and cost of works, property and rights to be constructed and acquired.

SEC. 15. Section 28 of said act is amended to read:

Levy and collection of tax to pay interest, etc

SEC. 28 To the extent that revenues of the district from sources other than taxes are or are expected to be insufficient to pay the principal and interest of bonds due each year, the board shall at the time for fixing the general tax levy for county purposes and in the manner of such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy. There may be included in such tax a sum sufficient, in the judgment of the board to take care of anticipated delinquencies The tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Such tax shall be levied upon all taxable property within the district excluding any property belonging to any county, municipality, or political subdivision within the district, or property belonging to the State of California or the United States

If the district has been divided into zones and the percentage or amount of the sum to be raised for the redemption of principal and interest of said bonds from each such zone has been determined as provided in this act, the said sum of said tax levied shall be divided according to said percentage or amount,

and the percentage or amount to be raised from the taxable property within each zone shall be levied upon and against the property in such zone as hereinbefore provided.

The provisions of law of this State prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes including the sale of property for delinquency, and for redemption from such sale, and the duties of the several county officers with respect thereto, so far as they are applicable, and not in conflict with the specific provisions of this act, are hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

The board shall take the assessment on the equalized roll of the County of Yolo as the basis for district taxes and for its taxes collected by the county officials of said county. On or before the first of August the board shall file with the auditor a certified copy of the map or plat showing the zones and the percentage or amount of the sum to be raised from each zone. The auditor of such county must, on or before the second Monday of August of each year, transmit to the board a statement in writing showing the total value of all property within the district, which value shall be ascertained from the equalized roll of such county for that year. Said statement shall also show the total value of all property in each of said zones respectively.

The board shall, on or before the first week day in September, or if such week day falls upon a holiday, then upon the first business day thereafter, fix the rate of tax for each zone, and designate the number of cents upon each one hundred dollars ($100) on the equalized roll, which rate of taxation shall be sufficient to raise the sum previously fixed by the board as hereinabove prescribed. Such acts by the board shall constitute a valid assessment of the property and a valid levy of the tax so fixed. The board must immediately thereafter transmit to the county auditor a statement of the rate of taxes so fixed by said board for each zone into which the district may be divided and the county auditor shall enter such rate upon the county tax roll. Such taxes so levied shall be collected at the same time and in the same manner as county taxes and when collected the net amount ascertained as hereinafter provided shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

All taxes levied under the provisions of this act shall be a lien upon the property on which they are levied and unless the board has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same manner and by the same means as provided by law for the enforcement of the liens for state and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

The amount of compensation to be charged by and paid to the county for the performance of service, as in this section provided, for and on behalf of such district, shall be fixed by agreement between the Board of Supervisors of the County of Yolo and the board, except that such compensation shall not exceed one-half percent of all moneys collected for such district as in this act provided. The amount so collected by such county shall be placed to the credit of the county salary fund.

SEC. 16. Section 32.1 is added to said act, to read:

"Enterprise" works Revenue bonds

Sec. 32.1. If the board by resolution determines that a bonded indebtedness to pay the acquisition or construction of any works for any purposes of the district or for refunding any outstanding bonds should be incurred and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the district is authorized and shall have the power to define such works as an "enterprise" and to issue revenue bonds, all in the manner and as provided in the Revenue Bond Law of 1941 (commencing with Section 54300 of the Government Code), except that the maturity dates of such bonds may be 50 years from their respective dates.

If the interest and principal of the revenue bonds and all charges to protect or secure them have been paid when due, an amount for the necessary and reasonable maintenance and operation costs of the enterprise, which costs include the reasonable expenses of management, repair and other expenses necessary to maintain and preserve the enterprise in good repair and working order, may be apportioned from the revenues, and, subject to any limiting covenants in the resolution providing for the issuance of bonds, the remaining surplus may be used for any lawful purpose of the district, which, without limiting the generality of the foregoing, shall include the right and authority to expend any or all of such surplus as contributions in aid of necessary extensions of water storage and distribution facilities of the district and the purchase or obtaining of additional water supplies.

All revenue bonds issued by the agency may be certified as legal investments, pursuant to the District Securities Commission Law (commencing with Section 20000 of the Water Code), in the manner and to the extent provided in Sections 54433 and 54434 of the Government Code.

SEC. 17. Section 32.2 is added to said act, to read:

Assessments for works and improvements Irrigation water supply, waste, etc

Sec. 32.2. (a) Whenever, in the opinion of the board, the public interest or convenience may require, it may order to be done in, under, or upon the whole or any portion of any one or more of the streets or public places of the district, or any property or rights-of-way owned by the district, any work or improvement for supplying or distributing an irrigation, domestic, or other water supply or for collecting, treating, and disposing of waste and storm waters, and provide that the cost thereof shall be assessed upon the lots and lands fronting on

the streets or public places, or upon any district to be assessed therefor, which district need not be composed of lands contiguous to each other.

(b) The work or improvement shall be done and the cost thereof assessed and collected in accordance with the procedure and in pursuance of the provisions of the Improvement Act of 1911 (commencing with Section 5000 of the Streets and Highways Code). The Municipal Improvement Act of 1913 (commencing with Section 10000 of the Streets and Highways Code), and the Street Opening Act of 1903 (commencing with Section 4000 of the Streets and Highways Code), are also applicable to the district. The Improvement Bond Act of 1915 (commencing with Section 8500 of the Streets and Highways Code), is also so applicable for use in conjunction with the Improvement Act of 1911 (commencing with Section 5000 of the Streets and Highways Code), or with other improvement acts. Such acts or any of them may be used in the discretion of the board of directors in the construction of any work to be done or improvements made under this act and in the levying of assessments and reassessments and the issuing of bonds to pay for costs and expenses of the work and improvements done or to be done hereunder.

(c) As additional notice a certified copy of any assessment and the diagram attached thereto issued under any of said acts shall be recorded in the office of the county surveyor if the improvement district or any part thereof is in unincorporated territory and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory and shall remain an official record in the office in which it may be filed. Such filing, however, shall not affect or qualify the district record thereof.

(d) The district may enter into an agreement with any municipality within the district whereby any work or improvement constructed pursuant to the provisions of the Improvement Act of 1911 (commencing with Section 5000 of the Streets and Highways Code), may be transferred to the municipality for operation and maintenance The power to make such an agreement is conditioned upon a finding by the board that the residents of the district would be better served by such municipal operation and maintenance.

Urgency

SEC. 18. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The urgent need for flood control and water conservation in the Yolo County Flood Control and Water Conservation District and the recent issuance by the State Department of Water Resources of Bulletin 90, "Clear Lake-Cache Creek

Basin Investigation," dated March 1961, make it imperative that said district have the financial ability to embark immediately on detailed planning of project acquisition and construction. Such planning involving engineering, financial and legal services, cannot be adequately carried out without an increase in said district's power to raise the necessary funds by taxation as provided in this act. Unless this act goes into immediate effect, said district will be delayed one year in being able to levy increased taxes and thus undertake said detailed planning.

CHAPTER 896

An act making an appropriation to the Department of Motor Vehicles, relating to construction at Fresno, California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1961. Filed with Secretary of State June 30, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. The unexpended balance of the amount appropriated by Item 410 of the Budget Act of 1958 for the construction of an office building in Fresno, payable from the Motor Vehicle Fund, may be used for the construction of curbs, gutters, sidewalks and related material and the removal of existing curbs and gutters, concrete slab, fencing and related material, on both state and city property, adjacent to such office building.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

The Fresno office building of the Department of Motor Vehicles will be completed in advance of schedule and will be available for occupancy on June 15, 1961. Without the curbs, gutters and sidewalks, a hazard to the public will exist which must be corrected immediately.

CHAPTER 897

An act to add Sections 20750.15, 20750.25, 20750.35 and 20750.45 to, and to amend Sections 21251.1 and 21253 of, the Government Code, relating to the State Employees' Retirement System, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 30, 1961. Filed with Secretary of State June 30, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 20750.15 is added to the Government Code, to read:

Decreases in State's contribution Miscellaneous members

20750.15. The State's contribution to the Retirement Fund in respect to state miscellaneous members provided by any and all other provisions of this chapter, is decreased by a sum equal to forty hundredths (0.40) of 1 percent of compensation paid State miscellaneous members.

SEC. 2. Section 20750.25 is added to said code, to read:

Patrol members

20750.25. The State's contribution to the Retirement Fund in respect to state patrol members provided by any and all other provisions of this chapter, is decreased by a sum equal to one and twenty-one hundredths (1.21) percent of compensation paid state patrol members.

SEC. 3. Section 20750.35 is added to said code, to read:

Forestry members

20750.35. The State's contribution to the Retirement Fund in respect to forestry members provided by any and all other provisions of this chapter, is decreased by a sum equal to fifty-two hundredths (0.52) of 1 percent of compensation paid forestry members.

SEC. 4. Section 20750.45 is added to said code, to read:

Warden members

20750.45. The State's contribution to the Retirement Fund in respect to warden members provided by any and all other provisions of this chapter, is decreased by a sum equal to eighty-four hundredths (0.84) of 1 percent of compensation paid warden members.

SEC. 5. Section 21251.1 of said code is amended to read:

Service pensions: Miscellaneous members, prison members, local miscellaneous members

21251.1. The current service pension for a state miscellaneous member, for a prison member, or for a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of this section, is a pension derived from the contributions of the State, or of the contracting agency, sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of his retirement, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service

except service in a category of membership other than that of a state miscellaneous member, prison member, or local miscellaneous member, with which he is entitled to be credited at retirement:

Age of retirement	Fraction	
	Men	Women
55	.718853	.734450
55¼	.730633	.745622
55½	.742413	.756794
55¾	.754193	.767966
56	.765972	.779138
56¼	.778772	.791247
56½	.791572	.803356
56¾	.804372	.815465
57	.817171	.827575
57¼	.831099	.840729
57½	.845027	.853883
57¾	.858955	.867037
58	.872883	.880191
58¼	.888067	.894512
58½	.903251	.908833
58¾	.918435	.923154
59	.933617	.937476
59¼	.950213	.953107
59½	.966809	.968738
59¾	.983405	.984369
60	1.000000	1.000000
60¼	1.015325	1.015900
60½	1.030650	1.031800
60¾	1.045975	1.047700
61	1.061300	1.063600
61¼	1.077306	1.080390
61½	1.093312	1.097180
61¾	1.109318	1.113970
62	1.125323	1.130760
62¼	1.142175	1.148610
62½	1.159027	1.166460
62¾	1.175879	1.184310
63	1.192729	1.202160
63¼	1.210559	1.221251
63½	1.228389	1.240342
63¾	1.246219	1.259433
64	1.264050	1.278522
64¼	1.283051	1.299052
64½	1.302052	1.319582
64¾	1.321053	1.340112
65 and over	1.340055	1.360642

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the State Employees' Retirement System with respect to state

miscellaneous members on July 1, 1961 and shall be adjusted by the board in accordance with such interest and mortality tables as the board may adopt with respect to such members.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendments to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 6. Section 21253 of said code is amended to read:

Prior service pension: Miscellaneous member

21253. The prior service pension for a state miscellaneous member, or for a local miscellaneous member who is an employee of a contracting agency which is subject to the provision of this section, is an annual pension derived from the contributions of the State, or of the contracting agency, equal to the sum of the following:

(a) The fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of prior service, except service in a category of membership other than that of a state miscellaneous, local miscellaneous or prison member, with which he is entitled to be credited at retirement:

Age of retirement	Fraction	
	Men	Women
55	.690464	.724549
55¼	.703098	.736015
55½	.715732	.747481
55¾	.728366	.758947
56	.740998	.770414
56¼	.754881	.782897
56½	.768764	.795380
56¾	.782647	.807863
57	.796531	.820346
57¼	.811822	.833972
57½	.827113	.847598
57¾	.842404	.861224
58	.857695	.874850
58¼	.874580	.889765
58½	.891465	.904680
58¾	.908350	.919595
59	.925233	.934509
59¼	.943925	.950882
59½	.962617	.967255
59¾	.981309	.983628
60	1.000000	1.000000

Age of retirement	Fraction Men	Women
60¼	1.015608	1.016184
60½	1.031216	1.032368
60¾	1.046824	1.048552
61	1.062433	1.064735
61¼	1.079275	1.082366
61½	1.096117	1.099997
61¾	1.112959	1.117628
62	1.129800	1.135257
62¼	1.148034	1.154504
62½	1.166268	1.173751
62¾	1.184502	1.192998
63	1.202735	1.212246
63¼	1.222503	1.233305
63½	1.242271	1.254364
63¾	1.262039	1.275423
64	1.281806	1.296481
64¼	1.303321	1.319581
64½	1.324836	1.342681
64¾	1.346351	1.365781
65 and over	1.367865	1.388879

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the State Employees' Retirement System with respect to state miscellaneous members on July 1, 1961, and shall be adjusted by the board in accordance with such interest and mortality tables as the board may adopt with respect to such members.

(b) In respect to prior service consisting of service other than as a state miscellaneous, local miscellaneous or prison member, the pension computed pursuant to the provisions for computation of prior service of members of the category in which the prior service was rendered.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

Operative date

SEC. 7. This act shall become operative on July 1, 1961.

Urgency

SEC. 8. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The board of administration has redetermined the rate of interest being earned on the State Employees' Retirement Fund, and an adjustment in the State's rate of contribution to the State Employees' Retirement System is required. In order that the adjusted rates may be placed into effect July 1, 1961, it is necessary that this act take effect immediately.

CHAPTER 898

An act to add Sections 13514 and 13515 to the Education Code, relating to public school employees, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 30, 1961. Filed with Secretary of State June 30, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 13514 is added to the Education Code, to read:

Service without valid credential in force

13514. The service of any certificated employee, who prior to the effective date of this section rendered service in a position requiring certification qualifications for a period during which he did not have a valid credential in force, and who during such period had the necessary qualifications for the credential required for the position, and to whom there has been issued subsequently a credential required for the position in which the service was rendered, is hereby validated, and the employee shall be entitled to compensation for such period as though the credential were in force during the period of service, and the attendance of the pupils taught by such person shall be included in the computation of the average daily attendance of the district. This section shall be inoperative after September 30, 1961.

SEC. 2. Section 13515 is added to said code, to read:

Validation of service

13515. Whenever, on or after September 15, 1961, a person has rendered service in a position requiring certification qualifications, or the governing board of a district has employed a person in a position requiring certification qualifications, or the county superintendent has drawn an order for a warrant in favor of a person in a position requiring certification qualifications, for a period of service during which the person did not have a valid credential required for such position in force as required by law, because the credential issued to such person had expired, and when as a result thereof the employment of the person to render such service, the rendering of such service, the inclusion of the attendance of pupils taught by the person in the average daily attendance of the district, or the drawing of the order warrant for the service of such person, is in violation of Sections 11251, 13251, 13511 or any other provision of this code, such employment, rendering of service,

inclusion of attendance, or drawing of the order for the warrant shall be deemed fully legal for all purposes if the State Board of Education approves thereof in accordance with this section.

The State Board of Education shall adopt rules and regulations to establish procedures for a review in such cases and shall determine whether the rendering of such service shall be approved and made fully legal for all purposes. If the board gives its approval to the rendering of such service, then such employment, inclusion of attendance, and drawing of the order for the warrant shall be automatically approved and made fully legal for all purposes.

The board shall not approve of the rendering of such service unless it determines that the person rendering the service had, in fact, the necessary qualifications, during the period of service in question, for the credential required by law for the position in which the service was rendered, and unless a valid credential required for such position has been issued to such person prior to review and action by the board.

SEC. 3. Section 2 of this act shall become operative on October 1, 1961. Operative date

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

There are many teachers who through inadvertence or misunderstanding fail to renew their teachers credentials at the proper time although fully qualified to teach in the public schools. Under the existing law the teacher cannot be paid for service rendered while the credential was not in force and the attendance of pupils taught by the teacher cannot be included in the average daily attendance of the district for determining the amount of its apportionment from the State School Fund in the next fiscal year. In order to prevent an inequitable reduction in the quality of the educational program which such school districts furnish the children of this State, it is necessary that this act take effect immediately.

CHAPTER 899

An act to amend Section 9580 of the Business and Professions Code, relating to cleaning, dyeing and pressing.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 9580 of the Business and Professions Code is amended to read:

9580. The amount of the fees prescribed by this chapter is that fixed by the following schedule:

(a) The fee for an application for examination shall be twenty dollars ($20).

(b) The annual license fee for a dyeing plant or a wholesale or retail cleaning establishment or plant is sixty-three dollars ($63).

(c) The annual license fee for each private school or college of spotting, sponging or pressing is two hundred fifty dollars ($250).

(d) The annual license fee for a spotting and pressing shop or store, a press shop or store, dry cleaning agency, hat renovator or fur renovator is fifteen dollars ($15).

(e) The annual fee required of all operators and owner-operators for a certificate of registration shall be five dollars ($5).

(f) The fee for a corrected or duplicate license or certificate of registration, including a change of the name or address thereon, is three dollars ($3).

Effect · Stats 1961, Ch. 1256

SEC. 2. In the event that Section 9580 of the Business and Professions Code is also amended by Senate Bill No. 472 at the 1961 Regular Session, the amendments to said Section 9580 effected by this act shall be operative only until the amendments to said section by Senate Bill No. 472 become operative, and in such case and at the same time the amendments to Section 9580 made by this act shall be of no further force or effect.

CHAPTER 900

An act making an appropriation for the acquisition, repair, and operation of the San Francisco Palace of Fine Arts as part of the State Park System.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

Appropriation San Francisco Palace of Fine Arts

SECTION 1. The sum of two million dollars ($2,000,000) appropriated to the Division of Beaches and Parks in the Department of Natural Resources by Chapter 2386 of the Statutes of 1957, for the acquisition, repair, and operation of the San Francisco Palace of Fine Arts as part of the State Park System, which appropriation was continued by Section 10 of the Budget Act of 1960 (Stats. 1960, Ch. 11), is hereby reappropriated to the Division of Beaches and Parks from the State Beach and Park Fund for the same purposes and under the same conditions as stated in Chapter 2386 of the Statutes of 1957. The appropriation made by this act shall be available for expenditure until June 30, 1963.

CHAPTER 901

An act to add Section 3364 to the Labor Code, relating to workmen's compensation.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 3364 is added to the Labor Code, to read:

3364. Notwithstanding subdivision (d) of Section 3352, a volunteer, unsalaried member of a sheriff's reserve in any county, shall, upon the adoption of a resolution of the board of supervisors declaring that such a member is deemed an employee of the county for the purposes of this division, shall be entitled to the workmen's compensation benefits provided by this division for any injury sustained by him while engaged in the performance of any active law enforcement service under the direction and control of the sheriff.

CHAPTER 902

An act to add Section 15004 to the Government Code, relating to a compilation of laws pertaining to criminal law enforcement.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 15004 is added to the Government Code, to read:

15004. The department may prepare and publish every two years a compilation of the laws of this State relating to crimes and criminal law enforcement, which are of general interest to peace officers throughout the State The department may distribute copies of such compilation at cost to peace officers and law enforcement agencies throughout the State.

CHAPTER 903

An act to amend Section 4457 of the Labor Code, relating to workmen's compensation.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 4457 of the Labor Code is amended to read:

4457. In the event the average weekly earnings of workmen associating themselves under a partnership agreement, the principal purpose of which is the performance of labor on a particular piece of work, are not otherwise ascertainable, they shall be deemed to be forty dollars ($40).

CHAPTER 904

An act to amend Section 2351 of the Welfare and Institutions Code, relating to life care contracts.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 2351 of the Welfare and Institutions Code is amended to read:

2351. Any organization or person receiving a certificate of authority to enter into care agreements shall maintain reserves covering obligations assumed under all agreements entered into and maintained. Such reserves shall be in an amount not less than the sum computed in accordance with the standard of valuation based upon a modern and up-to-date table of mortality selected by the department in consultation with the Department of Insurance. This modern up-to-date table of mortality shall be employed in connection with all care agreements entered into on or after January 1, 1958, while McClintock's table of mortality among annuitants shall be employed in connection with care agreements entered into prior to January 1, 1958. The interest assumption for such computation shall be determined by the department in consultation with the Department of Insurance.

Failure to maintain reserves as provided in this section shall be deemed a breach of all agreements to furnish care.

The reserves shall consist of the following:

1. Deposits in commercial and savings accounts with banks which are members of the Federal Deposit Insurance Corporation to the extent that such deposits are insured by that corporation.

2. Investments in certificates issued by building and loan associations which are members of the Federal Savings and Loan Insurance Corporation to the extent that such certificates are insured by such corporation.

3. Notes receivable secured by first deeds of trust and first mortgages.

4. Bonds and stocks selected from an approved list as determined by the department in consultation with the Department of Insurance and the Department of Investment. In the event stocks, bonds, and securities that are not on the approved list are part of the reserves, and if they are to be retained

as part of the reserves, it shall not be necessary that such unapproved stocks, bonds, and securities be disposed of immediately, but they shall be disposed of in accord with regulations of the department, which disposal shall be accomplished in a gradual manner so as to avoid loss to certificate holders. Securities which, although not on the approved list, should be retained in the reserve for reasons acceptable to the department may be retained with the specific approval of the department.

5. Real estate used to provide care and housing for holders of life care contracts, or equities therein, owned by the organization or person to the extent of 60 percent of the net value thereof, except that beginning January 1, 1958, such percentage shall be reduced by 2 percent per year to a minimum of 25 percent of the net value thereof. Appraisals shall be made by two appraisers approved by the State Department of Social Welfare.

6. Furniture and equipment situated in property used to provide care and housing for holders of life care contracts to the extent of 50 percent of the net value thereof, except that beginning January 1, 1958, such percentage shall be reduced by 2 percent per year to a minimum of 25 percent of the net value thereof. Appraisals shall be made by two appraisers approved by the State Department of Social Welfare.

7. Real estate or equities therein owned by the organization or person as an investment, the rents from which are used to discharge obligations to the holder of life care contracts or to reinvest as a part of the reserves.

8. Investment certificates or shares in open end investment trusts (1) whose management must have been managing a mutual fund registered under the Investment Company Act of 1940, or the management must have been registered as an investment advisor under the Investment Advisors' Act of 1940, and in either case must currently have at least $100,000,000 under its supervision (2) which is qualified for sale in California (3) has at least 40 percent of its directors or trustees not affiliated with the fund's management company or principal underwriter or any of their affiliates (4) is registered under the Investment Company Act of 1940 (5) is a fund listed as qualifying under rules maintained by the Commissioner of Corporations in co-operation with the Department of Insurance.

9. At least 25 percent of the reserve necessary to maintain all care agreements must consist of listed bonds, stocks, commercial and savings accounts and building and loan certificates. Any person or organization holding a certificate of authority to enter into life care agreements upon the effective date of this act that is unable to meet the reserve requirements of this subsection may petition the department for a modification of the percentage in this reserve requirement.

Any person or organization which has entered into care agreements prior to October 1, 1957, but which was not required prior to September 11, 1957, to obtain a certificate of authority under this chapter, is not required to maintain reserves covering obligations assumed under any agreement entered into prior to October 1, 1957.

CHAPTER 905

An act to add Sections 21020.8, 21290.8 and 21292.8 to the Government Code, relating to the State Employees' Retirement System.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 21020.8 is added to the Government Code, to read:

Applicability

21020.8. The provisions of this article applicable to patrol members are also applicable to members who are officers and employees in the Department of Corrections having custodial duties.

SEC. 2. Section 21290.8 is added to said code, to read:

Nonindustrial disability

21290.8. Upon retirement for nonindustrial disability, a member who is an officer or employee in the Department of Corrections having custodial duties who has attained age 60 shall receive his service retirement allowance.

SEC. 3. Section 21292.8 is added to said code, to read:

Industrial disability

21292.8. Upon retirement of a member who is an officer or employee in the Department of Corrections having custodial duties for industrial disability he shall receive a disability retirement allowance of 50 percent of his final compensation plus an annuity purchased with his accumulated additional contributions, if any, or, if qualified for service retirement, he shall receive his service retirement allowance if such allowance, after deducting such annuity, is greater.

Operative date

SEC. 4. This act shall become operative on October 1, 1961.

CHAPTER 906

An act to amend Section 23084 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 23084 of the Business and Professions Code is amended to read:

23084. The review by the board of a decision of the department shall be limited to the questions:

(a) Whether the department has proceeded without, or in excess of, its jurisdiction.

(b) Whether the department has proceeded in the manner required by law.

(c) Whether the decision is supported by the findings.

(d) Whether the findings are supported by substantial evidence in the light of the whole record viewed in its entirety, including the body of evidence opposed to the department's findings.

(e) Whether there is relevant evidence, which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the department.

SEC. 2. This act shall become operative only if Senate Constitutional Amendment No. 9 is adopted by the Legislature at its 1961 Regular Session and is approved by the voters at the general election in 1962; and in such case, this act shall become operative on January 1, 1963.

CHAPTER 907

An act to amend Section 28139 of the Government Code, relating to compensation for public services in counties.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 28139 of the Government Code is amended to read:

28139. In a county of the 39th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand dollars ($9,000) a year.

(b) The district attorney, fifteen thousand dollars ($15,000) a year. He shall not engage in private law practice during his term of office.

(c) Each supervisor, seven thousand two hundred dollars ($7,200) a year and ten cents ($0.10) a mile: (1) each way, for traveling to and from his residence to the courthouse while going to or returning from meetings of the board of supervisors, and (2) for each mile actually and necessarily traveled when traveling, either within or without the county, by order of the board of supervisors on county business.

(d) Grand jurors and all trial jurors in the superior court, for each day's attendance six dollars ($6), and fifteen cents ($0.15) for each mile actually traveled, in going only. The judge of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant.

CHAPTER 908

An act to amend Section 2107.5 of the Streets and Highways Code, relating to engineering expenses for city streets.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 2107.5 of the Streets and Highways Code is amended to read:

2107.5 In addition to the amounts transferred pursuant to Section 2107, a sum sufficient to provide for the annual allocation of the following amounts shall be transferred to the State Highway Fund during the month of July of each fiscal year for expenditure exclusively for engineering costs and administrative expenses in respect to city streets:

(a) For each city with a population of over 500,000 inhabitants	$20,000
(b) For each city with a population of 100,000 to 500,000 inhabitants	10,000
(c) For each city with a population of 50,000 to 99,999 inhabitants	7,500
(d) For each city with a population of 25,000 to 49,999 inhabitants	6,000
(e) For each city with a population of 20,000 to 24,999 inhabitants	5,000
(f) For each city with a population of 15,000 to 19,999 inhabitants	4,000
(g) For each city with a population of 10,000 to 14,999 inhabitants	3,000
(h) For each city with a population of 5,000 to 9,999 inhabitants	2,000
(i) For each city with a population of less than 5,000 inhabitants	1,000

For the purpose of this section the population in each city is that which exists on July 1st, of each fiscal year as determined by the last preceding decennial or special federal census. In the case of a city incorporated subsequent to the last census, or in the case of inhabited unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the city, or of the annexed territory, by multiplying the number of registered electors therein by three. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the annexed territory by multiplying the number of registered electors therein by three two years after the completion of annexation proceedings. Any city incorporated after July 1st,

of any fiscal year shall receive the full annual allocation prescribed in this section, such allocation to be made during the month succeeding the filing or certification of the incorporation by the Secretary of State.

Except as provided in this section, all other provisions of Sections 194 to 202, inclusive, shall be applicable to the expenditure of the amount transferred to the State Highway Fund pursuant to this section.

Any city under subdivision (h) or (i) above which has not expended all of the funds allocated to it thereunder within three years from the date of the allocation may expend the unexpended portion for the construction of streets included in the system of major city streets within such city as established pursuant to Sections 2050 to 2054, inclusive.

CHAPTER 909

An act to add Section 1505 to, and Chapter 6 (commencing with Section 1600) to Division 2 of, the Fish and Game Code, relating to fish and wildlife.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1505 is added to the Fish and Game Code, to read:

Spawning areas

1505. In addition to any other powers vested in the department, it may manage, control and protect such portions of the following spawning areas which occupy state-owned lands to the extent necessary to protect fishlife in these areas. In the event of any conflict under this section with the action of another department or agency of the State or any other public agency, the action of the Department of Fish and Game taken pursuant to this section shall prevail except for: (a) action of the State or Regional Water Pollution Control Boards in establishing waste discharge requirements, (b) action as required for commerce and navigation, (c) action by public agencies reasonably necessary for bridge crossings, water conservation or utilization, or flood protection projects, including the construction, maintenance, and operation thereof. The exceptions in subdivision (c) shall not extend to the depositing of materials, other than necessary structural materials, in, or the removing of materials from the streambeds in the areas designated in this section, other than as necessary for the installation of structures. These areas are:

The Sacramento River between Keswick and Squaw Hill Bridge, near Vina.

The Feather River between Oroville and the mouth of Honcut Creek.

The Yuba River between Englebright Dam and a point approximately four miles east of Marysville.

The American River between Nimbus Dam and a point one mile downstream from Arden Way.

The Mokelumne River between Pardee Dam and Lockeford.

The Stanislaus River between Goodwin Dam and Riverbank.

The Tuolumne River between La Grange Dam and the Waterford Bridge.

The Merced River between Crocker Huffman Dam and Cressey.

SEC. 2. Chapter 6 (commencing with Section 1600) is added to Division 2 of said code, to read:

CHAPTER 6. FISH AND WILDLIFE PROTECTION AND CONSERVATION

Conservation of fish and wildlife

1600. The protection and conservation of the fish and wildlife resources of this State are hereby declared to be of utmost public interest. Fish and wildlife are the property of the people and provide a major contribution to the economy of the State as well as providing a significant part of the people's food supply and therefore their conservation is a proper responsibility of the State. This chapter is enacted to provide such conservation for these resources.

Plans for construction project to be submitted to department

1601. Except as hereinafter provided, general plans sufficient to indicate the nature of a project for construction by, or on behalf of, any governmental agency, State or local, and any public utility, of any project which will divert, obstruct or change the natural flow or bed of any river, stream or lake designated by the department, or will use material from the streambeds designated by the department, shall be submitted to the department. When an existing fish or game resource may be adversely affected by such construction, the department will propose, and the governmental agency or public utility will consider, prior to undertaking such construction, any reasonable modifications in the proposed construction as would allow for the protection and continuance of the fish or game resource. Such proposals shall be submitted within 30 days of receipt of such plans, with the provision that this time may be extended by mutual agreement. The department shall determine and specify types of work, methods of performance or remedial measures which shall be exempt from the operation of this section.

Notice to department of diversion or obstruction

1602. Any person who substantially diverts or obstructs the natural flow or substantially changes the bed, channel or bank of any river, stream or lake, or uses any material from the streambeds, shall notify the department of such operations, except when the department has been notified pursuant to Section 1601. The department within 30 days of receipt of such notice, or within the time determined by mutual written agreement, shall submit to the person its recommendations as to measures necessary to protect fish and wildlife.

Persons conducting such operations in existence on the effective date of this section shall so notify the department on or before December 1, 1961.

Persons proposing to conduct new operations of this type shall not commence such operations until such recommendations have been received.

CHAPTER 910

An act to add Section 2019.5 to the Welfare and Institutions Code, relating to old age assistance.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 2019.5 is added to the Welfare and Institutions Code, to read:

2019.5. The State Social Welfare Board shall in setting the maximum allowance for shelter for recipients of aid under this chapter take into account, among other things, the cost of shelter in low-rent housing developments for the elderly financed in whole or in part with federal or state funds or by means of a loan insured in whole or in part by the federal or state government.

It is the policy of state government to encourage the development and retention of safe and healthful low-rent housing for the elderly which is especially designed to meet the housing needs of the aged. Insofar as practical the shelter standards set by the State Social Welfare Board shall be consistent with this general objective.

CHAPTER 911

An act to amend Section 9011 of, and to add Section 9015 to, the Welfare and Institutions Code, relating to community mental health services.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 9011 of the Welfare and Institutions Code is amended to read:

9011. Any agreement between two or more cities or counties for the establishment of a joint mental health service shall provide:

Joint mental health service

(a) That each city or county shall bear a share of the cost of joint mental health services.

(b) That the treasurer of one participating city or county shall be the custodian of moneys made available for the purposes of such joint services, and that the treasurer may make payments from such moneys upon audit of the appropriate auditing officer or body of the city or county for which he is treasurer.

SEC. 2. Section 9015 is added to the Welfare and Institutions Code, to read:

Contracting services

9015. Subject to the approval of the Director of Mental Hygiene any established community mental health service may by contract furnish community mental health services to any other city, county, or local health district. The cost of furnishing such services shall be subject to reimbursement under the provisions of this division without deduction of the amount received under such contract.

CHAPTER 912

An act to amend Section 35780 of the Vehicle Code, relating to permits to operate vehicles on highways.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 35780 of the Vehicle Code is amended to read:

35780. The Department of Public Works or local authorities with respect to highways under their respective jurisdictions may at their discretion upon application in writing and if good cause appears issue a special permit in writing authorizing the applicant:

(a) To operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum specified in this code.

(b) To use corrugations on the periphery of the movable tracks on a traction engine or tractor, the propulsive power of which is not exerted through wheels resting upon the roadway but by means of a flexible band or chain.

(c) Under emergency conditions, to operate or move a type of vehicle otherwise prohibited hereunder, upon any highway under the jurisdiction of the party granting the permit and for the maintenance of which the party is responsible.

(d) To operate or move a vehicle or combination of vehicles transporting loads composed of logs only for the purpose of crossing a highway from one private property to another without complying with any or all of the equipment requirements of Division 12 (commencing with Section 24000) and Division

13 (commencing with Section 29000). Such crossings shall be as near to a right angle to the roadway as is practical and shall not include any travel parallel to the roadway. The Department of Public Works shall determine standards and conditions upon which such permits shall be issued and any permit not in compliance with such standards and conditions shall be invalid, except that a permit may contain more restrictive conditions if the issuing authority deems it appropriate.

CHAPTER 913

An act to amend Sections 375.2, 375.3, 377.2, 377.4, and 377.7 of the Agricultural Code, relating to poultry.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 375.2 of the Agricultural Code is amended to read:

375.2. No person shall operate a poultry plant which is not sanitary; or operate such plant in a manner or under conditions which are not sanitary. Sanitary conditions

After each day's operation, a poultry plant and its outer premises shall be promptly cleaned in accordance with the regulations.

SEC. 2. Section 375.3 of said code is amended to read:

375.3. (a) No person shall operate a poultry plant without having obtained a license as provided herein. Every person, before operating a poultry plant, shall file an application with the director for a license to operate such poultry plant, and such application shall be accompanied by the license application fee. The application shall be in such form as the director may prescribe. License

(b) An application fee of forty dollars ($40) for a license for one year for each plant shall be paid to the director with each application for a license or renewal of a license, and a license or a license renewal shall be issued by the director for a period of one year from the last day of the month in which issued. Application fee

(c) Every person holding a license for a poultry plant shall file an application for renewal on or before the date of expiration of such license. A penalty fee of ten dollars ($10) shall be assessed on all renewal applications that are not received by the department on or before the expiration date of the license for which the renewal is required. Renewal

(d) Plans and specifications for any intended construction or major reconstruction of a poultry plant shall be submitted to the director and shall be approved or disapproved by the director within 30 days. Approval of plans

SEC. 3. Section 377.2 of said code is amended to read:

Inspection required

377.2. (a) No person shall operate a poultry plant unless all poultry meat in said plant is inspected by a poultry meat inspector in accordance with regulations.

Classification

(b) The poultry meat inspector shall inspect in accordance with the regulations and class all poultry meat, poultry meat products, and poultry meat food products presented for inspection in one of the following classes:

(1) Wholesome;

(2) Retained for further inspection; or

(3) Condemned for human food.

The inspector shall apply or direct the application of the proper marks as determined by regulation.

(c) All poultry meat condemned for human food shall be disposed of in accordance with the regulations

(d) Poultry meat may be passed for further processing which shall be in a plant licensed under this chapter.

SEC. 4. Section 377.4 of said code is amended to read:

Marking of poultry meat

377.4. (a) No poultry meat shall be packed, repacked, cut up, recut, offered for sale or sold unless each container or each carcass is marked in accordance with the provisions of this article and the regulations adopted hereunder.

(b) A poultry meat inspector shall place or cause to be placed a mark on each carcass or container of poultry meat before the poultry meat is removed from a poultry plant.

(c) The marks required hereunder shall be in addition to those required by Section 375.4 but may be in combination therewith.

(d) The director shall determine by regulation the official design of the marks required hereunder. Each poultry plant shall submit samples of the proposed method of use of the design to the director which method must be approved by the director before use.

(e) It shall be unlawful to sell or offer for sale or mark as inspected for wholesomeness poultry meat that has not been inspected and passed for wholesomeness in accordance with this article and regulations adopted thereunder.

(f) Notwithstanding the provisions of subdivisions (a) and (b) of Section 377.6, it shall be unlawful for any person, other than the consumer thereof, to remove from any whole carcass of poultry meat, or from any part of a dismembered carcass thereof, any official wholesomeness inspection mark of the United States Department of Agriculture, or of any city, county or state poultry meat inspection service. As used in this subdivision, "consumer" includes a restaurant or other place where such poultry meat is cooked and sold for consumption on or off the premises.

SEC. 5. Section 377.7 of said code is amended to read:

Refusal, suspension, etc., of license for violation

377.7. (a) The director may after hearing refuse to issue a license or renewal of a license and may suspend or revoke any license as the case may require for any violation of or failure to comply with the provisions of this article or the

regulations adopted thereunder. The director may suspend temporarily, pending hearing, any license for wilful or deliberate violation. Any proceedings under this section shall be conducted in accordance with Chapter 5 (commencing at Section 11500), Part 1, Division 3 of Title 2 of the Government Code and the director shall have all powers granted therein. Temporary suspension

(b) Any person who violates any provision of this article, or of the regulations made under this article, is guilty of a misdemeanor. Misdemeanor

(c) The director may bring an action to enjoin the violation or threatened violation of any provision of this article or the regulations thereunder in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss. Enjoining threatened violations

(d) The director may inspect, reinspect or order the reinspection of any poultry meat or poultry meat food product being processed or stored in a plant licensed under this chapter and shall condemn or order the condemnation of any such poultry meat or poultry meat product and poultry meat food product found to be unwholesome. When an action of an inspector in condemning any poultry meat or poultry meat product is questioned, appeal by the licensed plant operator may be made to the immediate supervisor, and from his decision appeal may be made to the Chief of the Bureau of Poultry Inspection whose decision shall be final. Condemnation

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CHAPTER 914

An act to add Sections 15812 and 15819 to the Government Code, relating to state building construction.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 15812 is added to the Government Code, to read:

15812. The unused balance of any amount heretofore authorized or appropriated by the Legislature or authorized or appropriated by the Legislature at the 1961 General Session for any public building to be acquired or constructed pursuant to this part which the Director of Finance, with the approval of the board, determines is not required for the building for which it was authorized or appropriated may Transfer of unused balance

be transferred on order of the Director of Finance to and in augmentation of any authorization or appropriation made for any other building or buildings under this part and is hereby authorized or appropriated, as the case may be, for the acquisition or construction of any other building or buildings authorized under this part.

Limitation

This section shall not apply to amounts authorized or appropriated for acquisition or construction of buildings authorized by Chapter 1072 of the Statutes of 1957.

SEC. 2. Section 15819 is added to said code, to read:

Pledge of excess revenues, etc.

15819. After first obtaining the written consent of all of the holders of the revenue bonds or certificates issued on the public buildings from which the excess revenues, rentals, or receipts are to be derived, the board may by appropriate resolution pledge the revenues, rentals, or receipts from public buildings authorized under this part in any one session of the Legislature in excess of those revenues, rentals, or receipts necessary for the payment of the principal of, and interest on, the certificates or revenue bonds issued to finance the construction of such public buildings, to the payment of the principal of, and interest on, the certificates or revenue bonds issued to finance the construction of any other public buildings authorized under this part. This section shall not apply to public buildings authorized by the Legislature after the 1961 General Session.

Limitation

CHAPTER 915

An act to repeal Sections 23055 and 23760 of, and to add Sections 23055 and 23760 to, and to amend Sections 5721, 23054, 23759, and 31203 of, the Education Code, and to repeal Sections 23756 and 23757 of the Education Code as added by Senate Bill 1152, and to add Section 23756 to Article 1 (commencing with Section 23751) of Chapter 3 of Division 18 of the Education Code as added by Senate Bill 1152, relating to the determination of residence of students.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 5721 of the Education Code is amended to read:

Admission of nonresident students

5721. The governing board of any district maintaining a junior college may admit nonresident students. The attendance of nonresident students shall be computed in the same manner as prescribed by this code for resident students.

The governing board of any district maintaining a junior college may contract with the appropriate agency of another state or with a local agency of another state for the payment of the cost to the district of educating nonresident students

attending in the district. The cost shall be computed in the manner prescribed by Section 20201 of this code for the payment of tuition on account of the attendance of students who reside in territory of a California county that is not part of a district maintaining a junior college.

"Nonresident student"

As used in this section, "nonresident student" shall have the same meaning as is given the phrase by provisions of this code prescribing fees for attendance at state colleges, except that a person whose parent or guardian is living in the State at the time of the person's registration at the junior college shall not be deemed a nonresident student. When such provisions refer to the trustees the reference shall for the purpose of this section be deemed to be to the governing board of the district and, except in subdivisions (a) and (b) of Section 23759, when such provisions refer to a state college the reference shall be deemed to be to the junior college.

SEC. 2. Section 23054 of said code is amended to read:

"Resident student"

23054. "A resident student" means any person who has been a bona fide resident of the State for more than one year immediately preceding the opening day of a semester during which he proposes to attend the university.

The residence of each student shall be determined in accordance with the rules for determining residence prescribed by Sections 243 and 244 of the Government Code. The residence of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian, except that:

Unmarried minor

(a) Where immediately prior to first entering any California institution of higher learning the minor child has lived with and been in the continuous direct care and control of any person or persons other than a parent for a period of not less than two years, the residence of the minor child is the residence of the person or persons having such care and control after the expiration of that two years. As used in this subdivision, "California institution of higher learning" means any public or private university, college, or junior college in the State.

(b) Any person who qualifies for residence status under subdivision (a) of this section or under Sections 243 and 244 of the Government Code shall not lose such residence status by virtue of his marriage to a nonresident who lives in California nor shall such person be required to re-establish residency upon reaching his or her majority.

(c) Any minor child, a citizen of the United States, or any alien, who is a minor child, who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States, who does not receive and has not for a period of more than one year immediately preceding the opening day of a semester during which he proposes to attend the university received, directly or indirectly, any support or financial assistance from his father, if the minor lives with his mother, who is and has been

for a period of more than one year immediately preceding the opening day of the semester actually present in the State with the intention of making her permanent home therein, is a resident student.

Repeal

SEC. 3. Section 23055 of said code is repealed.

Alien students

SEC. 4. Section 23055 is added to said code, to read:

23055. Every alien student is deemed to be a nonresident student unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States.

Nothing in this section or in Sections 243 and 244 of the Government Code prevents the regents from causing to be classified as a resident student any alien who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States or any citizen of the United States if such citizen or alien has attained his majority in accordance with the laws of this State and for a period of one year immediately preceding the opening day of a semester during which he proposes to attend the university has been entirely self-supporting and actually present in the State, with the intention of acquiring a residence therein.

SEC. 5. Section 23759 of said code is amended to read:

"Resident student"

23759. "A resident student" means any person who has been a bona fide resident of the State for more than one year immediately preceding the opening day of a semester during which he proposes to attend the state college.

The residence of each student shall be determined in accordance with the rules for determining residence prescribed by Sections 243 and 244 of the Government Code. The residence

Unmarried minor

of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian, except that:

(a) Where immediately prior to first entering any California institution of higher learning the minor child has lived with and been in the continuous direct care and control of any person or persons other than a parent for a period of not less than two years, the residence of the minor child is the residence of the person, or persons having such care and control after the expiration of that two years. As used in this subdivision, "California institution of higher learning" means any public or private university, college, or junior college in the State.

(b) Any person who qualifies for residence status under subdivision (a) of this section or under Sections 243 and 244 of the Government Code shall not lose such residence status by virtue of his marriage to a nonresident who lives in California nor shall such person be required to re-establish residency upon reaching his or her majority.

(c) Any minor child, a citizen of the United States, or any alien, who is a minor child, who has been lawfully admitted to the United States for permanent residence in accordance

with all applicable provisions of the laws of the United States, who does not receive and has not for a period of more than one year immediately preceding the opening day of a semester during which he proposes to attend the state college received, directly or indirectly, any support or financial assistance from his father, if the minor lives with his mother, who is and has been for a period of more than one year immediately preceding the opening day of the semester actually present in the State with the intention of making her permanent home therein, is a resident student.

Repeal

SEC. 6. Section 23760 of said code as enacted by Chapter 2, Statutes of 1959, is repealed.

SEC. 7. Section 23760 is added to said code, to read:

Alien students

23760. Every alien student is deemed to be a nonresident student unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States.

Nothing in this section or in Sections 243 and 244 of the Government Code prevents the trustees from causing to be classified as a resident student any alien who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States or any citizen of the United States if such citizen or alien has attained his majority in accordance with the laws of this State and for a period of one year immediately preceding the opening day of a semester during which he proposes to attend the state college has been entirely self-supporting and actually present in the State, with the intention of acquiring a residence therein.

SEC. 8. Section 31203 of said code is amended to read:

Qualification for scholarship

31203. No person shall be awarded a scholarship unless:

(a) He is a resident of California as determined under the provisions of this code for determining the resident status of a student of a state college for the purposes of state college admission fees and rates of tuition. Wherever such provisions refer to the trustees the reference shall, for the purposes of this section, be deemed to be to the State Scholarship Commission, any reference to "the opening day of a semester during which a person proposes to attend a state college" shall be deemed to be the day upon which a person will receive a scholarship as determined by the State Scholarship Commission, and any reference to "immediately prior to first entering any California institution of higher learning" shall be deemed to be immediately prior to the day upon which a person will receive a scholarship as determined by the State Scholarship Commission.

(b) He has not attained his 24th birthday. This age limitation does not apply in the case of renewed scholarship awards.

(c) He has graduated from high school.

(d) He has demonstrated his financial need for such scholarship. The financial status of his parents shall be taken into consideration in determining his financial need.

(e) He has demonstrated high moral character, good citizenship, and dedication to American ideals.

(f) He has applied for a state competitive scholarship and has, by competitive examination, been determined to be eligible for such scholarship.

(g) He has complied with all of the rules and regulations adopted by the State Scholarship Commission for the award, regulation, and administration of state competitive scholarships adopted pursuant to this chapter (commencing at Section 31201).

Repeal

SEC. 9. Section 23756 of said code as added by Senate Bill 1152 is repealed.

Repeal

SEC. 10. Section 23757 of said code as added by Senate Bill 1152 is repealed.

SEC. 11. Section 23756 is added to Article 1 (commencing with Section 23751) of Chapter 3 of Division 18 of said code, as added by Senate Bill 1152, to read:

"Resident student"

23756. "A resident student" means any person who has been a bona fide resident of the State for more than one year immediately preceding the opening day of a semester during which he proposes to attend the state college.

The residence of each student shall be determined in accordance with the rules for determining residence prescribed by Sections 243 and 244 of the Government Code. The residence

Unmarried minor

of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian, except that:

(a) Where immediately prior to first entering any California institution of higher learning the minor child has lived with and been in the continuous direct care and control of any person or persons other than a parent for a period of not less than two years, the residence of the minor child is the residence of the person, or persons having such care and control after the expiration of that two years. As used in this subdivision, "California institution of higher learning" means any public or private university, college, or junior college in the State.

(b) Any person who qualifies for residence status under subdivision (a) of this section or under Sections 243 and 244 of the Government Code shall not lose such residence status by virtue of his marriage to a nonresident who lives in California nor shall such person be required to re-establish residency upon reaching his or her majority.

(c) Any minor child, a citizen of the United States, or any alien, who is a minor child, who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States, who does not receive and has not for a period of more than one year immediately preceding the opening day of a semester during which he proposes to attend the state college received, directly or indirectly, any support or financial assistance from

his father, if the minor lives with his mother, who is and has been for a period of more than one year immediately preceding the opening day of the semester actually present in the State with the intention of making her permanent home therein, is a resident student.

SEC. 12. Sections 9, 10 and 11 of this act shall become operative only if Senate Bill No. 1152 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Senate Bill No. 1152 takes effect; at which time Section 23759 of the Education Code as amended by Section 5 of this act is repealed.

Effect: Stat 1961, Ch 1796

CHAPTER 916

An act to amend Section 11005.2 of the Government Code, relating to conveyances of state property.

[Approved by Governor July 4, 1961 Filed with Secretary of State July 6, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 11005.2 of the Government Code is amended to read:

11005.2. Unless the Legislature specifically provides that approval by the Director of Finance is not required, every conveyance, contract or agreement whereby an interest of the State in any real property is conveyed, demised or let to any person, shall, before such conveyance, contract or agreement is executed or entered into, be approved by the Director of Finance. Any conveyance, contract or agreement executed or entered into in violation of this section is void. This section shall apply to any state agency which by general or specific statute is expressly or impliedly authorized to enter into transactions referred to herein.

This section does not apply to real property acquired by the Department of Public Works for highway purposes or real property administered by the Board of State Harbor Commissioners for San Francisco Harbor, the State Lands Commission, the State Controller or the State Compensation Insurance Fund.

CHAPTER 917

An act to amend Section 40503 of the Vehicle Code, relating to speed law violations.

[Approved by Governor July 4, 1961 Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 40503 of the Vehicle Code is amended to read:

40503. Every notice to appear and every complaint or information charging a violation of any provision of this code regulating the speed of vehicles upon a highway shall specify the approximate speed at which the defendant is alleged to have driven and exactly the prima facie or maximum speed limit applicable to the highway at the time and place of the alleged offense and shall state any other speed limit alleged to have been exceeded if applicable to the particular type of vehicle or combination of vehicles operated by the defendant.

CHAPTER 918

An act to add Section 16736 to the Government Code, relating to the issuance of notes in anticipation of the sale of bonds.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 16736 is added to the Government Code, to read:

16736. When the committee deems it in the best interests of the State, it may authorize the State Treasurer to issue notes, on a negotiated or a competitive-bid basis, at a rate of interest not exceeding 5 percent per annum, maturing within a period not to exceed two years, in anticipation of the sale of bonds duly authorized at the time such notes are issued. The proceeds from the sale of such notes shall be used only for the purposes for which may be used the proceeds of the sale of bonds in anticipation whereof the notes were issued.

When the committee deems it in the best interests of the State, it may authorize the State Treasurer to deliver such notes in payment for work or material furnished to the State for a public improvement, pursuant to a contract awarded in the manner prescribed by law. Such notes shall be so delivered only for the purposes for which may be used the proceeds of the sale of bonds in anticipation whereof the notes were issued.

All notes issued and any renewals thereof shall be payable at a fixed time, solely from the proceeds of the sale of the bonds and not otherwise, except that in the event that the sale of the bonds shall not have occurred prior to the maturity of the notes issued in anticipation of the sale, the State Treasurer shall, in order to meet the notes then maturing, issue renewal notes for such purpose. No renewal of a note shall be issued after the sale of bonds in anticipation of which the original note was issued.

Every note and any renewal thereof, with the interest thereon, shall be payable from the proceeds of the sale of bonds and not otherwise. The total amount of such notes or renewals thereof issued and outstanding shall at no time exceed the total amount of the bonds authorized to be sold.

CHAPTER 919

An act to amend Section 20019 of the Water Code, relating to the Districts Securities Commission.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 20019 of the Water Code is amended to read:

20019. Each member of the commission other than the Attorney General, the Director of Water Resources, and the Superintendent of Banks shall be entitled to receive as compensation fifty dollars ($50) for each day while on official business of the commission not to exceed a maximum of one thousand dollars ($1,000) in each calendar year. In addition to such compensation all members shall be entitled to receive their actual necessary expenses while on official business of the commission.

CHAPTER 920

An act to amend Section 157 of the Water Code, relating to California Water Commission.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 157 of the Water Code is amended to read:

157. Each member of the California Water Commission shall receive fifty dollars ($50) for each day during which he is engaged in the performance of his official duties, but his total compensation shall not exceed in any one fiscal year the sum of two thousand dollars ($2,000). In addition to his compensation each member shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his official duties.

CHAPTER 921

An act to amend Section 13508 of the Education Code, relating to substitute teachers' salaries.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 13508 of the Education Code is amended to read:

13508. The governing board of any school district may employ such substitute employees of the district as it deems necessary and shall adopt and make public a salary schedule setting the daily or pay period rate or rates for substitute employees.

This section shall not be construed as modifying or repealing any law fixing a minimum annual salary for employees of district.

CHAPTER 922

An act to amend Sections 74222 and 74223 of the Government Code, relating to the salaries for clerks in the municipal court district embracing the City of Salinas.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 74222 of the Government Code is amended to read:

Clerk

74222. There shall be one clerk, who shall receive a minimum salary of five hundred fifty-two dollars ($552) monthly with annual increments of thirty-one dollars ($31), thirty-two dollars ($32), thirty-four dollars ($34) and thirty-six dollars ($36) to a maximum of six hundred eighty-five dollars ($685) monthly.

SEC. 2. Section 74223 of said code is amended to read:

74223. The clerk may appoint:

Deputy clerk

(a) One deputy clerk who shall receive a minimum salary of three hundred eighty dollars ($380) monthly with annual increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23) and twenty-four dollars ($24) to a maximum of four hundred seventy dollars ($470) monthly.

Same

(b) Four deputies each of whom shall receive a minimum salary of three hundred forty-two dollars ($342) monthly with annual increments of nineteen dollars ($19), nineteen dollars ($19), twenty-one dollars ($21), and twenty-two dollars ($22) to a maximum of four hundred twenty-three dollars ($423) monthly.

Same

(c) Eight deputies who shall receive a minimum salary of two hundred ninety-three dollars ($293) monthly with annual increments of fifteen dollars ($15), seventeen dollars ($17), seventeen dollars ($17) and nineteen dollars ($19) to a maximum of three hundred sixty-one dollars ($361) monthly.

CHAPTER 923

An act to amend Section 853.1 of the Penal Code, relating to issuance of citations.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 853.1 of the Penal Code is amended to read:

853.1. (a) A county, city or city and county may enact in its ordinances, violations of which are punishable as misdemeanors, clauses which provide that if any person is arrested for a violation of the ordinance, and such person is not immediately taken before a magistrate as is more fully set forth in this code, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court.

(b) The time specified in the notice to appear must be at least five (5) days after such arrest.

(c) The place specified in the notice to appear shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

(d) The officer shall deliver one copy of the notice to appear to the arrested person and the arrested person in order to secure release must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(e) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall indorse upon the notice a statement signed by him in the form set forth in Section 815a of this code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 of this code.

(f) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

CHAPTER 924

An act to amend Section 16625 of, and to add Sections 16625.1, 16625.2, and 16625.3 to, the Education Code, relating to child care centers.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 16625 of the Education Code is amended to read:

Permits issued by Superintendent of Public Instruction

16625. The said governing board shall employ in a child care center only such persons who hold permits issued by the Superintendent of Public Instruction. Any person holding a regular kindergarten-primary or general elementary credential issued by the State Board of Education is deemed to hold a regular child care center permit that will authorize care and guidance of children or supervision of a child care program. The filing with the county superintendent of schools of a regulation of a governing board or a public health agency requiring a physical examination of persons employed in child care centers shall be deemed to be the issuance of a valid permit except for persons employed in positions pertaining to the care and guidance of children or supervision of a child care program. Each person employed by the governing board of a school district for a position requiring a permit shall, not later than 95 days after the date fixed by the governing board of the district for the commencement of his service, file with the county superintendent of schools a valid permit issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 95 days after the renewal thereof, file the renewed permit in the same manner.

SEC. 2. Section 16625.1 is added to said code, to read:

Same Fee

16625.1 The same fee as that prescribed for a credential provided in Section 13182 of this code shall be charged for either the issuance or renewal of each child care permit authorizing service in the care and guidance of children in the child care program or authorizing service as a supervisor in a child care program.

SEC. 3. Section 16625.2 is added to said code, to read:

Same Regular and provisional

16625.2. Child care center permits issued to persons employed in positions pertaining to the care and guidance of

children or supervision of a child care program may consist of two types, regular and provisional. Requirements for each type of permit shall be prescribed by the State Board of Education.

SEC. 4. Section 16625.3 is added to said code, to read.

Service under provisional permit

16625.3. Service under a provisional permit shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a child care center. Such persons employed on the effective date of this legislation and who have been employed for three consecutive years prior to the effective date of this legislation shall be deemed to have met the requirements for a regular permit and shall not be subject to the requirements of a provisional permit.

CHAPTER 925

An act to amend Sections 1250 and 1430 of the Financial Code, relating to bank reserves.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1250 of the Financial Code is amended to read:

Total reserves Commercial bank

1250. Every commercial bank shall maintain total reserves equal to the following percentages of the aggregate amount of its deposits, exclusive of deposits of the United States, postal savings funds, and state, county, municipal, and other deposits of public moneys which are secured as required by law:

(a) Eighteen percent if the bank has its principal place of business in a city having a population of 100,000 or over.

(b) Fifteen percent if the bank has its principal place of business in a city having a population of 50,000 or over and less than 100,000.

(c) Twelve percent if the bank is located elsewhere in the State, unless the bank is acting as a reserve depositary and in that event, 15 percent.

The reserves required by this section shall be computed on the basis of average daily net deposit balances covering biweekly periods.

SEC. 2. Section 1430 of said code is amended to read:

Same: Savings bank

1430. Every savings bank shall maintain total reserves in an amount equal to 5 percent of the aggregate amount of its deposits, exclusive of deposits of the United States, postal savings funds, and state, county, municipal, and other deposits of public moneys which are secured as required by law.

The reserves required by this section shall be computed on the basis of average daily net deposit balances covering biweekly periods.

CHAPTER 926

An act to add Section 25156 to the Corporations Code, relating to exemptions from the Corporate Securities Law.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 25156 is added to the Corporations Code, to read:

25156. Except as otherwise expressly provided in this division (commencing with Section 25000), the Corporate Securities Law does not apply to any hypothecation in the ordinary course of business, whether by pledge, mortgage, deed of trust, assignment or otherwise, of any certificate of interest in an oil or gas title or lease, to a national bank or a state bank to secure a loan made by such bank, provided, if the interest is in escrow pursuant to any order of the Corporations Commissioner, such bank shall promptly file with the commissioner a written notice of such hypothecation, or to any sale to such a bank of such certificate of interest arising out of the foreclosure of the related security instrument in the event of a default in the loan secured thereby, or to any sale of a participation in the resultant loan by such a bank to another institutional investor, or to the issuance or sale of such a certificate of interest if it is concurrently so hypothecated to such a bank, provided that a permit is required for any further or other sale of such a certificate of interest and for any issuance, sale or hypothecation of such a certificate of interest not in this section expressly excepted.

CHAPTER 927

An act to amend Sections 73522 and 74302 of the Government Code, relating to the municipal court in the Cities of San Carlos, Redwood City, Burlingame and San Mateo.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 73522 of the Government Code is amended to read:

Clerk

73522. There shall be one clerk who shall receive a salary of five hundred eighty-one dollars ($581) a month, a semiannual increment of thirty-three dollars ($33) and annual increments thereafter of thirty-five dollars ($35), thirty-seven dollars ($37) and thirty-nine dollars ($39), to a maximum of seven hundred twenty-five dollars ($725) a month.

SEC. 2. Section 74302 of said code is amended to read:

74302. There shall be one clerk who shall receive a salary of five hundred eighty-one dollars ($581) a month, a semi-annual increment of thirty-three dollars ($33) and annual increments thereafter of thirty-five dollars ($35), thirty-seven dollars ($37) and thirty-nine dollars ($39) to a maximum of seven hundred twenty-five dollars ($725) a month. Same

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CHAPTER 928

An act to amend Section 73602 of the Government Code, relating to the municipal court in the Cities of Daly City and South San Francisco.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 73602 of the Government Code is amended to read:

73602. There shall be one clerk who shall receive a salary of five hundred eighty-one dollars ($581) a month, a semi-annual increment of thirty-three dollars ($33) and annual increments thereafter of thirty-five dollars ($35), thirty-seven dollars ($37) and thirty-nine dollars ($39) to a maximum of seven hundred twenty-five dollars ($725) a month.

CHAPTER 929

An act to add Sections 4179.1, 4179.2 and 4181.1 to, and to amend Section 4182 of, the Health and Safety Code, relating to garbage and refuse disposal districts.

[Approved by Governor July 4, 1961 Filed with Secretary of State July 6, 1961] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Sections 4179 1 is added to the Health and Safety Code, to read:

4179.1. Any governing body authorized by Section 4179 to appoint a member or members of the board of directors for the district may make any such appointment or appointments from its own members. Appointment of members

SEC. 2. Section 4179.2 is added to said code, to read:

4179.2. The members of the district board in office at the time that this section becomes effective shall as soon as practicable thereafter so classify themselves, by lot, that a majority of the members of the district board shall serve until January Term of office

1st of the first odd-numbered year after the year in which this section becomes effective, and a minority of the members of the district board shall serve until January 1st of the second odd-numbered year after the year in which this section becomes effective, or until the appointment of their successors or their resignation or termination of residence within the area they represent. Thereafter, the term of office of each succeeding member of the district board shall be four years and each shall hold office until the appointment of his successor or his resignation or termination of residence within the area he represents.

SEC. 3. Section 4181.1 is added to said code, to read:

Unappropriated reserve

4181.1. The district board may also include in its estimate in writing of the amount of money necessary for the district's purposes provided for in Section 4181 an unappropriated reserve to cover expenditures that have not been provided for, or that have been insufficiently provided for, or for unforeseen requirements. The money in any unappropriated reserve fund so established may be made available for appropriation by a four-fifths vote of the members of the district board at any regular or special meeting of which all members have had reasonable notice. In addition, the district board may further provide by resolution for transfers or revisions of unencumbered funds within the general district expenditures provided for during any fiscal year where, in the opinion of the district board, any such transfer or revision is necessary for the purposes of the district.

SEC. 4. Section 4182 of said code is amended to read:

Garbage and refuse disposal district tax

4182. The board of supervisors of the county in which the district is situated shall, at the time of levying county taxes, levy a tax to be known as the "_____ garbage and refuse disposal district tax," sufficient to raise the amount reported to it by the district board, upon property of the district in the county. The board of supervisors shall determine the rate of the tax by deducting 5 percent for anticipated delinquencies from the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported to it by the district board by the remainder of the total assessed value.

CHAPTER 930

An act to add Section 12078 to the Penal Code, relating to sale of concealable firearms.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 12078 is added to the Penal Code, to read:

12078. The preceding provisions of this article do not apply to sales of concealable firearms made to persons properly identified as full-time paid officers of a city police department, sheriff's department, district attorney's office, the California Highway Patrol, or the State Department of Justice, nor to sales of concealable firearms made to authorized representatives of cities, cities and counties, counties, state or federal governments for use by such governmental agencies. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser is employed, identifying the purchaser and authorizing the purchase. The certification shall be delivered to the seller at the time of purchase and the purchaser shall identify himself as the person authorized in such certification. On the day the sale is made, the dealer shall forward by prepaid mail to the Bureau of Criminal Identification and Investigation a report of such sale and the type of information concerning the buyer and the firearm sold as is indicated in Section 12077.

CHAPTER 931

An act to amend Section 1 of Chapter 607 of the Statutes of 1943, relating to salt marsh, tide and submerged lands in the County of Alameda.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 607 of the Statutes of 1943 is amended to read:

Section 1. There is hereby granted to the City of Oakland, a municipal corporation of the State of California, and to its successors, all of the right, title and interest of the State of California held by said State by virtue of its sovereignty in and to all lands, salt marsh, tidelands and submerged lands, whether filled or unfilled, included within that portion of the unincorporated territory of the County of Alameda, State of California, described as follows: Grant to City of Oakland

Bounded on the northeast and east by the southwesterly boundary line of the Rancho San Leandro as finally confirmed to Jose Joaquin Estudillo, and the patent of which was recorded November 30, 1863 in Book "A" of patents, at page 105, Alameda County records; on the southwest by the boundary line of the City of Oakland as extended by the board of supervisors of the County of Alameda by its Resolution No. 32731 filed on August 10, 1938 with the Secretary of State of the State of California, and the northeast boundary of tide lots numbered 4, 3, 14 and 15, section 33, T. 2 S., R. Description

3 W., as shown on Sale Map No. 10 of salt marsh and tidelands, etc., prepared under the direction of the Board of Tide Land Commissioners of the State of California; and on the northwest by the boundary line of the City of Oakland; saving and excepting therefrom the right of way or strip of land occupied by the railroad line of Southern Pacific Company.

Purposes and conditions

To be forever held by said city, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said city, and its successors, for purposes in which there is a general statewide interest, as follows:

Establishment of harbor

(1) For the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures, facilities, buildings, works, and appliances necessary or convenient for the promotion and accommodation of commerce and navigation.

Establishment of airport facilities

(2) For the establishment, improvement and conduct of an airport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, maintenance and operation thereon of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and other utilities, facilities, buildings, structures, works and appliances necessary or convenient for the promotion and accommodation of air commerce and air navigation.

Public recreation

(3) For public recreation purposes, including but not limited to a public golf course, and for the establishment, improvement and conduct of utilities, facilities, structures, buildings, works and appliances necessary or convenient for the promotion and accommodation of public recreation.

(b) Said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods, not exceeding 50 years, for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods, not exceeding 50 years, for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor and airport and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce or navigation.

Franchises not exceeding 50 years

Improvements

(c) That said lands shall be improved by said city without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and

other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or air craft, or railroad, owned or operated by the State of California.

(d) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors. Discrimination in rates, tolls, charges

(e) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes. Right to fish reserved

(f) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land. Mineral rights

(g) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest. Use of land for highways

(h) If the lands, or any part thereof, granted to the city by this act are not used for the additional purposes authorized by the amendment of this section made at the 1961 Regular Session of the Legislature within 10 years from the effective date of said amendment, or if such use is discontinued thereafter, the authorization to use said lands for such additional purposes shall automatically terminate and lapse. Termination of grant

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CHAPTER 932

An act to amend Sections 1853 and 1854 of the Probate Code, relating to conservatorships.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1853 of the Probate Code is amended to read:

1853. On the application of the conservator, made at any time, which application may be included in a petition filed pursuant to Section 1754 of this code, the court may grant to Grant of additional powers to conservator

a conservator of the estate or of the person and estate of a conservatee, the following additional powers, which may be exercised with or without notice, hearings, confirmation, or approval of the court:

To institute and maintain all actions and other proceedings for the benefit of and to defend all actions and other proceedings against the conservatee or the conservatorship estate; to take, collect and hold the property of the conservatee; to contract for the conservatorship and to perform outstanding contracts and thereby bind the conservatorship estate; to operate at the risk of the estate any business, farm or enterprise constituting an asset of the conservatorship, to grant and take options; to sell at public or private sale; to create by grant or otherwise easements and servitudes; to borrow money and give security for the repayment thereof; to purchase real or personal property; to alter, improve and repair or raze, replace and rebuild conservatorship property; to let or lease property for any purpose including exploration for and removal of gas, oil and other minerals and natural resources and for any period, including a term commencing at a future time; to loan money on adequate security; to exchange conservatorship property; to sell on credit provided that any unpaid portion of the selling price shall be adequately secured; to vote in person or by proxy all shares and securities held by the conservator; to exercise stock rights and stock options; to participate in and become subject and to consent to the provisions of any voting trust and of any reorganization, consolidation, merger, dissolution, liquidation or other modification or adjustment affecting conservatorship property; to effect necessary insurance for the proper protection of the estate, to pay, collect, compromise, arbitrate or otherwise adjust any and all claims, debts or demands upon the conservatorship, including those for taxes; to abandon valueless property, and to employ attorneys, accountants, investment counsel, agents, depositaries and employees and to pay the expense therefor from the conservatorship estate.

Said additional powers shall be in addition to the general powers of conservators. The granting of said additional powers shall be discretionary with the court. Notice of the hearing of the application therefor, except when the application is included in a petition filed pursuant to Section 1754 of this code, shall be given in the manner provided in Section 1200 of this code and whenever any conservatee is or has been during the conservatorship confined in a state hospital in this State, such notice also shall be given by the conservator to the Director of Mental Hygiene at his office in Sacramento. When additional powers are granted to a conservator, his letters shall state that he has the powers authorized in this section. If such additional powers are granted by a subsequent order, new letters shall be issued and shall state that he has such power or

powers as have been granted. The grant of additional powers to the conservator shall not affect the right of the conservator to petition the court as provided in Section 1860.

SEC. 2. Section 1854 of said code is amended to read:

1854. The court on its own motion or whenever it appears to it from a verified petition filed in the proceedings that it is for the best interests of the conservatee or of his estate so to do, may withdraw the additional powers previously granted pursuant to Section 1853 and upon so doing shall issue new letters of conservatorship.

Withdrawal of additional powers

CHAPTER 933

An act to amend Sections 2, 3, 4, 5, 10, 13 and 20 of, and to add Sections 41, 42, and 43 to, the San Joaquin County Flood Control and Water Conservation District Act (Chapter 46 of the Statutes of 1956, 1st Ex. Sess.), relating to the San Joaquin County Flood Control and Water Conservation District.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 2 of the San Joaquin County Flood Control and Water Conservation District Act (Chapter 46, Statutes of 1956, 1st Ex. Sess.) is amended to read:

Sec. 2. A flood control and water conservation district is hereby created to be called the San Joaquin County Flood Control and Water Conservation District. Said district shall consist of all the territory of the County of San Joaquin lying within the exterior boundaries of said county. As used in this act "district" means the San Joaquin County Flood Control and Water Conservation District.

San Joaquin County Flood Control and Water Conservation District

SEC. 2. Section 3 of said act is amended to read:

Sec. 3. The board of supervisors of the district created by this act, by resolutions thereof adopted from time to time, may establish flood control zones and water conservation zones within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from said zones or may divide existing zones into two or more zones or may superimpose a new or amended zone on zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitling each of such zones by a

Powers of board of supervisors

zone number. Any territory in the district may be included within one or more flood control zones or water conservation zones, or one or more of both types of zones.

"Zone" As used in this act, "zone" means either a flood control zone or a water conservation zone. Any zone in existence on September 1, 1961, shall be deemed to be a flood control zone; provided, that any rights, obligations, or duties established in connection with any such zone shall in no way be affected by the change in name.

Primary purposes of water conservation and flood control zones

At the time of establishing any zone, after September 1, 1961, the board shall designate the zone either a flood control zone or a water conservation zone. The primary purpose of a water conservation zone shall be to effectuate the reclamation, storage, distribution, purchase, sale, use, conservation, and development of water. The primary purpose of a flood control zone shall be the prevention of floods and the control of flood and storm waters and the prevention of the inundation of the lands of the district by flood and storm waters.

Proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in Section 12 of this act.

No territory within any county water district, reclamation district, irrigation district, water conservation district, protection district, municipality, flood control district, or other district or political subdivision of the State now or hereafter established in, or partially within the limits of the district, for the purpose or purposes in whole or in part of reclamation, storage, distribution, purchase, sale, use, conservation, and development of water, shall be included within a water conservation zone without the express consent of the governing body of such entity.

SEC. 3. Section 4 of said act is amended to read:

Objects and purposes of act

Sec. 4. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood-waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining and causing to percolate into the soil within said district, or without such district, such waters, or to save or conserve in any manner all or any of such waters and protect from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district.

Same The objects and purposes of this act also include the purchase and resale of water, the purchase and distribution of

water, and the conservation and distribution or sale of water, regardless of whether such activities are taken in conjunction with flood control or flood protection.

SEC. 4. Section 5 of said act is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers: Additional powers of district

1. To have perpetual succession.

2. To sue and be sued in the name of said district.

3. To adopt a seal.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act. Acquire property

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for present and future use within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs Store water

or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district.

Control flood and storm waters

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision which owns property or facilities of a type that may be owned by the district may, by written agreement with the district, provide for the use, or joint use, of such property or facilities, or for the use or joint use, of property or facilities in which said district has an interest.

Co-operate and act in conjunction with State

7. To co-operate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public district, or with any public or private corporation, or with any city, city and county, or county, in the construction of any works for the controlling of flood or storm waters of or flowing into said district or for the protection of life or property therein, or for the purpose of conserving any waters whatsoever for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

Investigations

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water

rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice.

Surveys

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the district, or for the purpose of exchanging the same for other water, water

Acquire property

Make and perform agreements

Acquire water storage rights

Grant water rights to owners etc., of land

right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

Incur indebtedness

10. To incur indebtedness and to issue bonds in the manner herein provided.

Levy and assess taxes

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

Make contracts

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

Eminent domain

13. To exercise the right of eminent domain within said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that, notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest

in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest, as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such San Joaquin County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

Contract with San Joaquin County

14. To make contracts with the County of San Joaquin, and to employ labor for the purpose of doing flood control work and for inspecting and passing upon the adequacy of drainage plans provided for each proposed new subdivision in the County of San Joaquin.

Purchase water

15. To purchase, or to contract for the purpose of purchasing, water, from the United States, or any of its agencies, from the State, or any of its agencies, from any other public district, agency or organization, from any private firm, corporation, entity, or organization, or from any person.

Contract with United States

16. To have power to co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation or contract for the purposes of contracting works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation, or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made.

Sell or distribute water

17. To sell or distribute, and to contract for such sale or distribution water to any person, firm, corporation, entity, or organization within the district, whether sold or distributed for consumption or for resale or redistribution; provided that the district shall have no power to sell or distribute or to contract for such sale or distribution of, water for use on any lands within any county water district, reclamation district,

irrigation district, water conservation district, protection district, municipality, flood control district, or other district or political subdivision of the State now or hereafter established, in or partially within, the limits of the district, which is empowered to deliver water to water users, without either contracting with such entity or without the express written permission of the governing body of such entity.

Establish tolls

18. To establish tolls or charges for any water sold or distributed by it.

Levy assessments

19. To levy assessments to pay the costs of acquiring and distributing any water in any water conservation zones which are benefited.

SEC. 5 Section 10 of said act is amended to read:

Civil engineers to formulate plans

Sec. 10. The board shall have jurisdiction and power by resolution to employ competent registered civil engineers to investigate and carefully devise a plan or plans for the accomplishment of any of the purposes of this act; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act; and such resolution may direct such engineer or engineers to

Reports: Contents

make and file reports from time to time with the board, which shall show:

General plans, etc

1. A general description of the work proposed to be done, together with general plans, profiles, cross-sections, and general specifications relating thereto, on each project or work of improvement.

Property to be condemned

2. A general description of the lands, rights-of-way, easements and property proposed to be taken, acquired or injured in carrying out said work.

Maps

3. A map or maps which shall show the location and zones, as may be required, of each of said projects or improvements, and lands, rights-of-way, easements and property to be taken, acquired or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.

Cost estimate

4. An estimate of the cost of each project or work of improvement, including an estimate of the cost of lands, rights-of-way, easements and property proposed to be taken, acquired or injured in carrying out said project or work of improvement, and also of all incidental expenses incurred or likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising, and stating the total amount of bonds, if any, necessary to be issued to pay for the same.

Such engineer or engineers shall from time to time and as directed by the board file with the board supplementary, amendatory and additional reports and recommendations, as necessity and convenience may require.

SEC. 6. Section 13 of said act is amended to read:

Sec. 13. The board shall have power, in any year:

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district; provided, however, that said ad valorem tax or assessment shall not exceed two cents ($0.02) on each one hundred dollars ($100) of assessed valuation, or, if the district contemplates or undertakes water conservation or distribution, the ad valorem tax or assessment shall not exceed four cents ($0.04) on each one hundred dollars ($100) of assessed valuation, and

Ad valorem taxes

2. To levy taxes or assessments in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones, by either of the following methods:

Taxes to cover construction, maintenance, etc., on basis of benefit derived

(a) By a levy or assessment upon all property within a zone or participating zone, including land, improvements thereon, and personal property;

(b) By a levy or assessment upon all real property within a zone or participating zones, including both land and improvements thereon. It is declared that for the purposes of any tax or asssessment levied under this subdivision, the property so taxed or assessed within a given zone is equally benefited.

3. To levy taxes or assessments by either method authorized by subdivision 2 of this section in each or any of said zones, according to the special benefits derived or to be derived by the specific properties therein, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zone or zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zone or zones

Same

In the event of project co-operation with any of the governmental bodies as authorized in subdivision 7 of Section 5 of this act, including projects for water conservation and distribution, and requiring the making of a contract with any such governmental body for the purposes set forth in said subdivision 7, by the terms of which work is to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said proposed contract the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may, after proceedings in the manner prescribed in Section 11 of this act, levy and collect a special tax or assessment upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Special tax or assessment

Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any zone from the taxes or assessments levied under the provisions of subdivision 2 or 3 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside of such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

SEC. 7. Section 20 of said act is amended to read:

Total amount of taxes

Sec. 20. The total amount of taxes and assessments levied on property within any zone or zones shall not exceed twenty cents ($0.20) on each one hundred dollars ($100) of assessed valuation for flood control purposes and twenty cents ($0.20) on each one hundred dollars ($100) of assessed valuation for water conservation purposes, exclusive of the amounts necessary for interest and redemption of any bonds voted within such zone or zones.

SEC. 8. Section 41 is added to said act, to read:

Effect upon other districts

Sec. 41. Neither the establishment of the district nor anything in this act shall affect, restrict, control or supersede the existence, property, right, or power of any county water district, reclamation district, irrigation district, water conservation district, protection district, municipality, flood control district, or other district or political subdivision of the State now or hereafter established in or partially within the limits of the district for the purpose or purposes in whole or in part of flood control or for the purpose or purposes in whole or in part of reclamation, storage, distribution, purchase, sale, use, conservation, and development of water. The Legislature because of conditions special to the County of San Joaquin hereby expressly declares its interest to permit within the limits of the San Joaquin County Flood Control and Water Conservation District the existence of more than one district or municipality having similar powers over the same territory in regard to flood control and the reclamation, storage, distribution, purchase, sale, use, conservation, and development of water.

SEC. 9. Section 42 is added to said act, to read:

Vested rights

Sec. 42. The formation of the district or the enactment of this act shall not impair the vested right of any person, association, corporation, public district of any kind, or political subdivision of the State, in or to water or the use thereof.

SEC. 10. Section 43 is added to said act, to read:

Sec. 43. It is hereby declared that all of the powers extended to the district relative to the reclamation, storage, distribution, purchase, sale, use, conservation, and development of water are for the primary purpose of permitting the district to give financial assurances to the United States government, or the State of California, in order to secure water projects beneficial to the County of San Joaquin, that may be constructed by the United States government or the State of California to deliver water to the area of the district. Primary purpose

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CHAPTER 934

An act to add Section 117 to the Business and Professions Code, relating to disciplinary action or refusal to license by agencies in the Department of Professional and Vocational Standards.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 117 is added to the Business and Professions Code, to read:

117. Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime involving moral turpitude, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is of an offense involving moral turpitude.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

CHAPTER 935

An act to amend Section 15951 of the Education Code, relating to school district contracts.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 15951 of the Education Code is amended to read:

15951. The governing board of any school district shall let any contracts involving an expenditure of more than two thousand five hundred dollars ($2,500) for work to be done or for materials or supplies to be furnished, sold, or leased to the district, to the lowest responsible bidder who shall give such security as the board requires, or else reject all bids. This section applies to all materials and supplies whether patented or otherwise.

CHAPTER 936

An act to add Section 18959 to, and to amend Section 18958 of, the Education Code, relating to schools.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 18959 is added to the Education Code, to read:

Additional powers
Apportionments

18959. In addition to the powers granted the board under this chapter, the board shall have authority (1) to make apportionments to school districts for the purchase of sites only, or for the construction or purchase of temporary or portable buildings, and for the cost of site preparation, including any necessary utility costs, in connection with their utilization and (2) to establish standards in conjunction with the Department of Education pertaining to such sites and buildings as a condition for making said apportionment. In addition the board may also expend moneys from the State School Construction Fund directly for the construction, acquisition, storage, maintenance and repair of such buildings, including administrative costs related thereto In the latter event the board may lease, sell or transfer under a lease-purchase agreement such buildings to school districts eligible for aid under this chapter, under such terms as it deems fit. Agreements pertaining thereto may provide for the payment by the State of site preparation costs, including any necessary utility costs, sufficient to permit their utilization.

Site and building standards

Lease purchase agreement

Any buildings leased for placement on the school property or under a purchase or a lease-purchase agreement shall be deemed the construction or alteration of a school building as those terms are defined in Sections 15451 to 15465 inclusive of this code.

Consideration

The consideration provided by any agreement between the State and school districts pursuant to this section shall as nearly as possible reflect an amount which would return to the State a fair pro rata proportion of its capital investment and expenditures connected therewith in the light of the benefits conferred by said agreement Such consideration shall be paid by the districts promptly when due, and Section 19105

shall not be deemed applicable to reduce the same, provided that the amounts so repaid shall be redeposited in the State School Construction Fund.

Disposal of facilities

Whenever the board deems it economically desirable to do so it may dispose of any facilities acquired or constructed directly by it under this section to any public or private parties under such terms and in such manner as it deems fit, save insofar as the same is inconsistent with any agreement under this section between it and an affected school district. The board is authorized to do any and all things necessary to effectuate the purposes of this section, and any eligible school district is authorized to enter into an agreement with the board to carry out the purposes hereof.

Conditions for agreement

No agreement shall however be entered into under this section unless the department has with respect thereto, or as a condition of making the same, approved (1) the property to be transferred, including any incidental construction pertaining thereto, (2) whether the same shall be by lease or sale, and (3) the term of the transfer, if less than a sale, including any contingent or indefinite term. The term "sale," as used in this paragraph shall be deemed to include a lease-purchase. The jurisdiction of the department shall not otherwise extend to the terms of the agreement.

SEC. 2. Section 18958 of said code is amended to read:

Election authorizing board

18958. No apportionment to a school district under this chapter shall become final, nor any agreement authorized by Section 18959 be entered into unless at an election called by the governing board of the district, two-thirds of the qualified electors of the district voting thereat have authorized the governing board to accept, expend and repay as provided in this chapter an apportionment under the provisions thereof or, with respect to said agreement, to obligate the district in an amount equal to or in excess of the maximum amount which the district could be obligated by said agreement, or by any act of its governing board or for which it is responsible, contemplated or permitted thereby. Said election shall be called, held and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot shall contain substantially the following words:

Time of election

Ballot form

"Shall the governing board of the district be authorized (1) to accept and expend an apportionment from the State of California under and subject to the provisions of the State Project Area School Construction Law, a portion of which amount is subject to repayment as provided by said law, or (2) to enter into an agreement or agreements with the State pursuant to Section 18959 of the Education Code, which will at the time of such agreement or agreements (or at the time of any subsequent act of the governing board, or for which it is responsible, contemplated or permitted thereby) commit the district to a total expenditure in connection with all such agreements of not more than _____ dollars. Yes _____ No _____," or both.

CHAPTER 937

An act to amend Section 77 of the Code of Civil Procedure, relating to the appellate department of the superior court.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 77 of the Code of Civil Procedure is amended to read:

77. (a) There is an appellate department of the superior court in every county and city and county which has one or more municipal courts.

(b) The appellate department in a county in which there is only one judge of the superior court shall consist of such judge who shall be the presiding judge and two additional judges who shall be designated by the Chairman of the Judicial Council. Each additional judge shall be a judge of the superior court of another county or a judge retired from the superior court or court of higher jurisdiction in this State.

(c) The appellate department in a county with two judges of the superior court shall consist of such judges, one of whom shall be designated as presiding judge by the Chairman of the Judicial Council, and one additional judge designated by the Chairman of the Judicial Council. Such additional judge shall be a judge of the superior court of another county or a judge retired from the superior court or court of higher jurisdiction in this State.

(d) The appellate department in a county with three or more judges of the superior court shall consist:

(i) Of three judges; or

(ii) When there are 50 or more judges of municipal courts in the county and the Chairman of the Judicial Council finds it necessary, of four judges.

Each of such judges under this subdivision (d) shall be designated from among the judges of the court by the Chairman of the Judicial Council. The Chairman of the Judicial Council shall also designate one of such judges as the presiding judge of such department. No more than three of the judges so designated shall participate in the hearing or decision of any case in such department. Where there are four judges of such department, the presiding judge shall designate the three judges who shall so participate.

(e) In addition to their other duties, the judges designated as members of the appellate department of the superior court shall serve for the period specified in the order of designation. Whenever a judge is designated to serve in the appellate department of the superior court of a county other than the county in which such judge was elected or appointed as a superior court judge, or if he is retired, in a county other than the county in which he resides, he shall receive from the county

to which he is designated his expenses for travel, board, and lodging. If the judge is out of his county overnight or longer, by reason of the designation, such judge shall be paid a per diem allowance in lieu of expenses for board and lodging in the same amounts as are payable for such purposes to justices of the Supreme Court under the rules of the State Board of Control. In addition, a retired judge shall receive from the State and the county to which he is designated, for the time so served, amounts equal to that which he would have received from each if he had been assigned to the superior court of the county.

(f) The concurrence of two judges of the appellate department of the superior court shall be necessary to render the decision in every case in, and to transact any other business except such as may be done at chambers by the presiding judge of, such department. The presiding judge shall convene such department at such times as may be necessary. He shall also supervise its business and transact such thereof as may be done at chambers.

(g) Every appellate department under this section shall have jurisdiction on appeal from the municipal and justice courts within the county or city and county in all cases in which an appeal may be taken to the superior court as is now or may hereafter be provided by law, except such appeals as require a retrial in the superior court. The powers of each appellate department shall be the same as are now or may hereafter be provided by law or rule of the Judicial Council relating to appeals to the superior courts.

(h) The Judicial Council may promulgate rules, not inconsistent with law, governing the practice and procedure and the disposition of the business of such appellate departments, or of each class thereof as provided in subdivisions (b), (c) and (d) of this section, respectively.

CHAPTER 938

An act to add Section 4927 to the Health and Safety Code, relating to sewer maintenance districts.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 4927 is added to the Health and Safety Code, to read:

4927. If all of the district is included within a sanitary district, the district is dissolved upon the filing with the Secretary of State of a resolution adopted by the district board of the sanitary district and approved by the board of supervisors which states that the sanitary district is able to provide

the same service as is being provided by the sewer maintenance district and declares that the sewer maintenance district is dissolved. A copy of the resolution shall be filed with the board of supervisors.

Upon the dissolution of the sewer maintenance district, the property and funds which are held by the county for the sewer maintenance district vest in the sanitary district and the county shall convey such property and pay over such funds, to the sanitary district. The sanitary district shall also succeed to any liability or outstanding obligation of the sewer maintenance district at the time of its dissolution.

CHAPTER 939

An act to amend Section 28122 of the Government Code, relating to compensation for public service in counties.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 28122 of the Government Code is amended to read:

28122. In a county of the 22d class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand eight hundred dollars ($7,800) a year.

(b) The district attorney, thirteen thousand five hundred dollars ($13,500).

(c) Each supervisor, six thousand six hundred dollars ($6,600) a year for all services rendered including mileage. If required to go on business to any point outside of the county, he shall be allowed actual expenses.

(d) Trial jurors in the superior court five dollars ($5) for each day's attendance. In addition, mileage fees shall be allowed trial jurors for attendance in court at the rate of fourteen cents ($0.14) for each mile traveled one way each day.

(e) Grand jurors, five dollars ($5) for each day's attendance upon the duly called sessions of the grand jury. In addition, mileage fees shall be allowed grand jurors for attendance at grand jury sessions at the rate of ten cents ($0.10) for each mile traveled one way each day.

CHAPTER 940

An act to amend Section 12400 of, and add Section 12341 to, the Insurance Code, relating to title insurance.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 12341 is added to the Insurance Code, to read:

Execution of policies

12341. All policies issued by incorporated title insurers shall be subscribed by the president or a vice president and by the secretary or an assistant secretary of the corporation. All such policies are as binding and obligatory upon the corporation as if executed over the corporate seal. The signatures of such officers, or any one of them, may be in their own handwriting or engraved, lithographed, printed, stamped, or otherwise affixed to such policies. Any policy so signed shall be presumed to be duly subscribed, and if the policy provides for an additional signature and such signature appears thereon a like presumption shall apply.

SEC. 2. Section 12400 of said code is amended to read:

Applicability

12400. The provisions of subdivision (f) of Section 381, and the provisions of Sections 382, 383, 383.5, 386, 750, 751, 752, 755, 755.5, 756, 757, 758, 759, 760, 760.5, 763, 763.5, 766, 800, 801, 802, 803, 804, 805, 806, 807, 808, and 809, shall not apply to title insurers.

CHAPTER 941

An act to amend Section 7013 of the Business and Professions Code, relating to the Contractors' State License Board.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 7013 of the Business and Professions Code is amended to read:

7013. The board may in its discretion review and sustain or reverse by a majority vote any action or decision of the registrar.

This section shall not apply to any action, decision, order, or proceeding of the registrar conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 942

An act to amend Section 1305 of the Penal Code, relating to bail.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1305 of the Penal Code is amended to read:

1305. If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial or judgment, or upon any other occasion when his presence in court is lawfully required, or to surrender himself in execution of the judgment, the court must direct the fact to be entered upon its minutes and the undertaking of bail, or the money deposited instead of bail, as the case may be, must thereupon be declared forfeited, and, if the amount of the forfeiture exceeds fifty dollars ($50), the clerk of the court shall, promptly upon entering the fact of such failure to appear in the minutes, mail notice of the forfeiture to the surety on the bond or depositor of money instead of a bond. But if at any time within 90 days after such entry in the minutes, the defendant and his bail appear, and satisfactorily excuse the defendant's neglect or show to the satisfaction of the court that the absence of the defendant was not with the connivance of the bail, the court may direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If within said 90 days after such entry in the minutes, it be made to appear to the satisfaction of the court that the defendant is dead or is physically unable, by reason of illness or insanity, or by reason of detention by civil or military authorities, to appear in court at any time during said 90 days, and that the absence of the defendant was not with the connivance of the bail, the court may direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just.

CHAPTER 943

An act to amend Section 454 of the Public Utilities Code, relating to rates.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 454 of the Public Utilities Code is amended to read:

454. No public utility shall raise any rate or so alter any classification, contract, practice, or rule as to result in any increase in any rate except upon a showing before the commission and a finding by the commission that such increase is justified.

The commission may establish such rules as it considers reasonable and proper for each class of public utility providing for the nature of the showing required to be made in support of proposed increases, the form and manner of the presentation of such showing, and the procedure to be followed in the consideration thereof. Rules applicable to common carriers may provide for the publication and filing of any proposed increase together with a written showing in support thereof, giving notice of such filing and showing in support thereof to the public, affording an opportunity for protests thereto, and to the consideration of, and action on, such showing and any protests filed thereto by the commission, with or without hearing; provided that the proposed increase shall not become effective until it has been approved by the commission.

CHAPTER 944

An act to amend Section 2690 of the Penal Code, relating to the temporary removal of prisoners.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 2690 of the Penal Code is amended to read:

2690. The Director of Corrections may authorize the temporary removal under custody from prison or any other institution for the detention of adults under the jurisdiction of the Department of Corrections of any inmate, for the purpose of employing said person in any work directly connected with the administration, management, or maintenance of the prison or institution in which he is confined, or of furnishing to the person medical treatment not available at the prison or institution, or for purposes of co-operating voluntarily in medical research which cannot be performed at the prison or institution, or for the purpose of having interviews with prospective employers on contemplated parole placement programs at any time within 90 days of scheduled parole release at the request of the Adult Authority governing male prisoners and at the request of the Board of Trustees, California Institution for Women, governing female prisoners.

Except in the case of removal for medical treatment, such removal shall not be for a period longer than one day.

CHAPTER 945

An act to amend Section 35401 of the Vehicle Code, relating to length restrictions of vehicles.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 35401 of the Vehicle Code is amended to read:

35401. No combination of vehicles including any attachments thereto coupled together shall exceed a total length of 60 feet.

A combination of vehicles consisting of a truck and trailer or a truck tractor, semitrailer and trailer, including any attachments thereto coupled together, may exceed a total length of 60 feet but may not exceed a total length of 65 feet on the following highways:

(a) State highways included in the National System of Interstate and Defense Highways.

(b) State highways having four or more lanes.

(c) Those highways designated by the federal government as U.S. 6, U.S. 40, U.S. 40A, U.S. 50 from Oakland to Sacramento, U.S. 60, U.S. 66, U.S. 70, U.S. 80, U.S. 97, U.S. 99, U.S. 99E, U.S. 99W, U.S. 101 south of San Francisco, U.S. 395, and U.S. 466.

(d) State Highway Route 32 (Sign Route 152) from U.S. 101 to U.S. 99.

(e) City and county streets and highways unless prohibited by the local authority having jurisdiction thereof by ordinance. The ordinance shall not be effective until appropriate signs are erected indicating either the streets affected by the ordinance or the streets not affected, as the local authority determines will best serve to give notice of the ordinance.

(f) Notwithstanding the provisions of subdivisions (a), (b), (c), and (d), a combination of vehicles consisting of a truck and trailer or a truck tractor, semitrailer and trailer, including any attachments thereto coupled together, may exceed a total length of 60 feet but may not exceed a total length of 65 feet on all state highways.

The provisions of this subdivision shall be operative only until the 91st day after final adjournment of the 1963 Regular Session of the Legislature.

(g) A semitrailer equipped with a dolly shall be considered a trailer for the purposes of this section.

CHAPTER 946

An act to amend Section 10504.1 of, and to add Section 164 to, the Water Code, relating to the California Water Commission, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 164 is added to the Water Code, to read:

Hearings and investigations

164 The commission may hold any hearings and conduct any investigations in any part of the State necessary to carry out the powers vested in it, and for such purposes has the powers conferred upon heads of departments of the State by Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Any hearing or investigation by the commission may be conducted by any member or nominee upon authorization of the commission, and he shall have the powers granted to the commission by this section, but any final action of the commission shall be taken by a majority of the members of the commission at a meeting duly called and held.

All hearings held by the commission or by any member or nominee thereof shall be open and public.

SEC. 2. Section 10504.1 of said code is amended to read:

Notice of hearing

10504.1. Before any application made and filed pursuant to Section 10500 is assigned or released from priority, the California Water Commission shall hold a public hearing. Written notice of the time and place of the hearing shall be mailed, at least 45 days prior to the date set for the hearing, to the board of supervisors of each county in the area in which the water originates and in the area or areas in which the water is to be used. Any interested persons may appear at the hearing and present their views and objections as to the proposed action.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The California Water Commission has a backlog of requests for assignment of state applications for the appropriation of water, or for release of priority therefrom, which it has been unable to hear and act upon promptly under existing procedures, and additional requests are accumulating. This act is necessary to facilitate the hearing of these requests.

CHAPTER 947

An act to amend Section 1651 of, and to add Article 3.5 (commencing with Section 1658) to Chapter 4 of Division 2 of, the Business and Professions Code, relating to the practice of dentistry.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1651 of the Business and Professions Code is amended to read:

Change of place of practice

1651. Any dentist who removes his place of practice shall register each change made by him within one month after making said change. In the event any licensed dentist fails to notify the board of any change in the address of his place of practice within the time prescribed by this section, the board shall not renew such person's license until the penalty fixed by this chapter is paid. An applicant for renewal of a license to practice dentistry shall specify in his application whether he has changed the address of his place of practice, and if so, the date of such change, and the board may accept such statement as evidence of such fact.

SEC. 2. Article 3.5 (commencing with Section 1658) is added to Chapter 4 of Division 2 of said code, to read:

Article 3.5. Additional Offices

More than one place of practice

1658. When any licentiate hereunder desires to have more than one place of practice, he shall, prior to the opening of any additional office, make application therefor to the board and receive permission in writing from the board to have such additional place of practice.

"Place of practice"

"Place of practice" means any dental office where any act of dentistry is practiced as defined by Section 1625, and shall include any such place of practice in which the applicant holds any proprietary interest of any nature whatsoever, or in which he holds any right to participate in the management or control thereof.

Permission for additional place of practice

1658.1. On or after October 1, 1961, no dentist, or two or more dentists jointly, shall be granted permission for more than one additional place of practice, except that a dentist or two dentists jointly may maintain more than one additional place of practice if he, or one of them, is in personal attendance at each place of practice at least 50 percent of the time during which such places of practice are open for the practice of dentistry.

"An additional place of practice"

1658.2. "An additional place of practice," as used in this article, means any place of practice which increases the number of places of practice of the applicant and shall include any

such additional office which the applicant proposes to originally establish, either individually or in association with another, as well as any established place of practice which the applicant acquires or proposes to acquire, in whole or in part, by purchase, repossession, reassignment, gift, devise, bequest, or operation of law, except as otherwise provided in this article.

Application of article

1658.3. Nothing in this article shall limit or authorize the board to limit the number of additional places of practice authorized by the board, which are in operation on October 1, 1961, and which conform to the provisions of this article.

Transfer after Oct. 1, 1961

1658.4. The transfer after October 1, 1961, of any additional office from one licentiate to another, other than as authorized by this article, shall terminate the privilege of operating such additional office.

Transfer within county

1658.5. The transfer of the location of one additional office to a new location within the same county shall not be considered the establishment of a new additional office.

Failure to comply

1658.6. Failure to comply with the provisions of this article relating to the operation of additional offices shall be a ground for the suspension or revocation of the permission granted by the board to operate such additional office.

Rules and regulations

1658.7. The board shall have the power to carry out the provisions of this article by uniform rules and regulations.

CHAPTER 948

An act to amend Section 1 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to the Orange County Water District.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Section 1. A district is hereby created to be known and designated as "Orange County Water District," located entirely within Orange County, California, including and comprising all of the land within the exterior boundaries of the district, which said boundaries are described as follows:

Beginning at the intersection of the boundary line between Los Angeles and Orange Counties, as officially established by the California Legislature in 1919, see Chapter 470 of the 1919 Statutes and Amendments to the codes, or Sections 3927 and 3938 of the Political Code as enacted in 1919, with the high-tide line of the Pacific Ocean; thence northerly along said boundary line the following courses and distances: north 33° 00′ 00″ east to Station 1. (Los Angeles-Orange County); thence north 57° 10′ 40″ east 8238.78 feet; thence north 2° 48′ 35″ west

2207.94 feet; thence north 16° 46′ 45″ west 1444.82 feet; thence north 27° 12′ 00″ west 2106.10 feet; thence north 31° 22′ 50″ west 1296.25 feet; thence north 27° 55′ 55″ east 8375.40 feet; thence north 11° 36′ 55″ east 2241.41 feet; thence north 39° 48′ 20″ east 5650.97 feet; thence north 59° 07′ 40″ east 3391.48 feet, thence north 0° 11′ 50″ west 4330.76 feet; thence north 44° 34′ 00″ east 1873.54 feet; thence north 0° 11′ 10″ west 3996.39 feet; thence north 89° 37′ 10″ east 1320.92 feet; thence north 0° 23′ 25″ west 1318.92 feet; thence north 89° 34′ 55″ east 1320.00 feet; thence north 0° 25′ 25″ west 1341.64 feet; thence north 89° 21′ 35″ east 1303.75 feet; thence north 0° 47′ 15″ west 1850.84 feet, thence north 89° 35′ 45″ east 1320.65 feet; thence north 0° 23′ 45″ west 1316.40 feet; thence north 89° 26′ 40″ east 1318.50 feet; thence north 1° 04′ 00″ west 1323.56 feet; thence north 89° 39′ 30″ east 2706.72 feet; thence north 0° 26′ 30″ west 2642.38 feet; thence north 89° 35′ 50″ east 5282.00 feet; thence north 0° 34′ 20″ west 2700.56 feet; thence north 89° 36′ 50″ east 2639.57 feet; thence north 0° 33′ 05″ west 2640.34 feet, thence north 89° 37′ 10″ east 2674.26 feet; thence north 0° 31′ 50″ west 2639.37 feet; thence north 89° 35′ 50″ east 2665.05 feet; thence north 0° 33′ 05″ west 2637.57 feet; thence north 89° 37′ 10″ east 2671.99 feet to the southwest corner of Section 18, Township 3 South, Range 10 West, San Bernardino Base and Meridian; thence leaving said boundary line between Los Angeles and Orange Counties easterly six miles along the south line of Sections 18, 17, 16, 15, 14 and 13 in Township 3 South, Range 10 West, San Bernardino Base and Meridian, to the southeast corner of said Section 13, said southeast corner being also the northwest corner of Lot 4, Tuffree's Subdivision, as recorded in Book 3, pages 1 and 2 of Miscellaneous Maps, Records of Orange County, California; thence continuing easterly one-quarter mile along the north line of said Lot 4, lot lines of said Tuffree's Subdivision being considered as in the center line of adjacent streets, to the northwest corner of Lot Three (3) of said Tuffree's Subdivision; thence southeasterly and northeasterly along the southerly line of that certain parcel of land described as Parcel 2 in deed recorded in Book 180, page 97 of Deeds, Records of Orange County, California to a point in the north line of said Lot Three (3); thence east to the northeast corner of said Lot Three (3); thence northerly one-quarter mile to the northwest corner of the southwest one-quarter of the southeast one-quarter of Section Eighteen (18), Township Three (3) South, Range Nine (9) West, San Bernardino Base and Meridian; thence east one-quarter mile to the northeast corner of the southwest one-quarter of the southeast one-quarter of said Section Eighteen (18); thence south one-quarter mile to the southeast corner of said southwest one-quarter of the southeast one-quarter; thence east one-eighth mile to the southwest corner of the east one-half of the southeast one-quarter of the southeast one-quarter of said Section Eighteen (18); thence north one-quarter mile to the northwest corner of said east

one-half; thence east one-eighth mile to the northeast corner of said east one-half; thence south one-eighth mile to the northwest corner of the south one-half of the south one-half of the south one-half of fractional Section Seventeen (17), Township Three (3) South, Range Nine (9) West, San Bernardino Base and Meridian; thence east along the north line of the said south one-half of the south one-half of the south one-half of said fractional Section Seventeen (17) to the east line of the Rancho San Juan Cajon de Santa Ana; thence northerly along the said east rancho line to the northwest corner of Block One (1) of Yorba Linda Tract as per map recorded in Book 5, pages 17 and 18 of Miscellaneous Maps, Records of Orange County, California; thence easterly along the northerly boundary of said Yorba Linda Tract to the northeast corner of Lot One (1) in Block Two (2) of said tract; thence southerly along the east line of said Block 2 to an intersection with the westerly prolongation of the north line of Block 25, as shown on a map of Carlton, recorded in Book 29, pages 9 and 10, Miscellaneous Records of Los Angeles County, California, said intersection being on the southerly line of Wabash Avenue as shown on said map of Carlton; thence easterly along the southerly line of said Wabash Avenue to an intersection with the westerly line of First Street, 60 feet in width as now laid out; thence southerly along the westerly line of said First Street to an intersection with the westerly prolongation of the northerly line of Block 6 of said Yorba Linda Tract; thence easterly along said westerly prolongation and along the northerly line of Blocks 6 and 7 of said Yorba Linda Tract to the northeast corner of said Block 7; thence southerly, easterly, southerly and easterly along the exterior boundary lines of said Yorba Linda Tract to the northeast corner of Block 8 of said Yorba Linda Tract; thence southerly along the easterly line of said Block 8 and its southerly prolongation to the south line of Yorba Linda Boulevard, 60 feet wide as now laid out; thence easterly along the easterly prolongation of said southerly line of Yorba Linda Boulevard to an intersection with the east line of the M. Yorba allotment of second class land, as shown on a map showing the subdivision of the Rancho Cajon de Santa Ana, by order of the Seventeenth Judicial District; thence southerly along the easterly line of said M. Yorba allotment to the southeast corner thereof; thence continuing southerly 247.50 feet (3.75 chains) along the southerly prolongation of the easterly line of said M. Yorba allotment to a point in the northerly line of the Scully allotment of land as shown on said map of Rancho Canon de Santa Ana on file in the office of the County Recorder of Orange County, California; thence easterly along the northerly line of said Scully allotment of land to the northeast corner thereof; thence southerly along the easterly line of said Scully allotment to the northwest corner of that certain 1.26 acre parcel as described in deed recorded in Book 357, page 102 of Deeds, Records of Orange County, California; thence following

the northerly and easterly line of said 1.26 acre parcel to a point in the north line of allotment of first class land to Kalisher and Wartenberg in partition of said Rancho Canon de Santa Ana; thence following said northerly line of said allotment to its intersection with the southerly line of right-of-way of the Atchison, Topeka and Santa Fe Railway Company; thence following said southerly right-of-way line to its intersection with the west line of the allotment of second class land to V. Yorba in partition of said Rancho Canon de Santa Ana; thence northerly, westerly and northerly along said allotment line to the center of Anaheim Union Water Company's Canon Canal; thence easterly following the center line of said Canon Canal to the east line of said allotment to V. Yorba; thence northerly along said east line of allotment to V. Yorba, to a point 2800 feet northerly measured along said east line from its intersection with the center line of the Atchison, Topeka and Santa Fe Railway Company's main track; thence easterly to a point in the east line of the allotment of second class land to W. McKee in partition of said Rancho Canon de Santa Ana, said point being 2400 feet northerly measured along said east line of allotment to W. McKee, from its intersection with the center line of the Atchison, Topeka and Santa Fe Railway Company's main track; thence southerly along the said east line of allotment to W. McKee and its southerly extension to an intersection with the center line of Santa Ana Valley Irrigation Company's main canal; thence following the center line of said canal westerly to its intersection by the northerly extension of the east line of Tract 117 as per map recorded in Book 11, page 15 of Miscellaneous Maps, Records of Orange County, California; thence southerly along the said easterly line to the southeast corner of said Tract 117, said corner also being in the north line of Section Six (6), Township Four (4) South, Range Eight (8) West, San Bernardino Base and Meridian; thence easterly along said north line of Section Six (6) and the north line of Section Five (5), Township Four (4) South, Range Eight (8) West, San Bernardino Base and Meridian to the southwesterly boundary line of the Peralta Yorba Tract as shown on map of Rancho Santiago De Santa Ana on file in the office of the County Recorder of Orange County, California; thence south 27° 08′ 00″ east along said southwesterly line of the Peralta Yorba Tract, 7,099.25 feet to a point in the northwesterly line of the allotment to Benjamin and Thomas Flint and Llewellyn Bixby in partition of the Rancho Santiago De Santa Ana; thence south 35° 10′ 00″ west along said last mentioned northwesterly line, 8,185.62 feet to a point, said point being the northeast corner of the land described in deed to Santiago Farmers Association recorded in Book 98, page 544 of Deeds, Records of Los Angeles County, California; thence westerly along the northerly boundary line of said land 5,750.76 feet to a point in the westerly line of Section Eighteen (18), Township Four (4) South, Range Eight (8) West, San Bernardino Base and

Meridian, said point also being the northwest corner of said land described in Book 98, page 544 of Deeds, Records of Los Angeles County, California; thence southerly along the westerly line of said Section Eighteen (18), 1,865.34 feet to a point, said point being northerly 571.90 feet from the southwest corner of said Section Eighteen (18); thence north 48° 05′ 20″ west 754.60 feet; thence north 56° 27′ 50″ west, 414.94 feet to a point distant south 52° 44′ 00″ west, 230.49 feet from the easterly corner of the parcel indicated "Reservoir No. 2" on map of record of surveys filed in Book 8, page 3 of Record of Surveys in the office of the County Recorder of Orange County, California; thence north 52° 44′ 00″ east, 230.49 feet to the most easterly corner of said "Reservoir No. 2"; thence north 42° 18′ 00″ west, 155.61 feet; thence south 50° 25′ 00″ west, 267.27 feet; thence north 56° 27′ 50″ west, 788.89 feet; thence north 51° 38′ 50″ west, 768.86 feet; thence north 74° 58′ 40″ west, 630.33 feet; thence south 49° 25′ 20″ west, 608.63 feet to an angle point in the boundary line of the land described in the deed to Graham Brothers, Incorporated, recorded January 29, 1938, in Book 923, page 248 of official records of Orange County, California, said angle point being at the northeasterly end of a course described in said deed as "south 40° 51′ 30″ west, 43.66 feet"; thence from said angle point south 40° 51′ 30″ west, 43.66 feet to a point, said point being the most northerly corner of the Carpenter Irrigation District as described in Book 74, page 223 of official records of Orange County, California, said point also being north 86° 03′ 10″ east more or less and 719.62 feet more or less from station 27 as said station is shown on a map of record of surveys filed in Book 3, page 54 of Record of Surveys in the office of the County Recorder of Orange County, California; thence southeasterly, southerly and easterly following the boundary line of said Carpenter Irrigation District to its intersection with the north line of Tract 944 as per map recorded in Book 29, page 41, of Miscellaneous Maps, Records of Orange County, California; thence easterly, southerly and westerly following the northerly, easterly and southerly boundaries of said Tract 944 to the northeast corner of Tract 918 as per map recorded in Book 28, pages 41, 42, and 43 of Miscellaneous Maps, Records of Orange County, California; thence southerly, westerly, southerly and easterly following the boundary of said Tract 918 to the northwest corner of Tract 931 as per map recorded in Book 29, page 27 of Miscellaneous Maps, Records of Orange County, California; thence easterly, southerly, and westerly following the northerly, easterly and southerly boundary of said Tract 931, to the southwest corner of Lot Eleven (11) of said Tract 931; thence southerly parallel to the east line of said Tract 918 one-half mile more or less to an intersection with the center line of the County Park Road; thence westerly along said center line of County Park

Road to the said east line of said Tract 918; thence southerly, southwesterly, northwesterly, northerly, westerly, northwesterly and northeasterly, following the exterior boundary of said Tract 918, to an intersection with the exterior boundary of the said Carpenter Irrigation District, said point being 90 feet southeasterly of the northwest corner of Lot Seventy (70) of said Tract 918; thence following the exterior boundary of said Carpenter Irrigation District southwesterly and southerly, to the west corner of Lot One (1) of El Modena Citrus Lands, as per map thereof recorded in Book 6, page 32 of Miscellaneous Maps, Records of Orange County, California, said point being also the northeast corner of Lot Two (2) of said El Modena Citrus Lands; thence South 89° 30′ 00″ East 25.23 chains; thence South 42° 00′ 00″ East 8.3 chains; thence South 66° 58′ 00″ East 4.53 chains; thence North 83° 30′ 00″ East 6.75 chains; thence South 71° 01′ 00″ East 12.62 chains; thence South 61° 54′ 00″ East 4.74 chains; thence South 88° 48′ 00″ East 8.65 chains; thence South 33° 13′ 00″ East 6.56 chains to a point, said point being the most easterly corner of Lot Forty-two (42) of the said El Modena Citrus Lands; said point being also in the northwesterly boundary of Irvine's Subdivision of Ranchos San Joaquin and Lomas de Santiago and Flint and Bixby's allotment in Rancho Santiago de Santa Ana, as per map recorded in Book 1, page 88 of Miscellaneous Maps, Records of Orange County, State of California; thence northeasterly along said last mentioned boundary of said Irvine's Subdivision to a point on said boundary line and located southwesterly a distance of one and one-half miles from the westerly corner of Block Twenty (20) of said Irvine's Subdivision; thence within said Irvine's Subdivision southeasterly to the most easterly corner of the northerly one-quarter of the westerly one-quarter of Block Sixteen (16) of said Irvine's Subdivision; thence southwesterly along the southeasterly line of said northerly one-quarter of the westerly one-quarter of said Block Sixteen (16) to the most southerly corner thereof; thence southeasterly along the northeasterly line of the southwesterly one-half of the southwesterly one-half of said Block Sixteen (16) to the southeasterly line of said block; thence southwesterly to the most southerly corner of said Block Sixteen (16); thence southeasterly along the northeasterly line of Block Forty-one (41) a distance of one-quarter mile, thence southwesterly one and one-half miles to the southerly corner of the northwesterly one-half of the northerly one-quarter of Block Forty-two (42); thence southeasterly one-half mile to the westerly corner of the southerly one-quarter of the easterly one-quarter of said Block Forty-two (42); thence northeasterly one-quarter mile to the northerly corner of said southerly one-quarter of the easterly one-quarter of said Block Forty-two (42); thence southeasterly three-fourths of a mile to the easterly corner of the southwesterly one-half of the northerly one-quarter of Block Sixty-six (66); thence southwesterly

one-half mile to the northerly corner of the southwesterly one-half of the southerly one-quarter of said Block Sixty-six (66); thence southeasterly one-half mile to the easterly corner of said southwesterly one-half of the southerly one-quarter of said Block Sixty-six (66); thence southwesterly one-quarter mile to the southerly corner of said Block Sixty-six (66); thence southeasterly two miles to the easterly corner of Block One Hundred Six (106); thence southwesterly one-half mile to the southerly corner of the easterly one-quarter of said Block One Hundred Six (106); thence southeasterly one and one-quarter mile to the westerly corner of southeasterly one-half of the northerly one-quarter of Block One Hundred Forty-two (142); thence northeasterly three-fourths mile to the northerly corner of the southerly one-quarter of the westerly one-quarter of Block One Hundred Forty-three (143); thence southeasterly one-quarter mile to the easterly corner of said southerly one-quarter of the westerly one-quarter of Block One Hundred Forty-three (143); thence southwesterly one-quarter mile to the southerly corner of said southerly one-quarter of westerly one-quarter of Block One Hundred Forty-three (143); thence southeasterly one-quarter mile to the easterly corner of the northwesterly one-half of the easterly one-quarter of said Block One Hundred Forty-two (142); thence southwesterly one-half mile to the southerly corner of said northwesterly one-half of the easterly one-quarter of Block One Hundred Forty-two (142); thence southeasterly one-quarter mile to the easterly corner of the southerly one-quarter of said Block One Hundred Forty-two (142); thence southwesterly one mile to the southerly corner of the easterly one-quarter of Block One Hundred Forty-one (141); thence southeasterly one-half mile to the center of Block One Hundred Fifty-four (154); thence southwesterly three miles to the center of Block One Hundred Fifty-seven (157); thence northwesterly one-half mile to the westerly corner of the northerly one-quarter of said Block One Hundred Fifty-seven (157); thence northeasterly one-quarter mile to the southerly corner of the easterly one-quarter of the easterly one-quarter of Block One Hundred Thirty-eight (138); thence northwesterly one-quarter mile to the westerly corner of said easterly one-quarter of the easterly one-quarter of Block One Hundred Thirty-eight (138); thence southwesterly one-half mile to the southerly corner of the northerly one-quarter of the southerly one-quarter of said Block One Hundred Thirty-eight (138); thence northwesterly one-half mile to the westerly corner of the easterly one-quarter of the westerly one-quarter of said Block One Hundred Thirty-eight (138); thence northeasterly one-eighth mile to the southerly corner of the northeasterly one-half of the northerly one-quarter of the westerly one-quarter of said Block One Hundred Thirty-eight (138); thence northwesterly one-half mile to the westerly corner of the northeasterly one-half of the

easterly one-quarter of the southerly one-quarter of Block One Hundred Twenty-four (124); thence southwesterly three-eighths mile to the southerly corner of the northwesterly one-half of the said southerly one-quarter of Block One Hundred Twenty-four (124); thence northwesterly three-fourths mile to the southerly corner of Block 102; thence southwesterly three and three-fourths miles to the easterly corner of the southwesterly one-half of the southwesterly one-half of Block 98; thence northwesterly along the northeasterly line of the southwesterly one-half of the southwesterly one-half of Blocks 98, 91, and 57, to the center line of MacArthur Boulevard; thence northerly along the center line of MacArthur Boulevard to the southeasterly prolongation of the center line of Palisades Road; thence northeasterly along said prolongation and the center line of Palisades Road to the easterly corner of the northwesterly one-half of the northerly one-quarter of Block Fifty-one (51) of said Irvine's Subdivision; thence southwesterly along the southeasterly boundary of the northwesterly one-half of the northwesterly half of said Block Fifty-one (51) to the northeasterly line of the southwesterly half of the southwesterly half of Block Fifty-one (51); thence northwesterly following the boundary of Coastal Municipal Water District along the said northeasterly line of the southwesterly half of the southwesterly half of Block Fifty-one (51) to the easterly corner of the southerly quarter of Lot 151 in Block Five (5) of said Irvine's Subdivision; thence following the boundary of Coastal Municipal Water District, southwesterly along the southeasterly line of said Lot 151 to the mean high-tide line as established by decree of the Superior Court of Orange County in Case No. 20436 as recorded in Book of Judgments No. 19, page 309; thence westerly and southwesterly following the courses by distances and bearings along said mean high-tide line to an intersection with the southeasterly boundary line of Block Four (4) of said Irvine's Subdivision; thence southwesterly along the southeasterly boundary of said Block Four (4) to the intersection of the center line of Irvine Avenue with the center line of Twenty-third Street as shown on a map of Newport Heights recorded in Book Four (4), page 83 of Miscellaneous Maps, Records of Orange County, California; thence north 50° 00′ 00″ west along the center line of said Twenty-third Street to the intersection of the center line of Tustin Avenue; thence southwesterly along the center line of said Tustin Avenue to the intersection of the center line of Twenty-second Street; thence southeasterly along the center line of Twenty-second Street to the intersection of the center line of Irvine Avenue; thence southwesterly along the center line of Irvine Avenue to the intersection of the center line of East Sixteenth Street; thence northwesterly along the center line of East Sixteenth Street to the intersection of the center line of Tustin Avenue; thence southwesterly along the center line of Tustin Avenue to the intersection of the

center line of East Fifteenth Street; thence northwesterly along the center line of East Fifteenth Street and the northwesterly prolongation thereof to the northwesterly line of said Irvine's Subdivision; thence southwesterly along said northwest line to the intersection of the easterly prolongation of the southerly line of Lot 613 of the First Addition to Newport Mesa Tract as shown on a map recorded in Book 8, page 61 of Miscellaneous Maps, records of Orange County, California; thence westerly along said prolongation and along the southerly line of said Lot 613, and Lot 713 of said First Addition to Newport Mesa Tract and the westerly prolongation of the southerly line of said Lot 713 to the easterly line of Lot 812½ of said First Addition to Newport Mesa Tract; thence northerly along said easterly line and the northerly prolongation thereof to the southerly line of Lot 812 of said First Addition to Newport Mesa Tract; thence westerly along the southerly line of said Lot 812 to the easterly line of Lot 912 of said First Addition to Newport Mesa Tract; thence northerly along the easterly line of said Lot 912 to the northerly line of said Lot 912; thence westerly along the northerly line of said Lot 912 and the westerly prolongation thereof to the easterly line of Lot 1012 of said First Addition to Newport Mesa Tract; thence southerly along the easterly line of said Lot 1012 to the southerly line of said Lot 1012; thence westerly along the southerly line of said Lot 1012 and the southerly line of Lot 1112 of said First Addition to Newport Mesa Tract to the southwesterly line of said First Addition to Newport Mesa Tract; thence south 29° 09′ 00″ east along the southwesterly line of said First Addition to Newport Mesa Tract to the southwest corner of Lot 1014 of said First Addition to Newport Mesa Tract; thence easterly along the southerly line of said Lot 1014, Lot 914, Lot 814, Lot 714 and Lot 614 to the southeast corner of said Lot 614, as said lots are shown upon said map of First Addition to Newport Mesa Tract; thence southwesterly along the southeasterly line of Lot 715 and Lot 716 as shown upon said map of First Addition to Newport Mesa Tract to a point of an intersection with a line lying southwesterly of, parallel to, and distant 699.00 feet from the southwesterly line of that certain parcel of land granted to the City of Newport Beach by deed dated January 22, 1919 and recorded in Book 330, Page 22 of Deeds, Records of said Orange County; thence southeasterly along said parallel line to a point of intersection with the northwesterly line of the 60-foot right of way as deeded to the State of California and recorded in Book 683, Page 248 of Official Records of said Orange County, said point lying in the boundary line of the City of Newport Beach; thence southwesterly along said northwesterly line and along said City Boundary to the northerly line of the Coast Highway excepting therefrom an irregular shaped parcel owned by Hoag Memorial Hospital as of April 1961; thence westerly along the northerly line of the Coast Highway to

the northwesterly line of said Irvine's Subdivision; thence south 40° 00′ 00″ west along the northwesterly line of said Irvine's Subdivision and along the southwesterly prolongation thereof to the ordinary hightide line of the Pacific Ocean in Newport Bay and designated "North Line" and North Bank of the Santa Ana River, as established by a decree in court case No. 23686 of the Superior Court in and for Orange County, California, a certified copy of which decree was recorded September 19, 1928 in Book 201, page 253, of Official Records; thence along the said northbank of the Santa Ana River the following courses and distances: North 74° 17′ 11″ west to an angle point therein; thence north 58° 28′ 28″ west 1,085 28 feet; thence north 66° 44′ 18″ west 584.64 feet; thence north 60° 19′ 50″ west 577.07 feet to the former southerly line of the California state highway having a width of 80 00 feet, said point bears south 5° 55′ 18″ east 1,113.01 feet from the northwest corner of the northeast quarter of Section 29, Township 6, South, Range 10, West, S. B. B. & M.; said point of intersection also being 40.00 feet southerly of Engineer's Station 683+40.95 on the center of said highway; thence northwesterly in a straight line to the southerly end of that certain course in the boundary line of the Coastal Municipal Water District described as "South 4° 31′ 33″ east 439.77"; thence following the boundary line of said Coastal Municipal Water District the following courses and distances: north 4° 31′ 33″ west 439.77 feet; thence north 1° 35′ 57″ east 857.80 feet; thence north 21° 30′ 03″ west 544.00 feet; thence north 27° 46′ 03″ west 319.00 feet; thence north 44° 46′ 33″ west 337.15 feet; thence south 74° 07′ 27″ west 296 60 feet; thence south 51° 48′ 28″ west 194.20 feet; thence south 20° 07′ 27″ west 511 05 feet; thence south 44° 22′ 57″ west 241.88 feet; thence south 81° 50′ 57″ west 233 05 feet; thence north 76° 50′ 03″ west 225.30 feet; thence north 68° 22′ 03″ west 756.00 feet; thence south 84° 43′ 27″ west 258 27 feet to the intersection of the northeasterly prolongation of the southeasterly line of Summit Street as said street is laid out and shown on a map of Seashore Colony Tract, as recorded in Map Book 7, page 25 of Miscellaneous Maps, Records of Orange County, California with the north bank of the Santa Ana River; thence southwesterly along the northeasterly prolongation of the southeasterly line of said Summit Street and along said Summit Street and along the southwesterly prolongation of the southeasterly line of said Summit Street to the ordinary high-tide line of the Pacific Ocean; thence northwesterly along the ordinary high-tide line of the Pacific Ocean to the intersection of said line of ordinary high-tide with the northwesterly line of the Santa Ana Outfall Sewer right of way, said northwesterly line of the Santa Ana Outfall Sewer right of way being described as the northwesterly line of the strip of land 30 00 feet in width described in "parcel-e" in the complaint in that certain action in the Superior Court of the State of California in and for the County of Orange, entitled "The City of Santa Ana vs.

J. N. Hearn et al.," being Case No. 13753 in said court, said strip of land 30.00 feet in width being shown on the map attached to said complaint, and said northwesterly line of the Santa Ana Outfall Sewer right of way also being described in the order of possession entitled "Order," made and entered in said action on November 21, 1922, said "Order" being recorded in Book 1836, Page 429 of Official Records of Orange County, California; thence South 40° 00′ 00″ west three miles more or less to a point in the Pacific Ocean, said point being three miles from the said line of ordinary high-tide; thence northwesterly and parallel with the said line of ordinary high-tide and distant three miles therefrom to a point on the southwesterly extension of the northwesterly line of Rancho La Bolsa Chica, as shown on licensed surveyor's map filed in Book 3, Page 45 of Records of Survey in the Office of the County Recorder of Orange County, California; thence northeasterly along the said extension of the northwesterly line of said Rancho La Bolsa Chica to the line of ordinary high-tide of the Pacific Ocean; thence northwesterly along said ordinary high-tide line of the Pacific Ocean to the point of beginning.

Said district is hereby divided into 10 divisions which shall be numbered first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth, and one director shall be elected or appointed as hereinafter provided from each division. Said 10 divisions are more particularly bounded and described as follows, to wit:

First Division: Division No. 1 shall comprise all the area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949; Loara, Katella and Garden Grove School Districts.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Second Division: Division No. 2 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Olive, Villa Park, Orange, El Modena and that portion of Tustin School District lying northwesterly of Newport Boulevard or any extension thereof.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Third Division: Division No. 3 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts

are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Yorba Linda, Placentia, Fullerton and Anaheim School Districts.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Fourth Division: Division No. 4 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Buena Park, Orangethorpe, Centralia, Magnolia, Savanna, Cypress, Laurel, Alamitos, Westminster and Seal Beach School Districts.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Fifth Division: Division No. 5 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: San Joaquin School District and that portion of the Tustin School District lying southeasterly of Newport Boulevard or any extension thereof.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Sixth Division: Division No. 6 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Ocean View, Fountain Valley and Huntington Beach School Districts.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Seventh Division: Division No. 7 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Costa Mesa, Paularino, Santa Ana, Diamond and Greenville School Districts, together with all that area located within the boundaries of the Costa Mesa County Water District.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Eighth Division: Division No. 8 shall comprise all that area included within the exterior boundary of the aforesaid Orange

County Water District that is located within the boundaries of the municipal corporation known as the City of Santa Ana as it existed at 12 o'clock noon, March 6, 1953, or as it may hereafter exist.

Ninth Division: Division No. 9 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the municipal corporation known as the City of Anaheim as it existed at 12 o'clock noon, March 6, 1953, or as it may hereafter exist.

Tenth Division: Division No. 10 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the municipal corporation known as the City of Fullerton as it existed at 12 o'clock noon, March 6, 1953, or as it may hereafter exist.

Annexations to or enlargements of municipal corporations which constitute Divisions 8, 9 and 10 shall become part of the division which said municipal corporation constitutes without further act of said district; provided, however, that if said annexations or enlargements include land which is not already a part of said district, such land may be included within said district and said division only by inclusion proceedings as provided in this act.

CHAPTER 949

An act to amend and renumber Section 4475 of, and to add Sections 4475 and 4477 to, the Health and Safety Code, relating to garbage and refuse disposal.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 4475 is added to the Health and Safety Code, to read:

4475. As used in this article, "garbage" includes any or all of the following: "Garbage"

(a) Garbage.
(b) Swill.
(c) Refuse.
(d) Cans.
(e) Bottles.
(f) Paper.
(g) Vegetable matter.
(h) Carcass of any dead animal.
(i) Offal from any slaughter pen or butcher shop.
(j) Trash.
(k) Rubbish.

SEC. 2. Section 4475 of said code is amended and renumbered to read:

Misdemeanor

4476. Every person who places, deposits, or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow, any sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or any garbage, in or upon any street, alley, public highway, or road in common use or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof, or upon any private property into or upon which the public is admitted by easement, license or otherwise, is guilty of a misdemeanor.

This section does not apply to the placing, depositing, or dumping of any garbage or refuse upon private property by the owner, or any person authorized by the owner, of the private property.

SEC. 3. Section 4477 is added to said code, to read:

Enforcement

4477. Every state fish and game warden, police officers of cities, sheriffs and their deputies and other peace officers of the State of California, within their respective jurisdictions, shall enforce the provisions of this article.

CHAPTER 950

An act to amend Section 14 of the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), relating to water conservation districts.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 14 of the Water Conservation Act of 1927 is amended to read:

Sec. 14. (a) At a meeting of the board of directors of the district, to be held not less than 80 days before the time for any biennial election of officers, the board shall divide the district into convenient election precincts, appoint election boards, and do all things (applicable thereto) for the holding of such election, in the manner herein required to be done by the board of supervisors for the holding of an election on the question of formation of district. The clerk of the board of directors shall cause notice of such election to be given by having such notice published and posted in the manner required by this act for giving notice of election on formation of district, excepting that the notice shall be published once a week for not less than two weeks, pursuant to Section 6066 of the Government Code. Such publication shall commence not more than 60 days and not less than 20 days before the date of election. Such notice shall be

posted as required by this act not later than the day publication commences and in addition shall be likewise posted in the office of the board of directors Such notice shall designate the directoral positions to be filled, the term for which each is to be elected, the respective election precincts and the polling place in each, the election officers, the time of the election and the hours during which the polls will be kept open.

(b) If no more than one nomination has been made, or if no person has been nominated, for any directoral position to be filled, no election shall be held with respect to such directoral position, and the board of directors at its first meeting after the election date shall appoint such sole nominee or any qualified person if no person has been nominated to the position to be filled, unless within 10 days after the first publication of the notice of election a petititon requesting the holding of the election and signed by at least twenty-five percent (25%) of the voting strength of the directoral division or, if there be none, of the district has been filed with the clerk of the district.

(c) If there shall be but one nominee or no nominee for any directoral position and no petition requiring the holding of an election with respect thereto, the board of directors shall cause a notice of abandonment of election to be published (one time) pursuant to Section 6061 of the Government Code, such publication to be made not later than the fifth day before the election date previously determined.

(d) No particular form of ballot shall be required to be used. The clerk shall, however, furnish ballots which shall contain the names of the candidate for the offices who shall be endorsed by petition signed as hereinbefore provided and filed with the clerk of the board of directors within seven days after the first publication of the notice of election. The ballot shall contain as many blank spaces as there are directors to be elected. The election shall be conducted in the manner herein required for the conduct of elections on the formation of districts.

CHAPTER 951

An act to amend Section 4 of the Sonoma County Flood Control and Water Conservation District Act (Stats. 1949, Ch. 994), relating to the Sonoma County Flood Control and Water Conservation District.

[Approved by Governor July 4, 1961 Filed with Secretary of State July 6, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 4 of the Sonoma County Flood Control and Water Conservation District Act is amended to read:

Sec. 4. The Board of Supervisors of the County of Sonoma shall be, and they are hereby designated as, and empowered to

act as, ex officio the board of the district and shall exercise the powers of the district enumerated in this act, except as otherwise provided, and may perform all other acts necessary or proper, in their discretion, to accomplish the purposes of this act. The board may adopt and enforce reasonable rules and regulations for the administration and government of the district and to facilitate the exercise of its powers and duties herein set forth and may employ and fix the compensation of all necessary agents and employees to look after the performance of any work or improvement provided in this act. Each member of the board of directors of the district shall receive as compensation for his services as a member of the board of the district nineteen hundred dollars ($1900) per year and his actual and necessary expenses in the performance of official duties under this act, payable from the funds of said district, which compensation shall be in addition to his salary as county supervisor. The directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their minutes, select one of their number to act as chairman temporarily. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all members present concur therein.

CHAPTER 952

An act to amend Section 28120 of the Government Code, relating to compensation for public service in counties.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 28120 of the Government Code is amended to read:

28120. In a county of the twentieth class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums:

(a) The auditor, twelve thousand dollars ($12,000) a year.

(b) The district attorney, sixteen thousand five hundred dollars ($16,500) a year. He shall devote his entire time to the duties of his office, and shall not engage in private law practice.

(c) The chairman of the board of supervisors, one thousand two hundred dollars ($1,200) a year in addition to his compensation as a member of the board of supervisors until such time as the chairman shall receive compensation as a director

of the Sonoma County Flood Control and Water Conservation District, but not thereafter. Each supervisor, including the chairman, six thousand five hundred dollars ($6,500) a year, for all services required by law or by virtue of the office, except service as a member of the Board of Directors of the Sonoma County Flood Control and Water Conservation District, and to each supervisor seven cents ($0.07) a mile in traveling to and from his place of residence to the courthouse on each day of a board meeting.

Each member of the board of supervisors shall devote his entire time, during the business hours of the day, to the duties of his office.

Any supervisor when required to travel within or without the county on official business of the county may use or travel in any vehicle owned and maintained by the county for official purposes. When traveling on official business the expense of maintenance and upkeep of such automobiles and of all necessary supplies shall be borne by the county.

(d) The fees for jurors shall be as follows:

For each day's attendance as a trial juror in the superior court, or in a justice court in civil and criminal cases, six dollars ($6) per day.

For each mile actually and necessarily traveled each day in attending court as a juror and returning therefrom, seven and one-half cents ($0.075).

For acting as a grand juror each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, five dollars ($5), and ten cents ($0.10) for each mile actually traveled. A grand juror excused at his own request is not entitled to a per diem fee, but is entitled to mileage, ten cents ($0.10) for each mile actually and necessarily traveled.

The compensation provided for by this section shall be paid to incumbent officers.

CHAPTER 953

An act to amend Section 2003 of the Fish and Game Code, relating to prizes for taking fish and game.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 2003 of the Fish and Game Code is amended to read:

2003. It is unlawful to offer any prize or other inducement as a reward for the taking of any game birds, mammals, fish, or amphibia, excepting trout.

This section does not prohibit any person or nonprofit corporation from giving awards of not to exceed two hundred dollars ($200) in value for each recipient, and does not apply to any person or nonprofit organization conducting what are generally known as frog-jumping contests or fish contests conducted in waters of the Pacific Ocean.

CHAPTER 954

An act to add Article 11 (commencing with Section 25212.1) to Chapter 2.2, Part 2, Division 2, Title 3 of the Government Code, relating to the conversion of highway lighting districts to county service areas.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Article 11 (commencing with Section 25212.1) is added to Chapter 2.2, Part 2, Division 2, Title 3, of the Government Code, to read:

Article 11. Conversion of Highway Lighting District

Determination to convert

25212.1. Whenever the board of supervisors determines that services of the type being provided within a highway lighting district should be provided as part of the services of a county service area, the board may convert that highway lighting district into a county service area in the manner provided by this article.

Content of resolution for conversion

25212.2. Proceedings for the conversion of a highway lighting district into a county service area may be commenced by the board of supervisors by the adoption of a resolution which shall:

(a) State the name and the boundaries of the highway lighting district proposed to be converted and the name and the boundaries of the county service area proposed to be established.

(b) State the types of services provided in the highway lighting district and those proposed to be provided in the county service area and that a tax sufficient to pay for all such services which are furnished on an extended basis will be annually levied upon all taxable property within such area after due allowance has been made for existing unencumbered funds standing to the credit of the highway lighting district in the county treasury.

(c) Fix a time and place for a public hearing on the conversion of the highway lighting district and the establishment of a county service area which shall not be less than 30 nor more than 60 days after the adoption of the resolution.

Notice of hearing

25212.3. The clerk of the board of supervisors shall give notice of the hearing in the same manner and within the same time as provided for the giving of notice of a hearing on a resolution of intention to establish a county service area.

Same: Contents

The notice shall:

(a) Contain the text of the resolution.

(b) State the time and place for hearing.

(c) State that at the hearing the testimony of all interested persons or taxpayers for or against the conversion will be heard.

Protests against conversion

25212.4. At the hearing protests against the conversion may be made orally or in writing by any interested persons or taxpayers. Any protests pertaining to the regularity or sufficiency of the proceedings must be in writing and must clearly set forth the irregularities or defects to which objection is made. The board of supervisors may waive any irregularities in the form or content of any written protest and at the hearing may correct minor defects in the proceedings. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

Hearing completed within 30 days

25212.5. The hearing may be continued from time to time, but must be completed within 30 days. At the conclusion of the hearing the board of supervisors may abandon the proceedings or may, after passing upon all protests, by resolution order the district converted into a county service area. The conversion shall be effective immediately upon the adoption of the resolution subject only to compliance with the requirements of Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code. Upon conversion any unencumbered funds standing to the credit of the highway lighting district in the county treasury shall be transferred to the credit of the newly established county service area, and all indebtedness of the highway lighting district shall become indebtedness of the county service area.

Abandonment of conversion

25212.6. If 50 percent or more of the registered voters residing within the district proposed to be converted into a county service area, or the owners of one-half or more of the value of the district proposed to be converted into a county service area as shown by the last equalized assessment roll, file written protests against the conversion, the board shall abandon the conversion proceedings.

Determination of validity final

25212.7. If prior to the adoption of the resolution of conversion the board of supervisors determines that the proceedings prior thereto were valid and in conformity with the requirements of this chapter, its determination shall be final and conclusive upon all persons.

CHAPTER 955

An act to add Chapter 12 (commencing with Section 180) to the Shasta County Water Agency Act (Chapter 1512 of the Statutes of 1957), relating to the Shasta County Water Agency.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 12 (commencing with Section 180) is added to the Shasta County Water Agency Act (Chapter 1512 of the Statutes of 1957), to read:

CHAPTER 12. SPECIAL ASSESSMENTS IN ZONES

Determination of assessment

Sec. 180. Whenever the board determines that any zone or zones within the agency should be assessed for the operation and maintenance of any work which benefits the zone or zones,

Resolution

the board shall by resolution determine and declare the estimated annual amount necessary for the operation and maintenance of the work, that an annual ad valorem assessment to pay the costs of operation and maintenance of the work will be levied on the property within the zone, the time, place, and

Hearing

date for a hearing of all persons interested in the proposed assessment, and that the maximum rate of the assessment will be set at the hearing.

Publication of resolution

Sec. 181. The resolution shall be published at least 10 days before the date set for the hearing at least once in a newspaper of general circulation circulated in the zone or zones.

Maximum rate of assessment

Sec. 182. At the hearing, the board shall hear all persons interested in the proposed assessment and set the maximum rate of the assessment.

Special election

Sec. 183. If a petition, signed by at least 5 percent of the voters within the zone or zones and requesting that an election be held upon the proposed assessment, is filed with the board on or before the date set for the hearing, the board shall call a special election on the proposed assessment.

If no petition requesting an election is filed, at the conclusion of the hearing, the board may call a special election on the proposed assessment, may make, and file in the office of the Recorder of Shasta County, an order that property in the zone or zones will henceforth be assessed annually for the costs of operation and maintenance of the work in an amount not exceeding the maximum assessment rate set at the hearing, or may abandon the proceedings.

Sec. 184. Whenever a special election is to be held on a proposed assessment in a zone or zones, the board, at the conclusion of the hearing, shall by resolution call the election. The resolution shall contain a statement of the following:

Content of resolution

(a) A description of the zone or zones to be assessed.

(b) A description of the work and the estimated annual costs of operation and maintenance thereof.

(c) The maximum annual rate of the ad valorem assessment.

(d) The date on which the special election will be held.

(e) The form and contents of the ballot to be used.

Notice of election

Sec. 185. The resolution calling a special election shall be filed in the office of the Recorder of Shasta County and shall be published twice at least 10 days prior to the date set for the election in a newspaper of general circulation circulated in the zone or zones. In all particulars not set forth in this chapter, the election shall be held as nearly as practicable in conformity with the general election laws of the State.

Voters

Sec. 186. Each voter residing within a zone which is proposed to be assessed for operation and maintenance of the work is entitled to vote at the special election.

Results

Sec. 187. The board shall, within 10 days after the election, canvass the votes, certify to the results of the election, and file the certificate in the office of the Recorder of Shasta County.

Favorable vote

Sec. 188. If a majority of the votes cast at the election are in favor of the proposition of assessing the zone or zones for the costs of operation and maintenance of the work, the board may make such assessments annually in accordance with the resolution and certificate filed with the county recorder.

Levy and collection

Sec. 189. The taxes and assessments provided for under this chapter shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenue derived from zone taxes or assessments shall be paid into the county treasury to the credit of the zone or zones of the agency in which the taxes or assessments has been levied, and the board shall have the power to control and order the expenditure thereof for the purpose outlined in this chapter.

Consolidation of proceedings

Sec. 190. The proceedings required by this chapter may, upon order of the board, be consolidated with proceedings for the formation of a zone.

CHAPTER 956

An act to add Section 5514 to the Fish and Game Code, relating to fishing.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 5514 is added to the Fish and Game Code, to read:

5514. In any district or part of a district in Butte County, it is unlawful to kill or retain in possession any king, silver or

kokanee salmon or any steelhead which has not taken the bait or lure in its mouth.

In this area, any king, silver or kokanee salmon or any steelhead hooked other than in its mouth shall be released unharmed.

CHAPTER 957

An act to amend Section 11 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes of 1949), relating to flood control and water conservation.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 11 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes of 1949) is amended to read:

Sec. 11. The district shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable.

This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act, authorizing the issuance of bonds, the levying of special assessments, the execution of contracts with the United States, the State of California, or other governmental agencies, including the repayment of loans from the United States or the State for projects in which the United States or the State has participated and for the maintenance, operation, and capital improvement of such projects, nor to the incurring of any indebtedness or liability authorized by a vote of the electors of the district at an election held for such purpose, nor to the incurring of any indebtedness or liability repayable entirely out of revenues derived or to be derived from the sale of water pursuant to Section 30.17 or otherwise.

CHAPTER 958

An act to amend Sections 260 and 263 of the Agricultural Code, relating to bovine brucellosis.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 260 of the Agricultural Code is amended to read:

Definitions

260. As used in this article:

(a) "Premises" means any place where cattle have been or are kept.

(b) "Cattle" and "bovine animals" mean neat cattle.

(c) "Vaccine" means any vaccine produced by a laboratory licensed by the Bureau of Animal Industry of the United States Department of Agriculture and recognized by the department for use in preventing and/or treating brucellosis in cattle.

(d) "Vaccinate" or "vaccination" means the use of vaccine in cattle.

(e) "Brucellosis" means the disease of cattle caused by Brucella micro-organisms.

(f) "Official veterinarian" means a veterinarian in the employ of the United States Department of Agriculture or the department.

(g) "Accredited veterinarian" means a veterinarian who is so designated by the United States Department of Agriculture and the department.

(h) "Brucellosis control area," means any area that has been so established by the department in order to qualify and maintain such area in accordance with certification standards of the bovine brucellosis eradication uniform methods and rules adopted by the United States Department of Agriculture.

(i) "Reactor" or "reacting bovine animal" means any bovine animal that reacts positively to a test for brucellosis approved by the director.

SEC. 2. Section 263 of said code is amended to read:

Brucellosis control areas

263. The department may, after hearing, establish and maintain brucellosis control areas within this State, wherein the department shall examine and test such cattle for brucellosis as the director may specify, as often as may be deemed necessary to qualify and maintain such areas within the standards of certification adopted by the United States Department of Agriculture.

CHAPTER 959

An act to amend Section 3003 of the Revenue and Taxation Code, relating to unsecured personal property taxes.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 3003 of the Revenue and Taxation Code is amended to read:

3003. Where delinquent taxes or assessments, including those on personal property, are not a lien on real property sufficient, in the judgment of the assessor or the board of supervisors, to secure the payment of the taxes or assessments, the county may, in any civil action, sue the taxpayer in its own name for the recovery of the delinquent taxes or assessments, with penalties and costs.

CHAPTER 960

An act to add Section 5782.22 to the Public Resources Code, relating to recreation and park districts.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 5782.22 is added to the Public Resources Code, to read:

5782.22. The district board may maintain and operate a fire department for the protection of property within the district. If the district includes any part of a city, fire district, or other public agency providing fire protection, the consent of the governing body of the city, fire district, or other public agency providing fire protection shall be obtained prior to the maintenance and operation of a fire department by the recreation and park district.

CHAPTER 961

An act to amend Section 28131 of the Government Code and Section 28132 of the Government Code as proposed by Assembly Bill No. 640, relating to compensation for public service in counties.

[Approved by Governor July 4, 1961 Filed with Secretary of State July 6, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 28131 of the Government Code is amended to read:

28131. In a county of the 31st class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: County of 31st class Placer

(a) The auditor, nine thousand dollars ($9,000) a year. Auditor

(b) The district attorney, fifteen thousand dollars ($15,000) a year. He shall not during his term of office engage in private practice and he shall devote his full working time to the duties of his office. District attorney

(c) Each supervisor, six thousand dollars ($6,000) a year, for all services rendered as supervisor and as member of the board of equalization, and ten cents ($0.10) for each mile actually and necessarily traveled when traveling within or without the county on county business; provided, that the supervisors may use automobiles provided and maintained by the county for such travel, in which case the mileage allowance provided for above shall not be allowed. He shall also be allowed his other actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county. Supervisors

(d) Trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and ten cents ($0.10) for each mile actually and necessarily traveled for attending upon and returning from court, such mileage to be computed for each day's attendance. Trial jurors

Each member of the grand jury shall be allowed seven dollars ($7) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of ten cents ($0.10) a mile for each mile actually traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county. Grand jurors

SEC. 2. Section 28132 of said code, as proposed by Assembly Bill No. 640, is amended to read:

28132. In a county of the 32d class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: County of 32d class Placer

Auditor (a) The auditor, nine thousand dollars ($9,000) a year.

District attorney (b) The district attorney, fifteen thousand dollars ($15,000) a year. He shall not during his term of office engage in private practice and he shall devote his full working time to the duties of his office.

Supervisors (c) Each supervisor, six thousand dollars ($6,000) a year, for all services rendered as supervisor and as member of the board of equalization, and ten cents ($0.10) for each mile actually and necessarily traveled when traveling within or without the county on county business; provided, that the supervisors may use automobiles provided and maintained by the county for such travel, in which case the mileage allowance provided for above shall not be allowed. He shall also be allowed his other actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

Trial jurors (d) Trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and ten cents ($0.10) for each mile actually and necessarily traveled for attending upon and returning from court, such mileage to be computed for each day's attendance.

Grand jurors Each member of the grand jury shall be allowed seven dollars ($7) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of ten cents ($0.10) a mile for each mile actually traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county.

Effect: Stats 1961, Ch 43 SEC. 3. Section 2 of this act shall become operative only if Section 28132 of the Government Code as proposed by Assembly Bill No. 640 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 640 takes effect; at which time Section 28131 of the Government Code as amended by Section 1 of this act is repealed.

CHAPTER 962

An act to add Section 31392 to, and to amend Section 31415 of, the Water Code, relating to the use of bond proceeds by county water districts.

In effect September 15, 1961 [Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 31392 is added to the Water Code, to read:

31392. In determining the amount of debt to be incurred, the legislative body may include: Determination of debt to be incurred

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

SEC. 2. Section 31415 of said code is amended to read:

31415. All the expenses of holding the election shall be borne by the district, but said expenses may be included in the amount of the debt to be incurred, as provided in Section 31392, and the district may be reimbursed for bond election expenditures from the proceeds of the sale of bonds. Expenses of election

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CHAPTER 963

An act to amend Section 12300 of the Fish and Game Code, relating to Indians.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 12300 of the Fish and Game Code is amended to read:

12300. Irrespective of any other provision of law, the provisions of this code are not applicable to California Indians whose names are inscribed upon the tribal rolls, while on the reservation of such tribe and under those circumstances in this State where the code was not applicable to them immediately prior to the effective date of Public Law 280, Chapter 505, First Session, 1953, 83d Congress of the United States.

No such Indian shall be prosecuted for the violation of any provision of this code occurring in the places and under the circumstances hereinabove referred to. Nothing in this section, however, prohibits or restricts the prosecution of any Indian for the violation of any provision of this code prohibiting the sale of any bird, mammal, fish, or amphibia.

CHAPTER 964

An act to amend Section 1164 of the Streets and Highways Code, relating to county highways.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1164 of the Streets and Highways Code is amended to read:

1164. Such petition shall be published in the manner authorized by Section 1196, together with a notice stating the time of the meeting at which the board will consider the petition.

CHAPTER 965

An act to amend Section 1239.4 of the Code of Civil Procedure, relating to eminent domain for airport purposes.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1239.4 of the Code of Civil Procedure is amended to read:

1239.4. Where necessary to protect the approaches of any airport from the encroachment of structures or vegetable life of such a height or character as to interfere with or be hazardous to the use of such airport, land adjacent to, or in the vicinity of, such airport may be acquired under this title by a county, city or airport district reserving to the former owner thereof an irrevocable free license to use and occupy such land for all purposes except the erection or maintenance of structures or the growth or maintenance of vegetable life above a certain prescribed height or may be acquired by a county, city or airport district in fee.

CHAPTER 966

An act to amend Section 126 of the Government Code, relating to acquisition of lands by the United States declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 126 of the Government Code is amended to read:

126. Notwithstanding any other provision of law, general or special, the Legislature of California consents to the acquisition by the United States of land within this State upon and subject to each and all of the following express conditions and reservations, in addition to any other conditions or reservations prescribed by law:

(a) The acquisition must be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, or other public purpose within the purview of clause 17 of Section 8 of Article I of the Constitution of the United States, or for the establishment, consolidation and extension of national forests under the provisions of the act of Congress approved March 1, 1911, (36 Stat. 961) known as the "Weeks Act";

(b) The acquisition must be pursuant to and in compliance with the laws of the United States;

(c) The United States must in writing have requested state consent to acquire such land and subject to each and all of the conditions and reservations in this section and in Section 4 of Article XIV of the Constitution prescribed;

(d) The conditions and reservations prescribed in subdivisions (a), (b), (c), (e), and (h) of this section must have been found and declared to have occurred and to exist, by the State Lands Commission, and the commission must have found and declared that such acquisition is in the interest of the State, certified copies of its orders or resolutions making such findings and declarations to be filed in the Office of the Secretary of State and recorded in the office of the county recorder of each county in which any part of the land is situate;

(e) In granting this consent, the Legislature and the State grant concurrent jurisdiction on and over the land to the United States, excepting and reserving state jurisdiction on and over the land for the execution of civil and criminal process and to enforce the laws of the State of California in all cases, and the State's entire power of taxation including that of each state agency, county, city, city and county, political subdivision or public district of or in the State; and reserve to all persons residing on such land all civil and political rights, including the right of suffrage, which they might have were this consent not given.

(f) This consent continues only so long as the land continues to belong to the United States and is held by it in accordance and in compliance with each and all of the conditions and reservations in this section prescribed.

(g) Acquisition as used in this section means: (1) lands acquired in fee by purchase or condemnation, (2) lands owned by the United States that are included in the military reservation by presidential proclamation or act of Congress, and (3) leaseholds acquired by the United States over private lands or state-owned lands.

(h) In granting this consent, the Legislature and the State reserve jurisdiction over the land, water and use of water with full power to control and regulate the acquisition, use, control and distribution of water with respect to the land acquired

(i) In granting this consent, the Legislature and the State except and reserve to the State all deposits of minerals, including oil and gas, in the land, and to the State, or persons authorized by the State, the right to prospect for, mine, and remove such deposits from the land.

The finding and declaration of the State Lands Commission provided for in subdivision (d) of this section shall be made only after a public hearing. Notice of such hearing shall be published pursuant to Section 6061 in each county in which the land or any part thereof is situated and a copy of such notice shall be personally served upon the clerk of the board of supervisors of each such county. The State Lands Commission shall make rules and regulations governing the conditions and procedure of such hearings, which shall provide that the cost of publication and service of notice and all other expenses incurred by the commission shall be borne by the United States.

The provisions of this section do not apply to any land or water areas heretofore or hereafter acquired by the United States for migratory bird reservations in accordance with the provisions of Sections 10680 to 10685, inclusive, of the Fish and Game Code.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The extent to which jurisdiction of the State of California applies within federal lands in this State is a matter of the utmost importance in numerous transactions every day. It is imperative that this bill, which, in effect, requires that the will of the people of this State prevail in all territory within the boundaries of this State, to the extent not inconsistent with federal duties, go into effect as early as possible. Thereby, those laws which the people, through their representatives, have enacted for the public peace, health, and safety will have greater applicability.

CHAPTER 967

An act to amend Sections 12154 and 12155 of the Fish and Game Code, relating to fish and game.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 12154 of the Fish and Game Code is amended to read:

Three convictions

12154. Upon the third conviction of any person of a violation of any provision of this code or regulation made pursuant thereto relating to the taking or possession of fish in any five-year period, the department may recommend to the commission that such person be prohibited from taking any fish or amphibia. The commission may prohibit such person from taking any fish or amphibia for not to exceed three years from the date of the last conviction, and the sport fishing license of such person, if he has one, may be forfeited and no sport fishing license shall be issued such person during such period of prohibition.

SEC. 2. Section 12155 of said code is amended to read:

Same

12155. Upon the third conviction of any person of a violation of any provision of this code or regulation made pursuant thereto relating to the taking or possession of birds or mammals in any five-year period, the department may recommend to the commission that such person be prohibited from taking any birds or mammals. The commission may prohibit such person from taking any birds or mammals for not to exceed three years from the date of the last conviction, and the hunting license of such person, if he has one, may be forfeited and no hunting license shall be issued such person during such period of prohibition.

CHAPTER 968

An act to amend Section 2004 of the Business and Professions Code, relating to physicians and surgeons

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 2004 of the Business and Professions Code is amended to read:

2004. There is a Board of Osteopathic Examiners of the State of California, established by the Osteopathic Act, which enforces the provisions of this chapter relating to persons holding or applying for certificates issued by the Board of Osteopathic Examiners under the Osteopathic Act.

However, persons who elect to practice using the term or suffix "M.D." as provided in Section 2396, shall not be subject

to the provisions of this section, and the Board of Medical Examiners of the State of California shall enforce the provisions of this chapter relating to such persons who make such election. After making such election, each of such persons so electing shall apply for renewal of his certificate to the Board of Medical Examiners of the State of California, and the Board of Medical Examiners shall issue such renewal certificates in the same manner as other renewal certificates are issued by it.

SEC. 2. This act shall take effect only if its provisions are incorporated in and ratified by appropriate amendment to the Osteopathic Act, an initiative measure approved by the electors November 7, 1922, and in such case this act shall take effect at the same time as such amendment takes effect.

CHAPTER 969

An act to amend Section 2396 of the Business and Professions Code, relating to physicians and surgeons.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 2396 of the Business and Professions Code is amended to read:

2396. Unless the holder of any certificate provided for in this chapter or any preceding medical practice act has been granted the degree of doctor of medicine after the completion of a full course of study as prescribed by an approved medical school in accordance with the provisions of this chapter, or any preceding medical practice act, the use of the term or suffix "M.D." constitutes unprofessional conduct within the meaning of this chapter.

However, any person holding a physician's and surgeon's certificate under the jurisdiction of the Board of Osteopathic Examiners of the State of California and a degree of Doctor of Medicine issued by a medical school located in the State of California at any time prior to September 30, 1962, and approved either by the Board of Osteopathic Examiners of the State of California or the Board of Medical Examiners of the State of California at the time of the issuance of such degree, shall be authorized to use the term or suffix "M.D.," and such use shall not be unprofessional conduct, so long as such person, on or before October 31, 1962, advises both the Board of Medical Examiners and the Board of Osteopathic Examiners, in writing, that he has elected to use the term or suffix "M.D.," and has elected not to use the term or suffix "D.O." In the event of such election, the use of the term or suffix "D.O." constitutes unprofessional conduct within the meaning of this chapter.

CHAPTER 970

An act to amend Sections 821 and 822 of, and to repeal Section 824 of, the Penal Code, relating to criminal procedure.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 821 of the Penal Code is amended to read:

Arrest for felony

821. If the offense charged is a felony, the officer making the arrest must take the defendant before the magistrate who issued the warrant, or some other magistrate of the same county.

Arrest in another county

If the defendant is arrested in another county, the officer must, upon being required by the defendant, take him before a magistrate in that county, who must admit him to bail in the amount specified in the endorsement referred to in Section 815a, and direct the defendant to appear before the court or magistrate by whom the warrant was issued on or before a day certain which shall in no case be more than 10 days after such admittance to bail. If bail be forthwith given, the magistrate shall take the same and endorse thereon a memorandum of the aforesaid order for the appearance of the defendant.

If the warrant on which the defendant is arrested in another county does not have bail set thereon, or if the defendant arrested in another county does not require the arresting officer to take him before a magistrate in that county for the purpose of being admitted to bail, or if such defendant, after being admitted to bail, does not forthwith give bail, the arresting officer shall immediately notify the law enforcement agency requesting the arrest in the county in which the warrant was issued that such defendant is in custody, and thereafter such law enforcement agency shall take custody of such defendant within five days in the county in which he was arrested and shall take such defendant before the magistrate who issued the warrant, or before some other magistrate of the same county.

SEC. 2. Section 822 of said code is amended to read:

Arrest for misdemeanor in another county

822. If the offense charged is a misdemeanor, and the defendant is arrested in another county, the officer must, upon being required by the defendant, take him before a magistrate in that county, who must admit him to bail in the amount specified in the indorsement referred to in Section 815a, and direct the defendant to appear before the court or magistrate by whom the warrant was issued on or before a day certain which shall in no case be more than 10 days after such admittance to bail. If bail be forthwith given, the magistrate shall take the same and indorse thereon a memorandum of the aforesaid order for the appearance of the defendant.

If the defendant arrested in another county on a misdemeanor charge does not require the arresting officer to take him before a magistrate in that county for the purpose of being admitted to bail, or if such defendant, after being admitted to bail, does not forthwith give bail, the arresting officer shall immediately notify the law enforcement agency requesting the arrest in the county in which the warrant was issued that such defendant is in custody, and thereafter such law enforcement agency shall take custody of such defendant within five days in the county in which he was arrested and shall take such defendant before the magistrate who issued the warrant, or before some other magistrate of the same county

Repeal

SEC. 3. Section 824 of said code is repealed.

CHAPTER 971

An act to add Sections 5.3 and 12.2 to the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057, Statutes of 1955) relating to the Santa Barbara County Flood Control and Water Conservation District.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 5.3 is added to the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057, Statutes of 1955), to read:

Additional powers

Sec 5.3. The district shall have, in addition to its other powers, the following powers:

(1) To acquire by purchase, lease, contract, condemnation, gift, devise, or any other means and in any manner whatsoever, all lands and water and water rights from sources outside the district and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of works necessary to secure a water supply for the district or any part thereof; to enter into and do any acts necessary or proper for the performance of any contract with the United States, the State of California, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch, tunnel or conduit, whether or not owned, controlled or constructed by the district; to enter into any contract or agreement with the United States, the State of California, any district or public and private agencies, or any number of them, for the transfer, delivery, use or sale to the district, or any part of the district, of any water right, or any water pumped, stored, appropriated or otherwise acquired or secured

for the use of the district, or any part thereof, from sources outside of the district, or for the purpose of exchanging water, water rights or water supply for water, water rights or water supply to be delivered to the district by the other party to said contract or agreement.

No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Santa Barbara shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution

(2) To acquire water or water rights within or without the State; to develop, store and transport water; to provide, sell and deliver water for municipal and domestic purposes and for agricultural and irrigation purposes; to provide, sell, and deliver water and water service to the United States, or to any board, department or agency thereof, or to the State of California, or to any county, city, district, or public agency, for any use or purpose.

(3) To join with one or more other public corporations for the purpose of carrying out any of its powers, and for that purpose to contract with such other public corporation or corporations for the purpose of financing acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions, constructions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and carry on such operations, and may provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contract may contain such other and further covenants and agreements as may be necessary and convenient to accomplish the purposes hereof The term "public corporation" as used in this subdivision shall be deemed to mean and include the United States, or any public agency thereof, or this, or any other, state, or any political district or subdivision thereof.

SEC 2 Section 12.2 is added to said act, to read

Sec. 12 2. Notwithstanding any of the provisions or limitations of Section 12 hereof, and in addition to the provisions of said Section 12, the board may by resolution levy ad valorem taxes upon all property of the district to pay the costs and expenses of participating, contracting, obtaining water or water rights, reserving water or water rights, contracting for or reserving aqueduct capacity, in and for water, water service, or water rights from the State Water Resources Development System of the State of California as adopted, delineated and defined in the Water Code of the State of California, as presently provided therein or under any amendments thereto hereafter made and adopted therein, and, in addition, for the accumulation of a fund for meeting contractual obligations to the State of California and for the construction, acquisition, extension of, and addition of works for distribution of such

Ad valorem taxes

water within the district. Upon the adoption of such a resolution, the board may, but shall not be required to, call an election to be held in the district, either on a special date or in conjunction or in consolidation with any election, to obtain the consent of the electors in the district to the levy or any part thereof. If an election is held, it shall be called and held in accordance with the laws governing the conduct of general elections of the State of California. A majority of all the votes cast at such election shall be sufficient to authorize the levy.

CHAPTER 972

An act authorizing suits against the State of California to quiet title against it as to certain real property situated in the County of Modoc, State of California.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Any person or persons claiming any interest in or to real property which is alleged to be claimed by the State of California and which is alleged to be situated in the bed or former bed of Pelican Lake, also known as Cowhead Lake, in Township 47, Range 17, Modoc County, is hereby authorized to bring a suit against the State of California in any court of competent jurisdiction of the State to quiet title to such property, and to prosecute the same to final judgment. Any suit brought as authorized by this act shall be commenced within one year after the act takes effect.

SEC. 2. All of the provisions of Part 2, Title 10, Chapter 3 (commencing with Section 738) of the Code of Civil Procedure and the provisions and rules of law pertaining to appeals shall apply to such suits as may be brought under this act, except that the service of summons shall be made upon the Chairman of the State Lands Commission and the Attorney General, and it shall be the duty of the Attorney General to represent the State in any such suit. If judgment is given against the State, then in such suit no costs shall be allowed against the State.

CHAPTER 973

An act to amend Section 28138 of the Government Code, relating to compensation for public service in counties.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 28138 of the Government Code is amended to read:

28138. In a county of the 38th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand two hundred dollars ($7,200) a year.

(b) The district attorney, seven thousand two hundred dollars ($7,200) a year.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year and mileage at the rate of twenty cents ($0.20) a mile for the distance usually traveled in going from his home to the county seat and returning.

(d) Grand jurors and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the places of service, in going only. Trial jurors in the justice court shall receive five dollars ($5) for each day's attendance and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the justice courts, in going only.

CHAPTER 974

An act to amend Section 74501.1 of the Government Code, relating to municipal courts.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 74501.1 of the Government Code is amended to read:

74501.1. When authorized by the board of supervisors, judges of the municipal court shall be allowed necessary expenses including but not limited to registration fees or dues of any convention, school, conference or meeting incurred in connection with work done as members of organizations of which they are members in their official capacity as such judges. Such expenses are a charge against the treasury of the county and shall be paid out of the general fund.

CHAPTER 975

An act to amend Section 4882 of the Business and Professions Code, relating to the practice of veterinary medicine.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 4882 of the Business and Professions Code is amended to read:

4882. The board may revoke or suspend a certificate for any of the following causes:

(a) The employment of fraud, misrepresentation or deception in obtaining such license.

(b) Conviction of a crime involving moral turpitude or conviction of a felony, in which case the record of such conviction shall be conclusive evidence.

(c) Chronic inebriety or habitual use of drugs.

(d) For having professional connection with or lending one's name to any illegal practioner of veterinary medicine and the various branches thereof.

(e) Violation or attempting to violate, directly or indirectly, any of the provisions of this chapter.

(f) The revocation by a sister state or territory of a license or certificate by virtue of which one is licensed to practice veterinary medicine in that state or territory.

(g) Conviction of or cash compromise of a charge or violation of the Harrison Act, regulating narcotics, in which case the record of such conviction or compromise, as the case may be, shall be conclusive evidence.

(h) Fraud or dishonesty in applying, treating, or reporting on tuberculin or other biological tests.

(i) Employment of anyone but a veterinarian licensed in the State of California to demonstrate the use of biologics in the treatment of animals.

(j) False or misleading advertising having for its purpose or intent deception or fraud.

(k) Conduct reflecting unfavorably on the profession of veterinary medicine.

(*l*) Conviction on a charge of cruelty to animals.

(m) Failure to keep one's premises and all equipment therein in a clean and sanitary condition.

(n) Fraud, deception, or incompetence in the practice of veterinary medicine.

CHAPTER 976

An act to add Chapter 7 (commencing with Section 45900) to Part 8 of Division 14 of, and to add Section 45931 to, the Water Code, relating to financing of water storage district projects.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing with Section 45900) is added to Part 8 of Division 14 of the Water Code, to read:

CHAPTER 7. DIRECT ASSESSMENT WARRANTS

Article 1. Project and Government Contract Warrants

District assessment warrants

45900. For the purpose of financing a district project or government contract which has been approved by the electors of the district, the board of directors may, by a two-thirds ($\frac{2}{3}$) vote of its members with the approval of the department, issue direct assessment warrants.

To be signed by president and secretary

45901. Direct assessment warrants shall be signed by the president and secretary in face amount not exceeding in the aggregate the cost of the project or government contract, exclusive of interest and amounts paid prior to the issuance of these warrants on the assessment levied to pay for said district project or government contract.

Payment

45902. Direct assessment warrants shall be made payable in amounts and at the times corresponding substantially to the amounts and times of payment of the installments of the direct assessment.

Interest

45903. Direct assessment warrants shall bear interest at the the rate fixed at the time of the levy of the assessment, and the interest may be made payable semiannually.

Coupons

45904. Coupons for the interest on these warrants may be attached to them.

To whom payable

45905. Direct assessment warrants may be made payable to any of the following:

(a) Bearer.

(b) Persons furnishing work, labor or material.

(c) The contractor if the work on the project is to be done under contract.

Sale

45906. Direct assessment warrants may be sold by the district for not less than par at either public or private sale.

45907. Any surplus funds and any money held by a district in a sinking or depreciation fund may in the discretion of its board be invested in direct assessment warrants of the district.

Article 2. Advance Payment of Assessments

Advance payment

45920. At any time before direct assessment warrants are issued, the amount of any assessment on any land, exclusive of interest and the 10 percent added for anticipated delinquencies, may be paid in money.

Same

45921. Land on which the amount of the assessment has been paid pursuant to Section 45920 shall not be subject to the annual installments of the assessments levied for the purposes of the project or contract, but it shall be and remain liable for any assessments levied for operation and for any supplemental or additional assessments levied.

Removal of lien

45922. Any landowner who desires at any time to lessen or remove the lien upon his land of any direct assessment may deliver to the district treasurer for cancellation warrants payable out of the assessment.

Same

45923. The board may require warrants delivered to lessen or remove an assessment lien to be substantially of the average maturities of the issue of warrants.

Cancellation of warrants

45924. The treasurer shall notify the board of the amount of the principal and interest due and to become due on the warrants delivered for cancellation. The board shall thereupon cause the proper cancellation and proper record and credit to be made against the assessment on the land of the person delivering the warrants.

Article 3. Actions and Proceedings

Conclusive effect · Limitation

45930. All acts, proceedings, conclusions and findings of fact, including the levy of an assessment, by a board of a district shall be conclusive except in an action or proceeding instituted within six months after the acts, proceedings, conclusions or findings were had or made.

Action to determine validity of assessment

45931. The board of a district may, at any time after the levy of any assessment or the issuance of any warrants, bring an action to determine the validity of the assessment or the issuance of the warrants in the same manner and with the same effect as provided for the determination of the validity of district bonds and assessments.

Irregularities

45932. No irregularity or omission not affecting the substantial rights of the landowners within a district shall affect the validity of any act done or proceeding taken in relation to the district.

SEC. 2. Section 45931 is added to said code, to read:

Procedure

45931. An action to determine the validity of any assessment or warrants may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 1412 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 1412 takes effect; at which time Section 45931 of the Water Code as contained in Section 1 of this act is repealed.

Effect: Stats 1961, Ch. 1479

CHAPTER 977

An act to amend Section 5780.4 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 5780.4 of the Public Resources Code is amended to read:

5780.4. "Recreation" means any activity, voluntarily engaged in, which contributes to the education, entertainment, or physical, mental, cultural, or moral development of the individual or group attending, observing, or participating therein, and includes any activity in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports, and athletics, or any of them, and any informal play incorporating any such activity.

CHAPTER 978

An act to add Section 27264.5 to the Education Code, relating to county free libraries.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 27264.5 is added to the Education Code, to read:

27264.5. The board of supervisors may create special taxing zones within the territory of the county subject to taxation for county free library purposes for the purpose of levying special taxes within the zones when it is found by the board that the territory within the zones require special services or special facilities in addition to those provided generally by the county free library system and that the special tax levy is commensurate with the special benefits to be provided in the zones.

CHAPTER 979

An act to add Sections 6830.1, 6830.2, and 6830.3, to the Public Resources Code, relating to the conduct of secondary production operations on leases of tide and submerged lands.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 6830.1 is added to the Public Resources Code, to read:

Legislative determination

6830.1. It is hereby found and determined by the Legislature of the State of California as follows:

(a) That the people of the State of California have a direct and primary interest in assuring the production of the optimum quantities of oil and gas from lands owned by the State, and that a minimum of oil and gas be left wasted and unrecovered in such lands.

(b) That the State owns tide and submerged lands within the oil and gas field hereinafter named, which lands have been developed under oil and gas leases issued by the State to such extent that it is desirable that secondary operations be undertaken within such lands in an effort to obtain the maximum economic ultimate recovery of oil and gas from said lands; and that it is desirable that the carrying on of secondary recovery operations in such lands be encouraged, which operations the holders of such leases may otherwise not undertake because certain of the leases covering such lands provide for the payment of graduated royalties dependent upon daily per well rates of oil production, which graduated royalties were established without contemplation of secondary recovery operations and the economics respecting such operations.

The oil and gas field above referred to, as delineated and defined by the State Oil and Gas Supervisor, is as follows:

1. Huntington Beach Oil and Gas Field

SEC. 2. Section 6830.2 is added to the Public Resources Code, to read:

Modification of gas and oil lease

6830.2. Whenever the holder of an oil and gas lease, issued before the effective date of this section, of State owned lands located within an oil and gas field named in Section 6830.1 of this code, proposes to engage in secondary recovery operations within such lease, the commission and the holder of the lease may mutually agree to modifications of the lease in furtherance of such proposal and with the object of obtaining the maximum economic ultimate recovery of oil and gas from the lands included within such lease, so far as such is reasonably practicable.

Any such amendatory agreement shall contain provisions to assure, so far as reasonably practicable:

Provisions of amendatory agreement

(a) That the total royalty production to which the State shall thereafter be entitled shall be no less than the total

royalty production to which the State would thereafter have been entitled if such lease had continued to be operated under primary recovery methods, absent any secondary recovery operations, and (b) that the royalty production accruing to the State from the additional oil produced, if any, as a result of the conduct of secondary recovery operations shall be calculated and determined in such manner as to be at least as great in proportion to such additional oil as the royalty production agreed upon in conformance with subdivision (a) of this section is in proportion to the total remaining primary production agreed upon in conformance with subdivision (a).

As a basis for making a determination that it is in the best interests of the State that it enter into such an agreement, and before authorizing the execution thereof, and to determine the appropriate royalty rates on primary and on additional production, the commission shall, using all information available to it, make a calculated projection of the volume of primary royalty to which the State would be entitled under the existing royalty provisions of the lease for the zone or zones involved in the proposal, absent secondary recovery operations, and shall compare its determinations with those of the holder of the lease in an effort to arrive at a mutual agreement.

SEC. 3. Section 6830.3 is added to said code, to read:

Same: Means of determining

6830.3. In satisfaction of the requirements of subdivisions (a) and (b) of Section 6830.2, the commission may consider, use, apply or adopt any means, methods, formulas or data available to it in order to arrive, in accordance with generally recognized good engineering practice, at any provisions to be included in any agreement amendatory to the lease, mutually acceptable to the holder of the lease, including the rate or rates of royalty to be applied, and otherwise in conformity with the provisions of this section and Section 6830.2.

Royalty rates

The royalty rate or rates to be applied during secondary recovery operations shall in no event be less than the minimum royalty provided by the lease prior to any amendment thereof entered into pursuant to this section and Section 6830.2, but nothing in this section and Section 6830.2 is intended to require that the holder of the lease shall account to the State for a guaranteed quantity of royalty production, but neither shall it prohibit the holder of the lease from guaranteeing to the State any given quantity of royalty production.

Amendatory agreements entered into pursuant to and in conformity with this section and Section 6830.2 may be made in conjunction with agreements entered into for the purpose of effecting a co-operative or unit plan of development pursuant to the provisions of this code, including Section 6832 thereof.

CHAPTER 980

An act to amend Section 651 of the Harbors and Navigation Code, relating to definition of vessel.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 651 of the Harbors and Navigation Code is amended to read:

651. As used in this chapter, unless the context clearly requires a different meaning:

(a) "Commission" means the Small Craft Harbors Commission, Department of Natural Resources.

(b) "Department" means the Department of Natural Resources.

(c) "Division" means the Division of Small Craft Harbors, Department of Natural Resources.

(d) "Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, except the following:

(1) A seaplane on the water.

(a) A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to or guided on such permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself.

(e) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States government or any federal agency successor thereto.

(f) "Owner" is a person having all the incidents of ownership, including the legal title, of a vessel whether or not such person lends, rents, or pledges such vessel; the person entitled to the possession of a vessel as the purchaser under a conditional sale contract; or the mortgagor of a vessel. "Owner" does not include a person holding legal title to a vessel under a conditional sales contract, the mortgagee of a vessel, or the rentor or lessor of a vessel to the State or to any county, city, district, or political subdivision of the State under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(g) "Legal owner" is a person holding the legal title to a vessel under a conditional sale contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the State, or to any county, city, district or political subdivision of the State,

under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(h) "Registered owner" is the person registered by the Department of Motor Vehicles as the owner of the vessel.

(i) "Waters of this State" means any waters within the territorial limits of this State.

(j) "Person" means an individual, partnership, firm, corporation, association or other entity, but does not include the United States, the State or a municipality or subdivision thereof.

(k) "Operate" means to navigate or otherwise use a motorboat or vessel upon the waters of this State.

(*l*) "Undocumented vessel" means any vessel which is not required to have and does not have a valid marine document issued by the Bureau of Customs of the United States or any federal agency successor thereto.

CHAPTER 981

An act to amend Sections 4113 and 4119 of the Corporations Code, relating to filing of agreements of merger and consolidation.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 4113 of the Corporations Code is amended to read:

4113. The executed agreement, or an executed counterpart thereof, and the respective certificate of each constituent corporation and of the surviving corporation shall be separately filed with the Secretary of State, and shall thereupon become effective, and the several parties thereto shall be one corporation. Neither the agreement nor any certificate shall be filed however until there has been filed with the Secretary of State a certificate executed by the Commissioner of Corporations to the effect that a permit has been issued or that in his opinion a permit is not required under the provisions of the Corporate Securities Law and, by or on behalf of each corporation taxed under the Bank and Corporation Franchise Tax Act, the existence of which is terminated by the merger or consolidation, the certificate of satisfaction of the Franchise Tax Board that all taxes imposed by said act have been paid or secured.

Filing with Secretary of State

SEC. 2. Section 4119 of said code is amended to read:

4119. If the consolidated or surviving corporation be a domestic corporation, the agreement and certificate of such corporation as well as the certificate of each constituent domestic corporation shall be filed in the office of the Secretary

Same

of State and thereupon the consolidation or merger shall be effective as to any such domestic corporation. Neither the agreement nor any certificate shall be filed, however, until there has been filed with the Secretary of State a certificate executed by the Commissioner of Corporations to the effect that a permit has been issued or that in his opinion no permit is required under the provisions of the Corporate Securities Law. Each constituent foreign corporation which is qualified for the transaction of intrastate business in this State shall file in the office of the Secretary of State a certificate of surrender of right to transact intrastate business as provided for by Section 6700.

If the consolidated or surviving corporation be a foreign corporation, each constituent consolidated or merged foreign corporation which is qualified for the transaction of intrastate business in this State shall file in the office of the Secretary of State a certificate of surrender of its right to transact intrastate business as provided for by Section 6700. No filing need be made in this State by or on behalf of the surviving foreign corporation even though it be qualified for the transaction of intrastate business. Each constituent domestic corporation shall file in the office of the Secretary of State a copy of the agreement, certificate or other document filed by the consolidated or surviving foreign corporation in the state or place of its incorporation for the purpose of effecting the consolidation or merger which copy shall be certified by the public officer having official custody of the original, or, in lieu thereof, an executed counterpart of the agreement or certificate and thereupon the consolidation or merger shall be effective as to such domestic corporation. Neither the agreement nor any certificate shall be filed, however, until there has been filed with the Secretary of State a certificate executed by the Commissioner of Corporations to the effect that a permit has been issued or that in his opinion no permit is required under the provisions of the Corporate Securities Law. Certified copies of such agreement, certificate or other document shall be filed by each constituent domestic corporation as provided in Section 4114.

CHAPTER 982

An act to amend Section 8020 of the Business and Professions Code, relating to shorthand reporters.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 8020 of the Business and Professions Code is amended to read:

8020. Any citizen of the United States over the age of 21 years, of good moral character, having a high school education or its equivalent as determined by the board, and being a bona fide resident of this State for at least six months prior to the date of his application and continuing to and including the date of his admission, who has satisfactorily passed an examination under such regulations as the board may prescribe shall be entitled to a certificate and shall be styled and known as a certified shorthand reporter. No person shall be admitted to the examination unless he first presents satisfactory evidence to the board that within the eight years immediately preceding the date his application for a certificate is filed with the board he has had one of the following:

(a) One year of experience in making verbatim records of meetings, conferences, hearings, or judicial or related proceedings by means of written symbols or abbreviations in shorthand or machine writing and transcribing such records.

(b) Two years of experience as a stenographer in taking and transcribing legal dictation.

(c) Three years of experience as a stenographer in taking and transcribing nonlegal dictation.

CHAPTER 983

An act to amend Section 28113 of the Government Code, relating to compensation for public service in counties.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 28113 of the Government Code is amended to read:

28113. In a county of the 13th class the following shall receive as compensation for the services required of them by law or by virtue of their office the following sums:

(a) The auditor, twelve thousand five hundred dollars ($12,500) a year and his necessary expenses incurred while traveling in the performance of his official duties. He shall pay into the county treasury all fees and commissions or compensations received by him in his official capacity, other than his official salary.

(b) The district attorney, eighteen thousand dollars ($18,000) a year and the necessary expenses incurred in the discharge of his official duties. All fees and commissions or compensations, other than his official salary, received by him in his official capacity from any source shall be paid into the county treasury. He shall devote his entire time during office hours to the work of the county and the State and is pro-

hibited from engaging in private work during his term of office, which prohibition shall also apply to his deputies, while so employed.

(c) Each supervisor, twelve thousand dollars ($12,000) a year and actual and necessary expenses incurred in the performance of the duties of his office.

(d) Each member of the grand jury shall be allowed six dollars ($6) for each day's attendance upon sessions of the grand jury, or for each day's attendance as a member of any committee of the grand jury even though a full quorum of the grand jury as a whole be not present, and mileage, at the rate payable to officers and employees of such county, for each mile actually and necessarily traveled in attending meetings of the grand jury which are held within the county, or any session of a grand jury committee duly called by the foreman of the grand jury or chairman of the committee.

For attending as a trial juror, in the superior court for each day's actual attendance, five dollars ($5), and fifteen cents ($0.15) for each mile actually traveled in going only.

For attending as a trial juror, in the municipal court for each day's actual attendance, five dollars ($5), and fifteen cents ($0 15) for each mile actually traveled in going only.

For attending as a trial juror in criminal cases in justice courts, three dollars ($3), for each day of actual service as a juror.

The judge of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant.

CHAPTER 984

An act to amend Section 10528 of the Government Code, relating to the Auditor General.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 10528 of the Government Code is amended to read:

10528. The Auditor General shall examine and report annually upon the financial statements prepared by the executive branch of the State to the end that the Legislature will be informed as to the adequacy of such financial statements in compliance with generally accepted accounting principles applied on a basis consistent with that of the preceding fiscal year. In making such examination, he is authorized to make such audit examination of accounts and records, accounting procedures and internal auditing performance as the Joint

Legislative Audit Committee may determine and specifically designate to be necessary to disclose all material facts necessary to proper reporting to the Legislature in accordance with the statement of purposes set forth in Section 10500. He shall make such special audits and investigations of any state agency whether created by the Constitution or otherwise, as requested by the Legislature or any committee of the Legislature.

CHAPTER 985

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith.

[Approved by Governor July 4, 1961 Filed with Secretary of State July 6, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. The following terms shall have the following meanings herein: Definitions

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities: "Public body"

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5, Division 7, Title 1 of the Government Code
Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
California water districts
Cemetery districts
Citrous pest control districts
Community service districts
Conservancy districts
County boards of education
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County sewerage and water districts
County water agencies
County water authorities
County water districts
County waterworks districts
Drainage districts
Fire protection districts
Flood control and water conservation districts
Flood control districts

Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Improvement districts of municipal improvement districts
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Public cemetery districts
Public utility districts
Rapid transit districts
Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
River port districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts

Sewer maintenance districts
Soil conservation districts
Special transit service districts
Storm water districts
Transit districts
Urban renewal agencies
Unified air pollution control districts
Vehicle parking districts
Veterans' memorial districts
Water authorities
Water conservation districts
Water districts
Water storage districts
Weed abatement districts
Zones of flood control districts
Zones of flood control and water conservation districts
Zones of county water agencies
Zones of county water authorities

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

"Bonds" (b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

Organization SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

Boundaries SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

Annexation and exclusion of territory SEC. 4. All acts and proceedings heretofore taken by any public body under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory.

Issuance of bonds SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of

any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

Foregoing provisions: *Purpose*

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

Same Scope

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

Same: Shall not validate contested matters

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

Time for commencing action

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be

held to be valid and in every respect legal and incontestable. This subsection shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

Scope of act

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

"Now," "heretofore," "hereafter"

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

Short title

SEC. 10. This act may be cited as the Second Validating Act of 1961.

CHAPTER 986

An act to add Section 53057 to the Government Code, relating to liability of local agencies for negligence of employees.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 53057 is added to the Government Code, to read:

53057. A local agency which authorizes its employees to burn weeds and rubbish on vacant property shall be liable for injuries to persons and damage to other property caused by negligence of the employees in burning the weeds and rubbish. A written claim for such damages shall be presented in conformity with and shall be governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1. The cost of insuring the liability imposed by this section may be added to any assessment authorized to be levied by a local agency to defray the costs of burning weeds and rubbish on vacant property.

For the purposes of this section, "local agency" shall include all other districts in addition to school districts.

CHAPTER 987

An act to add Section 31808.1 to, and to amend Sections 31807, 31812, and 31815 of, the Government Code, relating to county retirement systems.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 31808.1 is added to the Government Code, to read:

Computation of allowance: Law enforcement members

31808.1. In any county or district subject to the provisions of Section 31676.1, and to which the provisions of Section 31470.6 are applicable, the retirement allowance for any member whose principal duties consist of active law enforcement as defined in Section 31470.6 for service rendered prior to the effective date of the resolution provided in Section 31800 shall be computed in accordance with the provisions of Section 31664. The retirement allowance of any such member with respect to service performed after the effective date of the resolution shall equal the total of the following:

(a) The fraction of one seventy-fifth of the first three hundred fifty dollars ($350) monthly of the member's final compensation set forth in the table appearing in Section 31664 in the column applicable to his age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service as provided therein.

(b) The fraction of one-fiftieth of any remaining portion of the member's final compensation set forth in the table appearing in Section 31664 in the column applicable to his age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service.

SEC. 2. Sections 31807 of said code is amended to read:

Minimum allowance

31807. The retirement allowance payable under Section 31808, Section 31808.1 or Section 31809 of this code, whichever is applicable, to a person who was a member on the effective date of this article in any county pursuant to this article if not fully insured for old age payments under the federal system at time of retirement shall be not less than that amount for which he would have been eligible if this article were not applicable to the member.

The retirement allowance payable under Section 31808, Section 31808.1 or Section 31809 of this code, whichever is applicable, to a person who was a member on the effective date of this article in any county pursuant to this article if fully insured for old age payments under the federal system at time of retirement shall not be less than an amount which, when added to the primary insurance amount payable to him under the federal system at time of retirement will equal the allowance which would otherwise be payable to the member under

the provisions of this chapter if this article were not applicable to the member. If the member retires for service prior to retirement age under the federal system and the amount available to him under the provisions of Section 31810 is less than the allowance which would otherwise be payable to the member under the provisions of this chapter if this article were not applicable to the member then the allowance shall be increased to an amount not less than that which would otherwise be payable.

SEC. 3. Section 31812 of said code is amended to read:

Member's contributions

31812. Each member shall continue to contribute as provided for in Article 6 or (in the case of those members defined in Section 31470 6) Article 6.8 of this chapter less an amount equal to one-third of that portion of such contribution which is payable with respect to the first three hundred fifty dollars ($350) monthly wage.

SEC. 4. Section 31815 of said code is amended to read:

Deferred retirement

31815. Any member who elects deferred retirement after becoming subject to the provision of this article shall receive a retirement allowance determined in accordance with Section 31808, 31808.1 or 31809, whichever is applicable.

Scope of act

SEC. 5. This act shall apply to any member whose principal duties consisted of active law enforcement as defined in Section 31470.6 of the Government Code and who retired or elected deferred retirement subsequent to the effective date of the resolution provided in Section 31800 of the Government Code.

CHAPTER 988

An act to amend Section 123 of the Welfare and Institutions Code, relating to reports of the Department of Social Welfare.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 123 of the Welfare and Institutions Code is amended to read:

123. Two months prior to each annual session of the Legislature, the department shall make a full and complete report to the Governor of all its transactions during the preceding year, showing specifically all expenses incurred and moneys paid out by it, with suggestions and recommendations for legislative and executive action.

The Social Welfare Board may require the director to submit general annual reports, or special reports at any time on any phase of the work of the department, to the board. The

department shall bring to the special attention of the board appeals from applicants or recipients which show repeated conflicts in interpretations by the counties of rules and regulations issued by the board. The department shall recommend to the board changes necessary to clarify such rules and regulations and recommend whatever action is necessary to avert any future misinterpretations.

CHAPTER 989

An act to amend Section 4741 of the Health and Safety Code, relating to sanitation districts.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 4741 of the Health and Safety Code is amended to read:

4741. It may acquire, construct and complete within or without the district, sewage collection, treatment and disposal works, including sewage treatment plants, outfalls, intercepting, collecting and lateral sewers, pipes, pumps, machinery, easements, rights-of-way, and other works, property or structures necessary or convenient for sewage collection, treatment and disposal. No such sewerage system shall be constructed, maintained, or operated in any city not in the district except by consent granted by an affirmative vote by a majority of the full membership of the governing body of the city.

It may also acquire lands and acquire and construct refuse transfer or disposal facilities, or both, within or without the district, and it may maintain and operate within the district boundaries a system for transfer or disposal of refuse, or both; provided, however, that such system shall not include "refuse collection" which is defined as the house-to-house pickup of refuse or any part thereof.

A district shall not acquire land for, or establish and operate a refuse transfer or disposal facility within either a city or the unincorporated area of a county until the city council, if the facility is proposed to be located in the city, or the board of supervisors of the county, if it is proposed to be located in the unincorporated area of the county, has by resolution, consented to the use of the proposed site for that purpose.

If 90 percent or more of the total area of the district is unincorporated territory, and the land proposed to be acquired for a refuse transfer or disposal facility is located in the unincorporated territory of the county, the board of supervisors shall, before adopting any resolution consenting to the use of land for that purpose, hold a public hearing upon the question of the adoption of the resolution. Notice of such

hearing shall be given by publication in the area pursuant to Section 6066 of the Government Code, not more than 30 nor less than 10 days prior to the hearing. If at any time before the hearing, there is filed with the board of supervisors a written objection to the use of the proposed site for a refuse transfer or disposal facility, signed by 2 percent or more of the registered voters of the district, the board shall submit the matter of the proposed use to the voters of the district at an election. The proposition shall be submitted to the voters in the manner and under the procedure prescribed in Article 5 of this chapter for submission of the proposition of incurring a bonded indebtedness. If a majority of the votes cast in such an election are in favor of the proposed use the board shall adopt the resolution consenting thereto, but if a majority of the votes cast are against the proposed use the board shall dismiss the proceedings, and no resolution consenting to the use of any of such land shall be adopted by the board for at least one year from the date of the election.

CHAPTER 990

An act to amend Section 6695 of the Health and Safety Code, relating to sanitary districts.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 6695 of the Health and Safety Code is amended to read:

6695 (a) Except as otherwise provided in this part, no more than sixty cents ($0.60) on each one hundred dollars ($100) assessed valuation shall be levied for all the district purposes in any one year, besides what is required for the payment of the bond principal and interest for that year.

(b) Except as otherwise provided in this part, if the board elects to use the county assessor's tax roll pursuant to Article 6 (commencing with Section 6780) of this chapter, no more than one dollar ($1) on each one hundred dollars ($100) assessed valuation shall be levied for all the district purposes in any one year, besides what is required for the payment of the bond principal and interest for that year.

CHAPTER 991

An act to add Section 4834 to the Health and Safety Code, relating to county sanitation districts.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 4834 is added to the Health and Safety Code, to read:

4834. The board of supervisors may require as a condition to the annexation of territory to the district, the payment by the owners of the property to be annexed of an amount fixed by the district board to represent the value to the territory to be annexed of sewage lines and sewage disposal facilities in the district or within an improvement district which have already been paid for in whole or in part by district taxpayers or by taxpayers of the improvement district when such payment is recommended by the district board and found to be reasonably necessary to carry out the purposes of this chapter by the board of supervisors.

If the board of supervisors requires the payment of any amount as a condition to the annexation of territory to the district, the annexation proceedings shall not be completed until the amount has been paid to the district; unless the board of supervisors, upon recommendation of the district board, authorizes such payment in equal installments over a specified period not to exceed 10 years.

CHAPTER 992

An act to add Section 72052.5 to the Government Code, relating to records of municipal courts.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 72052.5 is added to the Government Code, to read:

72052.5. Notwithstanding any other provisions of law relating to the keeping of records of municipal courts, whenever permanent records are required by law to be kept, the clerk of the municipal court may photograph, microphotograph, microfilm or photocopy the indices and minutes at any time, and any other records if:

(a) In civil proceedings, 15 years have elapsed from the date of the commencement of the action or proceeding.

(b) In other than civil proceedings, 10 years have elapsed from the date of commencement of the action or proceeding, or

from the date of recording any transaction in any cash receipt and disbursement records, surety bond registers, or other books or records.

Such photograph, microphotograph, microphotographic film or photocopy shall be made in the manner and on the paper or film as will comply with the minimum standards of quality approved therefor by the National Bureau of Standards, and shall be prepared pursuant to the provisions of Sections 1920b and 1923 of the Code of Civil Procedure.

Upon making of reproductions of court records, the originals may be destroyed. Reproductions of permanent judicial records shall never be destroyed.

Every reproduction shall be deemed to be an original record. A transcript, exemplification or certified copy of any reproduction shall be deemed to be a transcript, exemplification or certified copy, as the case may be, of the original.

All photographs, microphotographs, microfilms and photocopies of court records shall be properly indexed and kept in convenient, accessible files. Each roll of microfilm shall be a book, and shall be designated and numbered, and provision shall be made for its preservation and examination and use by the public.

A duplicate of each roll of microfilm of permanent records shall be made and kept in a safe and separate place to assure its preservation indefinitely against loss, theft, defacement or destruction.

CHAPTER 993

An act to amend Section 72090 of the Government Code, relating to receipts of municipal courts.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 72090 of the Government Code is amended to read:

72090. Notwithstanding any other provision of law, where payment of any fee, fine, deposit in lieu of bail or other obligation which is owing to the municipal court is remitted to the clerk by mail, the clerk in his discretion may either mail to the remitter or hold in his office for six (6) months for the remitter an official receipt for such payment, except that the clerk shall mail such receipt to the remitter when a receipt is specifically requested by the remitter, his return address is given and the remittance consists of legal tender of the United States in the amount of five dollars ($5) or more. The clerk may destroy any official receipt held by him pursuant to the provisions of this section for a period of six months.

CHAPTER 994

An act to add Chapter 9 (commencing with Section 12820) to Division 9 of the Education Code, relating to testing programs in the public schools.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 9 (commencing with Section 12820) is added to Division 9 of the Education Code, to read:

CHAPTER 9. TESTING PROGRAMS

Definitions: "Achievement test"

12820. As used in this chapter:

(a) "Achievement test" means any standardized test which measures or attempts to measure the level of performance which a pupil has attained in one or more courses of study.

"Intelligence test"

(b) "Intelligence test" means any standardized test which measures or attempts to measure the scholastic aptitude of a pupil.

"Testing program"

(c) "Testing program" means the systematic achievement and intelligence testing of any or all pupils in any or all grades, except 13 and 14, in any or all schools within a school district.

Testing programs

12821. The State Board of Education shall require a testing program in all school districts and shall adopt rules and regulations governing the frequency and methods of administration of the testing programs.

Approved list of tests

The State Board of Education shall certify an approved list of achievement and intelligence tests, one or more of which tests shall be used in all testing programs except as provided in Section 12824. This list may be revised from time to time. The list shall include two or more alternative intelligence tests and the governing board of a school district or the county board of education, as the case may be, shall select, from the intelligence tests listed, the particular intelligence test or tests to be used in the district. Whenever the State Board of Education determines to include on the list an achievement test relating to a particular course of study or a particular group of courses of study, the board shall also include one or more alternative achievement tests for such course or group of courses and the governing board of a school district or the county board of education, as the case may be, shall select, from the achievement tests listed, the particular test or tests to be used in the district.

Approved test to be used in district testing program

12822. The governing board of each district shall, in accordance with the rules and regulations of the State Board of Education, institute a testing program in the district and shall, except as otherwise provided in this section, select from the approved list the achievement and intelligence tests to be

used in the testing program. The county board of education shall select from the approved list of achievement and intelligence tests the tests to be used in the testing program of each elementary district which had less than 901 units of average daily attendance during the preceding fiscal year and each unified district which had less than 1501 units of average daily attendance during the preceding fiscal year, which district is under the jurisdiction of the county superintendent of schools of the county.

Results of test

12823. Upon request of the Superintendent of Public Instruction, the governing board of a school district shall provide the State Department of Education with the results of any testing program conducted in the school district upon forms which the Superintendent of Public Instruction may prescribe. No results which identify the school or school district shall be made public by the Superintendent of Public Instruction without the written consent of the governing board of the district. The districtwide results of the testing program, but not the score or relative position of individual pupils, shall be reported to the governing board of the district at least once a year at a regularly scheduled meeting.

Achievement test not on approved list

12824. In addition, the district may administer achievement and intelligence tests which are not on the approved list as provided for in Section 12821.

County superintendent of schools to co-operate

12825. At the request of the State Board of Education, and in accordance with rules and regulations which the board may adopt, each county superintendent of schools shall cooperate with and give assistance to school districts under his jurisdiction in carrying out the testing programs of such districts and other duties imposed on school districts by this chapter.

CHAPTER 995

An act to amend Section 1463 of the Penal Code, relating to disposition of fines and forfeitures.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1463 of the Penal Code is amended to read:

1463. Except as otherwise specifically provided by law:

(1) All fines and forfeitures including Vehicle Code fines and forfeitures collected upon conviction or upon the forfeiture of bail, together with moneys deposited as bail, in any municipal court or justice court, shall, as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which such court is situated. The moneys so deposited shall be distributed as follows:

(a) Once a month there shall be transferred into the proper funds of the county an amount equal to the fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by the State or by the county in which such court is situated, exclusive of fines or forfeitures or forfeitures of bail collected from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within the limits of a city within the county.

(b) Once a month there shall be transferred into the traffic safety fund of each city in the county an amount equal to 50 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within that city, and an amount equal to the remaining 50 percent shall be transferred to the special road fund of the county.

(c) Once a month there shall be transferred into the general fund of the county an amount equal to that percentage of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by each city in the county which is set forth in the following schedule:

County and City	Percentage
Alameda	
Alameda	18
Albany	29
Berkeley	19
Emeryville	13
Hayward	10
Livermore	7
Oakland	22
Piedmont	44
Pleasanton	17
San Leandro	9
County percentage	21
Amador	
Amador	75
Ione	29
Jackson	22
Plymouth	75
Sutter Creek	75
County percentage	29
Butte	
Biggs	75
Chico	22
Gridley	49
Oroville	9
County percentage	20
Calaveras	
Angels	62
County percentage	62
Colusa	
Colusa	13
Williams	17
County percentage	16
Contra Costa	
Antioch	11
Brentwood	24
Concord	18
El Cerrito	19
Hercules	14
Martinez	22
Pinole	22
Pittsburg	5
Richmond	14
San Pablo	12
Walnut Creek	24
County percentage	14
Del Norte	
Crescent City	19
County percentage	19

County and City	Percentage
El Dorado	
Placerville	14
County percentage	14
Fresno	
Clovis	23
Coalinga	21
Firebaugh	16
Fowler	34
Fresno	26
Huron	24
Kerman	14
Kingsburg	34
Mendota	11
Orange Cove	24
Parlier	21
Reedley	30
Sanger	29
San Joaquin	15
Selma	14
County percentage	24
Glenn	
Orland	27
Willows	36
County percentage	32
Humboldt	
Arcata	9
Blue Lake	26
Eureka	11
Ferndale	30
Fortuna	17
Trinidad	11
County percentage	11
Imperial	
Brawley	8
Calexico	10
Calipatria	30
El Centro	5
Holtville	16
Imperial	6
Westmorland	12
County percentage	8
Inyo	
Bishop	25
County percentage	25
Kern	
Bakersfield	10
Delano	13
Maricopa	36
Shafter	15
Taft	19
Tehachapi	12
Wasco	28
County percentage	12
Kings	
Corcoran	31
Hanford	21
Lemoore	25
County percentage	25
Lake	
Lakeport	33
County percentage	33
Lassen	
Susanville	21
County percentage	21
Los Angeles	
Alhambra	13
Arcadia	15
Avalon	54
Azusa	21
Bell	11
Beverly Hills	14
Burbank	14
Claremont	5
Compton	16
Covina	38
Culver City	10
El Monte	15
El Segundo	11
Gardena	22
Glendale	16
Glendora	12
Hawthorne	7
Hermosa Beach	14
Huntington Park	12
Inglewood	16
La Verne	14
Long Beach	14
Los Angeles	8
Lynwood	9
Manhattan Beach	13
Maywood	15
Monrovia	15
Montebello	11
Monterey Park	21
Palos Verdes Estates	10
Pasadena	9
Pomona	12
Redondo Beach	15
San Fernando	17
San Gabriel	16

County and City	Percentage
Los Angeles—Continued	
San Marino	5
Santa Monica	11
Sierra Madre	39
Signal Hill	24
South Gate	13
South Pasadena	9
Torrance	16
Vernon	25
West Covina	14
Whittier	31
County percentage	11
Madera	
Chowchilla	17
Madera	16
County percentage	17
Marin	
Belvedere	16
Corte Madera	12
Fairfax	30
Larkspur	30
Mill Valley	13
Ross	18
San Anselmo	11
San Rafael	13
Sausalito	21
County percentage	16
Mendocino	
Fort Bragg	19
Point Arena	40
Ukiah	10
Willits	24
County percentage	17
Merced	
Atwater	23
Dos Palos	21
Gustine	23
Livingston	14
Los Banos	13
Merced	18
County percentage	18
Modoc	
Alturas	42
County percentage	42
Monterey	
Carmel	17
Gonzales	10
Greenfield	13
King City	36
Monterey	13
Pacific Grove	22
Salinas	36
Soledad	16
County percentage	23
Napa	
Calistoga	37
Napa	11
St. Helena	12
County percentage	14
Nevada	
Grass Valley	7
Nevada City	17
County percentage	9
Orange	
County percentage	15
Placer	
Auburn	18
Colfax	8
Lincoln	26
Rocklin	16
Roseville	10
County percentage	14
Plumas	
Portola	19
County percentage	19
Riverside	
Banning	35
Beaumont	15
Blythe	9
Coachella	12
Corona	12
Elsinore	10
Hemet	35
Indio	16
Palm Springs	35
Perris	14
Riverside	16
San Jacinto	41
County percentage	17
Sacramento	
Folsom	31
Galt	25
Isleton	13
North Sacramento	10
Sacramento	21
County percentage	26

County and City	Percentage
San Benito	
Hollister	9
San Juan Bautista	28
County percentage	11
San Bernardino	
Barstow	23
Chino	14
Colton	21
Fontana	15
Needles	33
Ontario	20
Redlands	28
Rialto	15
San Bernardino	20
Upland	14
County percentage	20
San Diego	
Carlsbad	8
Chula Vista	23
Coronado	25
El Cajon	17
Escondido	16
La Mesa	23
National City	14
Oceanside	15
San Diego	6
County percentage	8
San Joaquin	
Lodi	18
Manteca	8
Ripon	11
Stockton	14
Tracy	15
County percentage	14
San Luis Obispo	
Arroyo Grande	9
Paso Robles	26
Pismo Beach	8
San Luis Obispo	21
County percentage	16
San Mateo	
Atherton	27
Belmont	7
Burlingame	38
Colma	40
Daly City	24
Hillsborough	75
Menlo Park	12
Millbrae	16
Redwood City	27
San Bruno	13
San Carlos	8
San Mateo	42
South San Francisco	12
County percentage	21
Santa Barbara	
Guadalupe	28
Lompoc	16
Santa Barbara	11
Santa Maria	12
County percentage	13
Santa Clara	
Alviso	75
Campbell	16
Gilroy	28
Los Altos	16
Los Gatos	30
Morgan Hill	11
Mountain View	13
Palo Alto	21
San Jose	13
Santa Clara	16
Sunnyvale	26
County percentage	16
Santa Cruz	
Capitola	21
Santa Cruz	23
Watsonville	21
County percentage	22
Shasta	
Redding	22
County percentage	22
Sierra	
Loyalton	75
County percentage	75
Siskiyou	
Dorris	18
Dunsmuir	29
Etna	18
Fort Jones	46
Montague	75
Mount Shasta	37
Tulelake	33
Yreka	30
County percentage	29

County and City	Percentage
Solano	
Benicia	17
Dixon	28
Fairfield	31
Rio Vista	19
Suisun	7
Vacaville	15
Vallejo	18
County percentage	19
Sonoma	
Cloverdale	37
Healdsburg	33
Petaluma	24
Santa Rosa	14
Sebastopol	28
Sonoma	28
County percentage	19
Stanislaus	
Ceres	14
Modesto	15
Newman	10
Oakdale	15
Patterson	20
Riverbank	18
Turlock	19
County percentage	15
Sutter	
Live Oak	17
Yuba City	17
County percentage	17
Tehama	
Corning	26
Red Bluff	39
Tehama	10
County percentage	31
Tulare	
Dinuba	21
Exeter	23
Lindsay	24
Porterville	26
Tulare	20
Visalia	17
Woodlake	15
County percentage	21
Tuolumne	
Sonora	23
County percentage	23
Ventura	
Fillmore	16
Ojai	16
Oxnard	16
Port Hueneme	16
Santa Paula	16
Ventura	16
County percentage	16
Yolo	
Davis	22
Winters	19
Woodland	20
County percentage	20
Yuba	
Marysville	15
Wheatland	38
County percentage	15

In any county for which a county percentage is set forth in the above schedule and which contains a city which is not listed or which is hereafter created, there shall be transferred to the county general fund the county percentage. In any county for which no county percentage is set forth, and in which a city is hereafter created, there shall be transferred to the county general fund 15 percent.

(d) Once a month there shall be transferred to each city in the county an amount equal to the total sum remaining after the transfers provided for in subparagraph (c) above have been made of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by such city.

(2) Any money deposited with such court or with the clerk thereof which, by order of the court or for any other reason, should be returned in whole or in part to any person, or which

is by law payable to the State or to any other public agency, shall be paid to such person or to the State or to such other public agency by warrant of the county auditor, which shall be drawn upon the requisition of the clerk of such court.

All money deposited as bail which has not been claimed within one year after the final disposition of the case in which such money was deposited, or within one year after an order made by the court for the return or delivery of such money to any person, shall be apportioned between the city and the county and paid or transferred in the manner hereinabove provided for the apportionment and payment of fines and forfeitures. This paragraph shall control over any conflicting provisions of law.

CHAPTER 996

An act to amend Section 12020 of the Penal Code, relating to weapons.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 12020 of the Penal Code is amended to read:

12020. Any person in this State who manufactures or causes to be manufactured, imports into the State, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a blackjack, slung shot, billy, sandclub, sandbag, sawed-off shotgun, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition, or who carries concealed upon his person any dirk or dagger, is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than five years.

As used in this section a "sawed-off shotgun" means a shotgun having a barrel or barrels of less than 18 inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

CHAPTER 997

An act to amend Section 1203.01 of the Penal Code, relating to information to be filed with court in criminal cases.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1203.01 of the Penal Code is amended to read:

1203.01. Immediately after judgment has been pronounced, the judge and the district attorney, respectively, shall cause to be filed with the clerk of the court a brief statement of their views respecting the person convicted or sentenced and the crime committed, together with such reports as the probation officer may have made relative to the prisoner. The attorney for the defendant may likewise file with the clerk of the court a statement of his views respecting the defendant and the crime of which he was convicted. Forthwith after the filing of such statements and reports, the clerk of the court shall mail a copy thereof, certified by such clerk, with postage thereon prepaid, addressed to the Department of Corrections at the prison or other institution to which the person convicted is delivered.

CHAPTER 998

An act to add Section 10293 to the Insurance Code, relating to individual hospital, medical or surgical insurance policies.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 10293 is added to the Insurance Code, to read:

10293. (a) The commissioner shall not approve an individual hospital, medical or surgical insurance policy for delivery or issuance for delivery to any person in this State unless the policy contains on its face page either a schedule of coverages of the policy or, in prominent type, a brief description of the policy. In lieu of a schedule of coverages or a brief description on the face page of the policy, the insurer may furnish the insured, in a separate document attached to the face of the policy, the schedule of coverages or brief description. No such separate document may be used for such purpose unless it has been filed with and approved by the commissioner as provided in Section 10290.

(b) The commissioner shall, after notice and hearing, promulgate such reasonable rules and regulations as are necessary

to establish the standard or standards by which he shall approve a policy conforming to the provisions of subdivision (a) of this section. Any such rule or regulation shall be promulgated in accordance with the procedure provided in Chapter 4 of Part 1 of Division 3 of Title 2 of the Government Code, and shall be effective 90 days after adoption by the commissioner.

(c) The commissioner shall, after notice and hearing, withdraw approval of an individual hospital, medical or surgical policy if after consideration of all relevant factors the commissioner finds that the benefits provided under such policy are unreasonable in relation to the premium charged. The commissioner shall, from time to time as conditions warrant, after notice and hearing, promulgate such reasonable rules and regulations, and amendments and additions thereto, as are necessary to establish the standard or standards by which he shall withdraw approval of any such policy. Any such rule or regulation shall be promulgated in accordance with the procedure provided in Chapter 4 of Part 1 of Division 3 of Title 2 of the Government Code, and shall be effective 90 days after adoption by the commissioner.

(d) Unless the commissioner specifies otherwise in writing in the withdrawals, or subsequent thereto, grants an extension, any such withdrawal shall be effective prospectively and not retroactively on the 91st day following the mailing or delivery of the withdrawal.

(e) This section shall not apply to policies delivered on or before the 30th day of June, 1962.

CHAPTER 999

An act to repeal Section 8722 of, and to amend Section 8724 of, the Fish and Game Code, relating to nets.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 8722 of the Fish and Game Code is repealed.

SEC. 2. Section 8724 of said code is amended to read:

8724. In Districts 10, 17, 18, and 19, drift and set trammel nets may be used the meshes of which are at least eight inches in length, except that such nets may not be used in District 18 within one mile of any pier or jetty, nor may they be used for the taking of salmon.

CHAPTER 1000

An act to amend Sections 20498, 20630, and 20933.5 of, and to add Sections 20168, and 20804.51 to, the Government Code, relating to the State Employees' Retirement System.

In effect September 15, 1961

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 20168 is added to the Government Code, to read:

Prior acts ratified

20168. All computations, payments, and other acts heretofore made or done by the board or its officers and employees which would be valid if Sections 20498, 20630, 20804.51, and 20933.5, as these sections exist on the effective date of this section, had been in effect at the time such computations, payments, or other acts were made or done, are hereby ratified, confirmed, and validated.

SEC. 2. Section 20498 of said code is amended to read:

Retroactive employee and employer contributions

20498. If the effective date of coverage under the federal system of members who are employees of a contracting agency under the State Employees' Retirement System is prior to the time employee federal contributions are first deducted from the salaries and wages of such employees and a reduced benefit is provided with respect to service from and after said effective date of coverage, retroactive employee and employer contributions may be paid on the contracting agency's election in the manner provided in this section.

Employee and employer federal contributions for such retroactive period shall be paid from the State Employees' Retirement Fund and charged to the account of the employer. There shall be transferred to the employer account from the member's accumulated contributions an amount equal to employee federal contributions charged to the account of the employer for such member. The amount so transferred shall not exceed the difference between the total normal contributions of the member and the normal contributions which would have been credited to his account had the reduced rate of contribution provided in the amended contract with the public agency been in effect from and after the effective date of coverage, assuming that contributions in any year were made in equal monthly installments.

The amount by which such retroactive employee contributions for a member charged to the account of the employer exceeds the amount transferred from the employee account shall constitute an indebtedness of the member to the employer and a lien on any salary or wages payable to such employee or on his account.

Notwithstanding Sections 20654 and 20804.5, the amount of contributions under any election to deposit or redeposit contributions under this part with respect to service for which

retroactive employee contributions are transferable to the employer account and which election is then not fully paid or is made thereafter, shall be adjusted so that the total accumulated contributions in the member's account upon completion of the deposit will equal the total accumulated contributions which would be in the member's account had the deposit or redeposit been completed when amounts became transferable from the member's account under this section. Such adjustment shall be accomplished by whichever of the following means is appropriate under the facts and the provisions of this section: (1) transfer to the employer account of amounts deposited where such account has not been fully reimbursed for retroactive employee contributions on account of the member paid from it, (2) reduction of the amount to be deposited under the election, or (3) refund to the member of the adjustment in his account.

If said contract is or has been amended to provide for the payment of retroactive employee and employer contributions in the manner provided in this section, it may be further amended to provide that the amount by which (1) the total normal contributions of each member for the period subsequent to the effective date of coverage under the federal system less the total normal contributions which would have been credited to the account of such member had the reduced rate of contribution provided in the amended contract with the public agency been in effect from and after the aforesaid date of coverage exceed (2) the employee federal contributions for such member for the period after said date of coverage shall be paid to such member.

This section shall apply to the county superintendent of schools as a contracting agency without election. Any excess normal contributions, determined in the manner prescribed in the preceding paragraph, of a member under a contract with a county superintendent of schools or a contract of a school district, whose services were included in the federal system, shall be refunded to the member.

SEC. 3. Section 20630 of said code is amended to read:

Contributions by member in excess of normal contribution

20630. Subject to rules prescribed by the board any member may elect to make contributions in excess of his normal contributions, for the purpose of providing additional benefits The exercise of this privilege by a member does not require his employer to make any additional contributions. Upon application, the board shall furnish information concerning the nature and amount of additional benefits to be obtained from additional contributions. The board may by rule provide for refund of accumulated additional contributions to a member.

SEC. 4. Section 20804.51 is added to said code, to read:

Prior credited service modified on co-ordination

20804.51. Service credited under Section 20804.5 to a member who at membership became subject to a reduced or modified retirement allowance formula because of co-ordination with the federal system shall be subject to such modified formula, to the extent that the service was rendered to any contracting

agency in which such modified formula applies, after the effective date of coverage under the federal system of members in the employ of that agency.

SEC. 5. Section 20933.5 of said code is amended to read:

Ineffective election

20933.5. Any election under this article shall be ineffective with respect to any service which subsequent thereto becomes creditable to the member under this part as prior service rendered a contracting agency or under another retirement system supported wholly or in part by public funds, and any contributions made with respect to such service pursuant to such election shall be refunded to the member. Refunds under this section shall include the interest credited to the member's account on the contributions refunded.

Operative date

SEC. 6. This act shall become operative on October 1, 1961.

CHAPTER 1001

An act relating to beach erosion control at Oceanside, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one million two hundred twenty-one thousand dollars ($1,221,000) is appropriated from the General Fund in the State Treasury to the Department of Water Resources, to be advanced by the department to meet the federal share in connection with the Oceanside beach erosion control project, in accordance with Sections 335 to 339, inclusive, of the Water Code.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The first portion of a beach erosion control project at Oceanside is presently being constructed and the federal government is ready to commence further construction at Oceanside this spring. Beach erosion at Oceanside is taking place at a critical rate and, if this act does not go into effect immediately, beach erosion will cause permanent and irreparable damage at Oceanside.

CHAPTER 1002

An act to amend Section 24073 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 24073 of the Business and Professions Code is amended to read:

24073. No retail license limited in numbers, or onsale general license for seasonal business, shall be transferred unless before the filing of the transfer application with the department the licensee or the intended transferee records in the office of the county recorder of the county or counties in which the premises to which the license has been issued are situated a notice of the intended transfer, stating all of the following:

(a) The name and address of the licensee.

(b) The name and address of the intended transferee.

(c) The kind of license or licenses intended to be transferred.

(d) The address or addresses of the premises to which the license or licenses have been issued.

(e) An agreement between the parties to the transfer that the consideration for the transfer of the business and license or licenses, if any there be, is to be paid only after the transfer is approved by the department.

(f) The place where the purchase price or consideration for the transfer of the business and license or licenses is to be paid and the amount of such purchase price or consideration.

(g) The name and address of the escrow holder referred to in Section 24074 of this division.

A copy of the notice of intended transfer, certified by the county recorder, shall be filed with the department together with a transfer application.

CHAPTER 1003

An act to create the Kern County Water Agency, primarily for the purpose of acquiring water supplies for its member units, and prescribing its powers and duties, providing for its organization, operation, and management, and authorizing the acquisition of property and works to carry out the purposes of the agency, authorizing the incurrence of indebtedness, providing for issuance of bonds, providing for the levy and collection of taxes for the payment of such indebtedness, providing for the issuing of bonds payable solely from revenues of the agency, and providing for the

levy and collection of taxes for the payment of general agency expenses and for co-operation and contracts with any entity, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

Creation of Kern County Water Agency

SECTION 1. A district is hereby created to be known as the Kern County Water Agency. Said agency shall consist of all the territory lying within the exterior boundaries of the County of Kern.

Definitions

SEC. 2. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) "Agency" means the Kern County Water Agency.

(b) "County" means the County of Kern of the State of California, and "board of supervisors" means the Board of Supervisors of the County of Kern.

(c) "United States" means the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(d) "State" means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(e) "Work" or "works" includes dams and dam sites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion, transmission and distribution of water; any replacement, renovation or improvement of the foregoing; and all land, property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing.

(f) "District" means any of the following lying within or partially within the agency: irrigation districts, county water districts, water conservation districts, water districts, water storage districts, soil conservation districts, municipalities, towns, flood control districts, and any other districts or political subdivisions of the State empowered by law to appropriate water and deliver water to water users.

(g) "Member unit" means any district which enters into a contract with the agency for (i) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States, of any or all the construction costs of any works constructed by or on behalf of the agency or such district, or for (ii) the underwriting in whole or in part of any or all of such construction costs, or for (iii) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States of any or all of the cost of furnishing water or a water supply to the agency or

such district or the underwriting in whole or in part of such cost, or for (iv) the payment in whole or in part for water to be furnished or sold to such district by the agency, the State or the United States.

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" means any elector of the county qualified under the laws of the State of California to vote in the county at general elections.

(i) "May" is permissive and "shall" is mandatory.

(j) "Board" means the board of directors of the agency.

(k) "Agency election" means the election held in every even-numbered year, and consolidated with the general election, as defined in Section 23 of the Elections Code, for the election of directors.

Powers

SEC. 3. The Kern County Water Agency is hereby declared to be and is a body politic and corporate and as such shall have, among others, the powers enumerated in this act and such other powers as the law may provide. The powers of the agency shall, except as otherwise provided, be exercised by the board of directors.

Perpetual succession

SEC. 3.1. The agency shall have perpetual succession.

Seal

SEC. 3.2. The agency shall have the power to adopt a seal and alter it at its pleasure.

Sue, be sued, etc.

SEC. 3.3. The agency shall have the power to sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts, commissions, boards and tribunals of competent jurisdiction.

Eminent domain

SEC. 3.4. The agency shall have the power of eminent domain to acquire within or without the agency by condemnation in the manner and to the extent prescribed in Article I, Section 14 of the Constitution of the State of California and Title 7 (commencing at Section 1237) of Part 3 of the Code of Civil Procedure, all property or any interest therein, necessary or convenient for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation water or property held or used for the development, storage or distribution of water for public use without the consent of the owner of such property, unless provision is made to furnish an equivalent water supply and substitute facilities of equal usefulness for the use of the owner of such property; and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control by the State of California in the manner prescribed by law.

In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation, together with

its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

Notwithstanding any other provisions of this act or any other law, no property shall be taken except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it already has been appropriated.

The power of eminent domain vested in the agency shall include the power to condemn in the name of the agency either the fee simple or any lesser estate or interest in any property which the board by resolution shall determine is necessary for carrying out the purposes of the agency. Such resolution shall be prima facie evidence that the taking of such property, to the extent stated in said resolution, is necessary for carrying out the purposes of the agency.

No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Kern shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

Real and personal property

SEC. 3.5. The agency shall have the power to take absolutely or on condition, by grant, purchase, gift, devise, or lease, with or without the privilege of purchasing, or otherwise, real and personal property of any kind, or any interest in real or personal property, within or without the agency, necessary or convenient to the full exercise of its powers, and to hold, use, enjoy, and to lease or dispose of the same subject to the limitations set forth in Section 11.

Contracts, employment of labor, etc

SEC. 3.6. Subject to the limitations provided in this act, the agency shall have the power to make contracts, employ labor and to do all acts necessary for the full exercise of its purposes and powers. The board may cause construction or other work to be performed or carried out by contracts or by the agency under its own superintendence.

Borrow money, etc

SEC. 3.7. The agency shall have the power to borrow money, incur indebtedness and issue bonds or other evidence of such indebtedness in the manner provided herein; also to refund or retire any indebtedness or lien that may exist against the agency or property thereof.

Other necessary lawful acts

SEC. 4. The agency shall have the power as limited in this act to do any and every lawful act necessary in order that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the agency, including, but not limited to, irrigation, domestic, fire protection, municipal, commercial, industrial, recreational, and all other beneficial uses and purposes.

Control flood and storm waters

SEC. 4.1. The agency shall have the power to control the flood and storm waters within the agency and the flood and storm waters of streams that have their sources outside of the agency, which streams and floodwaters flow into the agency, and to conserve such waters for beneficial and useful purposes

of said agency by spreading, storing, retaining and percolating into the soil within or without said agency, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said agency, and the watercourses outside of the agency of streams flowing into the agency.

Drain and reclaim lands

SEC. 4.2. The agency may drain and reclaim lands within the agency either by surface or underground works or both; and may acquire, by appropriation or other lawful means, and divert, store, conserve, transport or dispose of water resulting from such operations for any beneficial purpose or use.

Other powers

SEC. 4.3. The agency shall have the power (a) to appropriate and acquire water and water rights; (b) to store water in surface or underground reservoirs within or outside of the agency for the common benefit of the agency; (c) to conserve and reclaim water for present and future use within the agency; (d) to import water into the agency and to conserve and utilize, within or outside of the agency, water for any purpose useful to the agency or the member units thereof; (e) to commence, maintain, intervene in, defend or compromise, in the name of the agency, and to assume the costs and expenses of any action or proceeding:

(1) To declare rights in or otherwise involving the ownership or use of the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the agency or of common benefit to the lands within the agency or to its inhabitants;

(2) To prevent interference with or diminution of such waters;

(3) To prevent the wasteful use of water in the agency;

(4) To prevent the unlawful exportation of water from the agency;

(5) To prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in the agency;

(6) To prevent any such interference with such waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the agency.

This section shall not authorize the agency to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the agency.

Acquire works and water rights

SEC. 4.4. The agency shall have the power within or outside the agency to construct, purchase, lease, or otherwise acquire works and to purchase, lease, appropriate or otherwise acquire water and water rights, useful or necessary to make use of water for any purposes authorized by this act.

Repair and improve

SEC. 4.5. The agency shall have the power to operate, repair, improve, maintain, renew, replace and extend all works and property of the agency.

Make surveys and investigations

SEC. 4.6. The agency shall have the power to make surveys and investigations for works and projects and of the water supply and resources of the agency, and to carry on and perform technical and other investigations of all kinds, make measurements, collect data and make analyses, studies and inspections pertaining to water supply, water, water rights, control of flood and storm water and use of water both within and without the agency, and for these purposes the agency shall have the right of access through its authorized representatives, to all properties within the agency; provided, that the existence of such right of access shall not relieve the agency from liability for damage sustained by any property owner by reason of the exercise of said right.

Construct facilities

SEC. 4.7. The agency shall have the power to construct its pipes, pipelines, flumes and tunnels and other conduits, including facilities for the transmission of electric energy to the works of the agency, along, under or across any public road, street, alley, avenue, highway or sidewalk, or across any stream of water, watercourse, railway, canal, ditch, or flume which the route of said pipes, pipelines, canals, flumes, tunnels, or other conduits may intersect or cross, except that such works shall be constructed in compliance with any applicable laws and in such manner as to afford security for life and property, and the agency shall restore at its own expense any such crossings and intersections to their former state as nearly as may be, or to an extent which does not unnecessarily impair their usefulness. Every owner whose right-of-way shall be intersected or crossed by said pipes, pipelines, canals, flumes, tunnels or other conduits shall co-operate with the agency in forming said intersections and crossings and grant the rights therefor; provided, that nothing herein contained shall be construed to preclude or limit the right of such owner to recover just compensation for any damage or loss sustained by reason of any intersection or crossing that occurs as aforesaid.

Grant of right-of-way over state lands

SEC. 4.8. There is hereby granted to the agency the right-of-way for the location, construction, and maintenance of works authorized under the provisions of this act in, over and across public lands of the State of California, not otherwise disposed of or in use, but not in any case exceeding an area which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works or adjuncts thereto is made by the agency, the board shall transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands selected, giving the extent thereof and the uses for which the same is claimed or desired, verified by the board If the State Lands Commission approves the selections so made it shall endorse its approval upon the plat and issue to the agency a permit to use such right-of-way and lands.

Rights-of-way necessary for compliance with judgment or contract

SEC. 4.9. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 3.4 of this act, shall provide that in making the exchange the property condemned and exchanged shall be dedicated to public use by the party with whom such exchange is made.

Controversies

(b) In the event the agency and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.

Jurisdiction proceedings

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6 (commencing at Section 1201) of Part 1 of Division 1 of the Public Utilities Code.

Appropriation of funds

SEC. 4.10. Until such time as funds first can be made available to the agency under the provisions of this act, the board of supervisors of the county may, upon a showing that funds are needed for the purposes of the agency, appropriate money from the general fund of the county for the use of the agency in an amount not in excess of that which the agency could have raised by assessment during any one year pursuant to Section 14 of this act, or so much thereof as may be required.

Reimbursement of county

SEC. 4.11. The agency may reimburse the county for any funds made available by the county pursuant to Section 4.10 of this act and for any funds expended by the county in investigations, elections, or other acts incidental to the establishment of the agency.

Contracts with private water companies

SEC. 4.12. The agency shall have power to enter into contracts with any private water company within the agency whenever such contract appears to the board to be in the public interest.

Power to borrow money

SEC. 4.13. When authorized by the board the agency shall have the power to borrow money with repayment to commence at a future date from revenues of the agency.

Power to develop hydroelectric energy

SEC. 4.14. The agency shall have the power to construct, operate and maintain works to develop hydroelectric energy, for use by the agency in the operation of its works or as a means of assisting in financing the construction, operation and maintenance of its projects for the control, conservation, diver-

sion and transmission of water and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale to any public agency or private entity, or both, or the federal or state government.

Contract for sale of right to use falling water

SEC. 4.15. In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.

Sale and lease of use of works

SEC. 5. Any water or rights to the use of the works of the agency for the conservation, control or transportation of water may be sold, leased or otherwise transferred by the agency to member units, and the agency may fix and collect rates and charges for such purposes The agency may transfer such water or the use of agency works to other than member units for use in the agency upon a temporary or short-term basis, upon a finding by the board that such water or works exceed the needs of member units and contracts for the sale of water pursuant to Section 4.12. The agency may transfer such water or the use of agency works for use outside the agency upon a finding by the board that the water or works involved will not be needed for use within the agency.

Contracts

SEC. 5.1 The agency may enter into contracts with any member unit or with any district which becomes a member unit of the agency for any of the following purposes:

(a) The lease, purchase, or other acquisition by the agency of any of the works of such member unit or district

(b) The construction or acquisition of works by the agency for the conservation, regulation or transmission of water for the benefit of such member unit or district; or for the furnishing or sale by the agency or the State of California or the United States to such member unit or by such member to the agency of water or a water supply for any purpose; or for the assumption, by either the agency or the member unit, as principal or guarantor or underwriter of indebtedness incurred on account of works or water furnished or sold to the agency or member unit.

(c) The sale, lease, or other disposition of water, a water supply, water rights, or works or any interests in any thereof, for any purpose by the agency or by such member unit.

(d) The operation of works and the delivery of water by the agency or by such member unit, except that:

(1) The works shall be operated in conformity with the vested rights and appropriations of each of its member units having an interest therein.

(2) There shall be delivered to each member unit all water to which such member unit is entitled under the contract entered into by the agency and such member unit.

(3) There shall not be delivered to any member unit more water than the amount to which such member unit is entitled

under the contract entered into by the agency and such member unit, except that the release of water from any reservoir in the amount required to satisfy any vested right shall not constitute a delivery of water, and any amount of water assigned under Section 5 5 by one member unit to another member unit shall be delivered to the latter.

Suspension of water delivery

SEC. 5 2. The agency in its discretion may suspend delivery of water conserved by the agency or obtained by or on behalf of the agency or a member unit to any member unit during the period which said member unit is delinquent in its payment for or obligations due in respect to such water under any contract entered into by it with the agency.

Liability of each member unit

SEC. 5.3. The liability of each member unit, as distinguished from the liability of its taxpayers and property therein for taxes levied by the agency for agency purposes, shall be limited to that portion of the total cost for water or water supply or to that portion of the total cost of construction and the operation and maintenance cost of the works acquired or constructed by or on behalf of the agency or member unit which such member unit agrees to bear.

The liability of each member unit shall be set forth fully in a written contract which shall be legally approved by the member unit in accordance with the laws governing such member unit. No contract shall be altered or modified without the consent of the agency and the legal approval of the member unit.

Provisions allowed in contracts

Each contract may provide, among other things:

(a) The total capital obligation which the member unit agrees to bear.

(b) The minimum annual payments which the member unit shall make in amortization of its capital obligation.

(c) The amount or pro rata portion of water which shall be delivered to or held in storage for the member unit.

(d) The basis of allocation of operation and maintenance costs to be borne by the member unit.

(e) The amount or other measure of water supply or water agreed to be acquired by or furnished or sold to such member unit and the cost thereof to such member unit.

Such contracts shall be fair and equitable to each contracting party, and no member unit shall receive any undue advantage over any other member unit, having proper regard for all factors and conditions involved.

Such contracts shall be executed in accordance with the laws governing such districts.

Reduction in debt principal

SEC. 5.4. (a) In the event of any reduction in the principal of any debt of the agency underwritten by one or more member units, other than by payment thereof, the amounts to be paid to the agency by each member unit in amortization of its remaining portion of such debt shall be reduced proportionately so that the relative obligations of each such member unit shall be unchanged.

(b) In the event of any reduction in the rate of interest being paid on any part of a debt of the agency for which one or more member units are responsible, the amounts to be paid the agency by each such member unit shall be reduced proportionately so that the relative obligation of each such member unit remains unchanged in respect to its obligation to pay any remaining interest.

Reduction in obligation

SEC. 5.5. Any member unit may reduce its obligations under its contract with the agency by assignment to and acceptance by another member unit of any part of its right to receive water under its contract except that the assignment shall be legally approved, in accordance with the laws governing such member unit, by each member unit which is a party to the assignment. The total of all payments to be made by such member units to the agency shall not be reduced by virtue of the assignment and the assignor member unit may be required by the agency to guarantee the payments assumed by the assignee member unit.

Sale of capital asset

SEC. 5.6. If any capital asset of the agency is sold or otherwise disposed of, the net proceeds therefrom shall be distributed to the member units, or applied against any liability of the member units to the agency in proportion to the amount contributed by each member unit to the cost of the capital asset. However, if any liability on the part of the agency or its member units for the original cost or any subsequent improvement or refinancing of such capital asset is not completely extinguished at or before the time of the sale or disposal thereof, the agency may apply as much of the proceeds of the sale as are necessary to extinguish the liability. In extinguishing such liability, the proceeds of the sale shall be applied only as the interests and liabilities of the agency and its member units shall appear.

Power to contract under Federal Reclamation Act

SEC. 6. The agency shall have the power to co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof and supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation and maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the agency, and for said purposes the agency shall have, in addition to the powers set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing at Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

United States Contract Fund

SEC. 6.1. All money collected in pursuance of a contract with the United States shall be paid into the agency treasury and held in a fund to be known as the "United States Contract

Fund'' to be used for payments due to the United States under the contract.

Co-operation, etc., with public and private agencies

SEC. 6.2 The agency may co-operate and act in conjunction and contract with the United States, State of California, any municipality, district, public or private corporation, or any person, in the purchase, sale, or exchange of water, in the acquisition of water or a water supply, in the construction of any works for the controlling of flood or storm waters in the agency, or for the protection of property, watersheds, watercourses, highways and life, or for the purpose of conserving and transporting said waters for beneficial uses and purposes, including recreational uses, and for the use, operation and management and ownership of such works. The agency also may make and perform any agreement with the United States, the State, any county, municipality, district, public or private corporation, or any person for the joint acquisition, disposition, operation or management of any property, works, water or water supply of a kind which might be acquired, disposed of, or operated by the agency.

Any irrigation district, water storage district, California water district, public utility district, municipal utility district, soil conservation district, county water district, water conservation district, municipality, flood control district, and any other district or political subdivision of the State empowered by law to appropriate water and deliver water to users may:

(a) Co-operate, act in conjunction with and enter into contracts with the agency for all the purposes for which the agency is empowered to co-operate or act in conjunction and contract with such districts, municipalities, and political subdivisions.

(b) Carry out the terms of such contracts.

Election requirement for certain contracts

SEC. 6.3. (a) A proposal to enter into a contract with the State shall be authorized at an election if the contract is for any or all of the following:

(1) Repayment of construction money.

(2) Repayment of the cost of acquiring any property.

(3) Issuance of bonds.

(b) Proceedings at the election shall be had insofar as applicable in the manner provided in the case of the ordinary issuance of agency bonds.

(c) Notice of the election shall contain in addition to the information required in the case of ordinary bond elections a statement of the maximum amount of money to be payable to the State for construction purposes and cost of water supply and acquisition of property, exclusive of penalties and interest, and a general statement of the property, if any, to be conveyed by the agency pursuant to the contract.

Ballot

(d) The ballots at the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of election and the extent of the obligation to be assumed with the words ''Contract—Yes'' and ''Contract—No'' or ''Contract and bonds—Yes'' and ''Contract and bonds—No'' whichever may be applicable.

Majority vote

(e) A majority vote at an election shall be sufficient to authorize the execution of the contract.

Notice of election

SEC. 7. The board of supervisors, within 30 days after the effective date of this act, shall call and give notice of an election to be held in the agency for the purpose of determining whether it shall begin to function and exercise its powers and for the selection of persons who shall serve as directors of the agency if it shall begin to function and exercise its powers.

Election date

The election shall be held not less than 75 days, nor more than 90 days, after the effective date of this act. The candidates for director shall be nominated, and the preparations for the election shall be made, in the manner provided by Articles 2 (commencing with Section 30745) and 3 (commencing with Section 30770) of Chapter 2 of Part 4 of Division 12 of the Water Code, so far as is applicable thereto, except that each candidate must be nominated from, and seek the office for, the division in which he is a voter.

Election notice

Notice of the election shall be published in a newspaper of general circulation circulated within the territory of the agency. Such notice shall be published at least twice, with an interval of at least six days between the first and last publication. Publication shall be complete at least six days before the date of the election

Same Contents

The notice of the election shall contain:

(a) The date of the election;

(b) The name of the agency;

(c) The proposition to be voted on, as follows: "Shall the Kern County Water Agency begin to function and exercise its powers in accordance with the provisions of the Kern County Water Agency Act?"; and

(d) A statement that the first elective directors will be elected at that election, and said directors will take office if a majority of the voters vote that the agency shall begin to function and exercise its powers.

Ballot form

There shall be printed on the ballot, together with the names of the candidates for director from each of the respective divisions, the following question:

"Shall the Kern County Water Agency begin to function and exercise its powers in accordance with the provisions of the Kern County Water Agency Act?" Following this question, there shall be the words "yes" and "no" on separate lines, with a voting square at the right of each, in which the voters shall indicate by stamping a cross (+) his vote for or against the proposition.

Canvass of returns

If a majority of the voters voting on the proposition vote in its favor, the board of supervisors shall canvass the returns for directors and those seven persons receiving the highest number of votes in each of their respective divisions shall be declared elected. The agency shall begin to function and shall exercise its powers, and the board of supervisors, within 15 days after said election, shall by resolution enter

on its minutes a declaration that the agency has begun to function and exercise its powers.

Filing of resolution

The County Clerk of Kern County, immediately after the entering of the resolution in the minutes of the board of supervisors as above provided, shall cause to be filed in the office of the Recorder of Kern County and with the Secretary of State, a certified copy of said resolution. Thereupon, the organization of the agency shall be complete.

No informality in any proceedings, including informality in the conduct of any election not substantially effecting adversely the legal rights of any person, shall invalidate the organization of the agency.

The validity of the organization of the agency shall not be contested in any proceeding commenced more than 90 days after the date that the organization of the agency is complete.

Termination of proceedings

If less than a majority of the votes cast at the election is in favor of the proposition that the agency should begin to function and exercise its powers, the board of supervisors shall declare the proceedings terminated; but a petition requesting that the agency transact business and exercise its powers, signed by not less than 5,000 qualified electors residing within the territory of the agency, may be filed with the board of supervisors not later than 90 days prior to the 1962 general election, and requesting that the board of supervisors call a special election, to be consolidated with said general election, for the purpose of submitting to the voters within the territory of the agency the proposition of whether the agency should begin to function and exercise its powers and for the election of the first directors of the agency. If such petition is filed the board of supervisors shall call and hold such election, and the provisions of this section with respect to the calling and holding of such an election shall be applicable.

Special election

Board of directors

Divisions

SEC. 7.1. The governing body of the agency shall be a board of seven directors, with one director being a voter of and nominated and elected from each of the seven divisions hereinafter described:

Division 1

Division 1 shall consist of all of that territory of the County of Kern lying within the boundaries of the Wasco Judicial District, the Delano-McFarland Judicial District and the Shafter Judicial District as said judicial districts were in existence on April 1, 1961, and were described on said date in Chapter 1 of Division 5 of Part 1 (commencing with Section 1380) of the Ordinance Code of said County of Kern.

Division 2

Division 2 shall consist of all of that territory of the County of Kern lying within the boundaries of the Kern River Judicial District, the Indian Wells Judicial District, the Randsburg Judicial District and the Mojave Judicial District as said judicial districts were in existence on April 1, 1961, and

were described on said date in Chapter 1 of Division 5 of Part 1 (commencing with Section 1380) of the Ordinance Code of said County of Kern.

Division 3

Division 3 shall consist of all of that territory of the County of Kern lying within the boundaries of the Tehachapi Judicial District and the Arvin-Lamont Judicial District as said judicial districts were in existence on April 1, 1961, and were described on said date in Chapter 1 of Division 5 of Part 1 (commencing with Section 1380) of the Ordinance Code of said County of Kern.

Division 4

Division 4 shall consist of all of that territory of the County of Kern lying within the boundaries of the Maricopa-Taft Judicial District and the Buttonwillow Judicial District as said judicial districts were in existence on April 1, 1961, and were described on said date in Chapter 1 of Division 5 of Part 1 (commencing with Section 1380) of the Ordinance Code of said County of Kern.

Division 5

Division 5 shall consist of all of that territory of the County of Kern contained in the hereinafter described portion of the Bakersfield Judicial District as said judicial district was in existence on April 1, 1961, and was described on said date in Chapter 1 of Division 5 of Part 1 (commencing with Section 1380) of the Ordinance Code of said County of Kern. Said portion of said judicial district is more particularly described as follows, to wit:

Beginning at the point of intersection of the center line of Kern River with the West line of Section 2, Township 30 South, Range 26 East, MDB&M, said point being a point in the boundary of the Bakersfield Judicial District; thence departing from said District boundary Northeasterly on and along the center line of Kern River to the point of intersection with the Westerly prolongation of the North line of 34th Street according to the Map of the City of Bakersfield, filed for record in the Office of the Recorder of Kern County on November 25, 1898; thence East along the Westerly prolongation of said North line of 34th Street and along said North line and the Easterly extension thereof to intersect the East line of Section 19, Township 29 South, Range 28 East, MDB&M and to the center line of Union Avenue according to said Map of the City of Bakersfield; thence South along Section lines and along the center line of Union Avenue to the Southeast corner of Section 7, Township 30 South, Range 28 East, MDB&M, said corner being a point in the Southerly boundary of the Bakersfield Judicial District; thence West and thence North along boundaries of said Bakersfield Judicial District to the point of beginning.

Division 6

Division 6 shall consist of all of that territory of the County of Kern contained in the hereinafter described portion of the Bakersfield Judicial District as said judicial district was in existence on April 1, 1961, and was described on said date in Chapter 1 of Division 5 of Part 1 (commencing with Section 1380) of the Ordinance Code of said County of Kern. Said portion of said judicial district is more particularly described as follows, to wit:

Beginning at the Southeast corner of Section 18, Township 29 South, Range 30 East, MDB&M, said corner being a point in the boundary of the Bakersfield Judicial District; thence departing from said boundary West along Section lines to the Southwest corner of Section 16, Township 29 South, Range 28 East, MDB&M; thence South one-half mile to the Southeast corner of the Northeast quarter of Section 20, Township 29 South, Range 28 East, MDB&M; thence West along the South line of the North one-half of said Section 20 to the Southwest corner of the Northwest quarter of Section 20; thence North along the West line of Section 20 to intersect the Easterly prolongation of the North line of 34th Street according to the Map of the City of Bakersfield filed for record in the Office of the County Recorder of Kern County on November 25th, 1898; thence West along the North line of 34th Street and extensions thereof to intersect the center-line of Kern River; thence Southwesterly along the center-line of Kern River to intersect the West line of Section 2, Township 30 South, Range 26 East, MDB&M being a point in the boundary of the Bakersfield Judicial District; thence North along said Bakersfield Judicial District and along the West line of said Section 2 to the Southwest corner of Section 35, Township 29 South, Range 26 East, MDB&M; thence continuing Westerly, Northerly and Easterly along the various courses and distances of the external boundary line of said Bakersfield Judicial District to the place of beginning.

Division 7

Division 7 shall consist of all of that territory of the County of Kern contained in the hereinafter described portion of the Bakersfield Judicial District as said judicial district was in existence on April 1, 1961, and was described on said date in Chapter 1 of Division 5 of Part 1 (commencing with Section 1380) of the Ordinance Code of said County of Kern. Said portion of said judicial district is more particularly described as follows, to wit:

Beginning at the Southeast corner of Section 7, Township 30 South, Range 28 East, MDB&M, said corner being a point in the Southerly boundary line of the Bakersfield Judicial District; thence departing from said boundary North along Section lines to the Southwest corner of the Northwest quarter of Section 20, Township 29 South, Range 28 East, MDB&M;

thence East along the South line of the North half of said Section 20 to the Southeast corner of the Northeast quarter of said Section 20; thence North one-half mile to the Southwest corner of Section 16, Township 29 South, Range 28 East, MDB&M; thence East along Section lines to the Southeast corner of Section 18, Township 29 South, Range 30 East, MDB&M, said corner being a point in the Easterly boundary of the Bakersfield Judicial District; thence South along said District boundary and along Section lines to the Southeast corner of Section 31, Township 29 South, Range 30 East, MDB&M; thence continuing Easterly, Southerly and Westerly along the various courses and distances of the external boundary line of said District to the place of beginning.

Directors

The directors first elected shall classify themselves by lot so that three of them shall hold office until their successors take office following their election at the first succeeding agency election, and four of them shall hold office until their successors take office following their election in the second succeeding agency election.

Excepting the directors first elected, each director shall be elected at the agency election and serve a term of four years.

Term of office

Each candidate for director at the agency election shall declare his candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuing of certificates of election for county supervisors are made, declared, held and conducted, and issued, so far as consistent with the provisions of this act. Each of the seven candidates for director who receives the highest number of votes within his division at the agency election shall be elected, and shall take office at the same time provided by the Government Code for county officers.

Vacancies

All vacancies occurring in the office of director, including the failure of a person elected to qualify, shall be filled by appointment by the remaining directors of a person who is eligible to be elected for the vacancy.

Meeting of directors

SEC. 7.2. Within 30 days after the election prescribed in Section 7 and thereafter within 30 days after those who are elected at the succeeding elections take office, the directors shall meet and organize as a board.

The board shall:

(a) Elect one of its members president;

(b) Provide for the time and place of holding its regular meeting; and

(c) Provide for the manner of calling special meetings The board shall act only by ordinance, resolution or motion and the enacting clause of all ordinances passed by the board shall be:

"Be it ordained by the Board of Directors of the Kern County Water Agency as follows:".

All ordinances shall be signed by the president and attested by the secretary, shall be adopted, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances of the county. A majority of the board shall constitute a quorum for the transaction of business, and the board may transact any business of the agency at its organization meeting. Ordinances

The board shall establish rules for its proceedings and all legislative sessions of the board shall be public.

SEC. 7.3. Unless previously approved by the board of supervisors, no tax or assessment shall be levied hereunder, no zone of benefit shall be created pursuant to Section 14.2 hereof, no proceedings in eminent domain shall be commenced, no contract with the State or the United States or a member unit shall be submitted to the voters or executed, no expenditure of funds unless previously approved in the form of a budget by the board of supervisors shall be made, and no proposal to authorize the issuance of bonds shall be submitted to the electorate. The board of supervisors may, in connection with any of the foregoing, conduct public hearings Such hearings shall be declared by a resolution specifying the purpose and the day, hour, and place where all interested persons may appear and be heard. This resolution shall be published in the agency pursuant to Section 6063 of the Government Code in a newspaper of general circulation in the agency. The hearing may be adjourned from time to time at the discretion of the board of supervisors and at its conclusion the board of supervisors shall declare its decision. Requirement of board approval. Public hearings. Publishing of resolution.

SEC 7.4. Each member of the board of directors, and each member of the board of supervisors when acting pursuant to Section 7.3, shall be entitled to receive from the agency the sum of twenty-five dollars ($25) for each meeting attended, plus actual, necessary, and reasonable traveling expenses Salary.

SEC 8. If the county surveyor is a registered civil engineer and is employed to supervise the engineering work of the agency, the board may provide compensation for his services in addition to his salary as county surveyor which shall be payable from the funds of the agency. The board may employ the county counsel as the attorney for the agency and may provide compensation for his services in addition to his salary as county counsel which shall be payable from the funds of the agency. All other officers of the county, and their assistants, deputies, clerks, and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of the agency, and shall perform, unless otherwise provided by the board, the same duties for the agency as performed for the county. Compensation for county surveyor as engineer. County counsel as attorney. Ex officio officers.

SEC. 8.1. The board may employ agents, superintendents, engineers, attorneys, and employees necessary to carry out the provisions of this act. General employment.

The board may appoint a secretary and such other officers, agents and employees for the board or agency as in its judg-

ment may be deemed necessary, prescribe their duties and fix their compensation. Such officers, agents and employees so appointed shall hold their respective offices or positions during the pleasure of the board.

Term of service

Prohibited interest

SEC. 9. (a) No director of the agency shall be interested in any manner, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom. A violation of this prohibition is a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment, and such conviction shall by operation of law work a forfeiture of office. Every contract made by the board of directors in violation of this prohibition may be avoided at the instance of any party except the director interested therein.

Punishment

(b) A director shall not be deemed to be interested in a contract within the meaning of (a) of this section if he has only a remote interest in the contract and if the fact of such interest is disclosed to the board and noted in its official records, and thereafter the board authorizes, approves, or ratifies the contract in good faith by a vote sufficient for the purpose without counting the vote of the director with the remote interest. As used herein "remote interest" means:

"Remote interest"

(1) That of a nonsalaried officer of a nonprofit corporation;

(2) That of an employee of the contracting party, if such contracting party has 10 or more other employees and if the director was an employee of said contracting party for at least three years prior to his initially accepting his office.

(3) That of a parent in the earnings of his minor child for personal services;

(4) That of a landlord or tenant of the contracting party;

(5) That of an attorney of the contracting party;

(6) That of a member of a nonprofit corporation formed under the Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products;

(7) That of an owner of less than 3 percent of the shares of a corporation for profit;

(8) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty.

(c) The provisions of (b) of this section shall not be applicable to any director interested in a contract who influences or attempts to influence another director to enter into the contract.

Willful nondisclosure

(d) The willful failure of a director to disclose the fact of his interest in a contract pursuant to (b) of this section shall be punishable as provided in (a) of this section. Such violation shall not void the contract however, unless the contracting party had knowledge of the fact of the remote interest of the director at the time the contract was executed.

(e) The prohibition against an interest in contracts provided by this section shall not be deemed to prohibit a director from subdividing lands owned by him or in which he has an interest and which subdivision of lands is effected under the provisions of Chapter 2 (commencing at Section 11500) of Part 2 of Division 4 of the Business and Professions Code or any local ordinance concerning subdivisions; provided, that (1) said director shall first fully disclose the nature of his interest in any such lands to the legislative body having jurisdiction over the subdivision thereof, and (2) said director shall not cast his vote upon any matter or contract concerning said subdivision in any manner whatever.

Liability for acts of agents or employees

SEC. 9.1. No director shall be liable for any act or omission of any appointee or employee appointed or employed by him in his official capacity, whether such employment or appointment was made singly or in conjunction with other members of the board, and no officer, agent or employee of the agency shall be liable for any act or omission of any agent or employee appointed or employed by him except when the director, officer or agent making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render the services for which he was appointed or employed, or retained such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.

General liability

SEC. 9.2. Nothing contained in Section 9.1 shall be considered as creating any liability or responsibility unless the same would have existed without the enactment of said section, nor shall the provisions of said section be deemed to amend, modify or repeal the provisions of Chapter 6 (commencing at Section 1950) of Division 4 of Title 1 of the Government Code.

Payment of judgments

SEC. 9.3. If a judgment is entered against a director, officer, agent, or employee of the agency for any act or omission in his official capacity, except in case of actual fraud or malice, the agency shall pay the judgment without obligation for repayment by the director, officer, agent, or employee.

Claims against the agency

SEC. 10. Claims against the agency whether arising out of contract, tort, or the taking or damaging of property without compensation shall be governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code.

Legal title to all property

SEC. 11. The legal title to all property acquired under the provisions of this act shall be in the agency and shall be held for the uses and purposes of this act. The board may hold, use, acquire, manage, occupy and possess such property and, after declaring by resolution entered in the minutes that any real or personal property held by the agency is no longer necessary, may sell or otherwise dispose of such property, or lease the same, in the manner provided by law for the disposition and sale of property by counties.

Bidding requirement

SEC. 12. All contracts for any improvement or unit of work, when the cost according to the estimate of the engineer will exceed four thousand dollars ($4,000), shall be let to the lowest responsible bidder or bidders as provided in this section. The board shall first determine whether the contract shall be let as a single unit for the whole of the work, or divided into

Advertisement for bids

several convenient parts. The board shall advertise for bids by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in the agency, inviting sealed proposals for the construction or performance of the improvement or work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as stated in such call. The board shall require the successful

Bonds of bidders

bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material. The bonds shall comply with Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code. The board may reject any and all bids. In the event all proposals are rejected or no proposals are received, or the estimated cost of the work does not

Exception to bid requirements

exceed four thousand dollars ($4,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board may have the work done by force account without advertising for bids. The agency may purchase in the open market without advertising for bids, materials and supplies for use in any work, either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds four thousand dollars ($4,000), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

Investigation, report, hearings, on works, etc

SEC. 12.1. No works or improvements shall be undertaken by the agency, including proceedings pursuant to Section 16 of this act, unless an investigation and report has been made and a hearing has been held thereon as provided in this section.

Engineering study and report

The board shall make or cause to be made an engineering study and report upon the proposed works or improvements, together with estimates of the cost thereof. The board may, after reviewing the report and estimates of cost, thereafter adopt a resolution declaring its intention to proceed with the proposed works or improvements, briefly describing the same and describing the area which will be benefited thereby, whether all or part of the agency or any one or more of the

Public hearing

member units therein. The resolution shall further declare that a public hearing will be held thereon at a specified day, hour and place, where all persons interested may appear and be heard.

Publication of resolution

The resolution shall be published in a newspaper of general circulation within the area to be benefited by the proposed work or improvement once a week for two weeks, and the last day of publication shall be not less than seven days before the day fixed for the public hearing.

Filing of written protest

At any time before or during the public hearing, any holder of title to real property in the area to be benefited may file a written protest thereto with the secretary of the board. If before the conclusion of said hearing written protests have been filed by a majority in number of the holders of title to the real property in the area benefited and who are also the holders in title to a majority of the real property in the said area according to assessed valuation as shown by the last equalized assessment roll, then the board shall not proceed further with the proposed work or improvement until proceedings are commenced and completed hereunder without such protest; provided, that such proceedings shall not be commenced for a period of six months after the date of any such majority protest.

Limits on indebtedness

SEC. 13. The agency shall not incur any indebtedness or liability exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable. This section shall have no application to debts and liabilities incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments, or the execution of contracts with the United States or the State.

Power in case revenues are inadequate

SEC. 14. If from any cause, the revenues of the agency shall be, or in the judgment of the board are likely to be, inadequate to pay the expenses, costs, liabilities and indebtedness of the agency, the board shall have the power in any year to levy an ad valorem tax upon all taxable property in the agency to pay the costs and expenses of the agency to carry out the provisions of this act, except that the aggregate taxes or assessments levied for any one fiscal year shall not exceed five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the agency.

The foregoing limitations shall be exclusive of any tax levied pursuant to Sections 14.1, 14.2, 15, 16 and 17 of this act.

Special ad valorem tax

SEC. 14.1. The agency may levy a special ad valorem tax on all the property taxable by any member unit, whenever any such member unit is delinquent in any payment due the agency under a contract. The tax shall be levied only at a rate sufficient to raise the amount delinquent, and shall be used only to reduce the liability of the delinquent member unit.

No property in any portion of the agency, other than that in the delinquent member unit, shall be liable for or taxed to pay such delinquency.

Special assessments

SEC. 14.2. For the purpose of making payments pursuant to contracts entered into by the agency with the United States or the State, in accordance with the provisions of this act, the

agency, in addition to the revenues and taxes otherwise provided for in this act, may make assessments apportioned in accordance with the benefits and, for this purpose, may establish zones of benefit which reflect the degree of benefit resulting to each zone from such contract or contracts. In the ascertainment of the benefits derived through such contract or contracts, and in establishing zones of benefit, there shall be taken into account the following:

(a) Improvement in the underground water supply.

(b) The contribution to the underground water supply by water made available independently of the agency.

(c) The adequacy of the water supply made available independently of the agency.

(d) The prospective need for a water supply.

(e) Extractions from the underground water supply in excess of contributions

(f) The economic impact resulting from the water supply made available under such contract or contracts; provided, that areas not receiving a surface water supply or an improvement in the underground water supply by reason of such contract or contracts shall not be assessed pursuant to this subsection (f) of Section 14 2.

Resolution re intent to assess

No assessment shall be levied under this Section 14 2 unless the board by resolution declares that it intends to do so and that a public hearing will be held thereon at a specified day, hour and place where all interested persons may appear and

Publication

be heard. This resolution shall be published in the agency pursuant to Section 6063 of the Government Code in a newspaper of general circulation in the agency. The hearing may be adjourned from time to time at the discretion of the board and at its conclusion the board shall declare the zones of benefit established, if any, and the assessment, if any, to be levied hereunder. Assessments made within zones of benefit pursuant to this Section 14.2 shall be levied on all taxable property within such zone of benefit on an ad valorem basis.

Bonded indebtedness

SEC. 15. (a) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work of improvement for the benefit of any member unit, as determined in an agreement between the agency and the member unit, it may determine and declare by resolution the amount of bonds necessary to be issued in each member unit affected for such work of improvement. The board shall cause a copy of the resolution duly certified by the clerk to be filed with the governing board of such member unit

Special bond election

(b) After such resolution has been filed, the board shall call a special bond election in each said member unit to submit to the qualified electors of each member unit the question whether or not bonds shall be issued in the amount and for the purposes stated in the resolution. The bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

(c) The special bond election shall be called by ordinance and the board shall submit to the qualified electors of each member unit, the proposition of incurring a bonded debt in the member unit or member units in the amount and for the purposes stated in the resolution and shall recite therein the purposes for which the indebtedness is proposed to be incurred, except that it shall be sufficient to give a brief, general description of such purposes, and refer to the copy of the resolution on file with the governing body of the member unit. The ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness and shall fix the date on which the special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on the indebtedness shall not exceed five percent (5%) per annum. For the purposes of the election, the board shall establish special bond election precincts within the boundaries of each member unit and may form election precincts by consolidating the precincts established for general elections in the agency, not to exceed six general precincts for each such special bond election precinct. In addition, the ordinance shall designate a polling place and appoint one inspector, one judge and one clerk for each special bond election precinct.

Ordinance

Special bonded indebtedness precincts

The special bond election shall be held as nearly as practicable in conformity with the general election laws of the State except as otherwise provided in this act.

The board shall cause a map or maps to be prepared covering a general description of the work to be done, which map shall show the location of the proposed works and improvements and shall cause the map to be posted in a prominent place in the office of the governing body of the member unit affected for public inspection at least thirty (30) days before the date of the election

Maps covering description of work to be done

Said ordinance calling for the special bond election shall be published prior to the date set for such election in a newspaper of general circulation, circulated in each member unit affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of the ordinance must be at least fourteen (14) days before the election, and if there be no such newspaper, then the ordinance shall be posted in five public places designated by the board in each affected member unit for at least thirty (30) days before the date of the election. No other notice of election need be given nor need polling place cards be issued.

Publication of ordinance

Any defect or irregularity in the proceedings prior to the calling of the special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds (⅔) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such member unit for

Defect or irregularity in proceedings

the amount stated in the proceedings shall be issued and sold as provided in this act.

Form of bonds

SEC. 15.1. The board shall prescribe by resolution the form of the bonds, which shall include a designation of the member units affected, and the form of the interest coupons attached to the bonds. Said bonds shall be payable annually or semiannually, at the discretion of the board, at a day and at a place designated in the bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness is paid.

Bond series

The board may divide the principal amount of any issue into two or more series, and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds. The final maturity date shall not exceed forty (40) years from the time of incurring the indebtedness evidenced by each issue or series.

Denomination of bonds

The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the secretary of said agency and the seal of said agency shall be affixed thereto by the secretary of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said secretary by his printed, engraved, or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Bonds may be callable

SEC. 15.2. Such bonds may be callable upon such terms, conditions, and upon such notice as the agency may determine, and upon the payment of such premium as may be fixed by the agency in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

Sale of bonds

SEC. 15.3. Such bonds may be sold at either public or private sale. The agency may fix terms and conditions for the sale or other disposition of any authorized issue of bonds.

Costs and expenses of issuance and sale of bonds

SEC. 15.4. All costs and expenses incident to the issuance and sale of bonds may be paid out of the proceeds of the sale of the bonds. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any works for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture.

Provisions for replacement of bonds

SEC. 15.5. The agency may provide for the replacement of lost, destroyed or mutilated bonds, or coupons.

Bonds tax exempt

SEC. 15.6. Such bonds and the interest or income therefrom are exempt from all taxation in this State other than gift, inheritance and estate taxes.

Designated as legal investments

SEC. 15.7. Bonds issued and sold pursuant to Section 15 of this act are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings trust companies, the state school funds, and any public or private funds which may be invested in county, municipal or school district bonds, and may be deposited as security for the performance of any act whenever the bonds of any county, municipality or school district may be so deposited.

Sale and proceeds

SEC. 15.8. The board may issue and sell the bonds of such member units at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the agency to the credit of the respective member units thereof, for the uses and purposes of the member unit or member units voting said bonds; and the proper record of such transactions shall be placed upon the books of the agency, and said respective member unit funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election.

Payment of interest

SEC. 15.9. Any bonds issued pursuant to Section 15 of this act, and the interest thereon, shall be paid by revenue derived from an annual tax or assessment levied upon all taxable property, exclusive of mineral rights, within each member unit for which such bonds were issued. No member unit nor the property therein nor other lands within the agency shall be liable for the share of bonded indebtedness of any other member unit for which bonds are issued under this act, nor shall any moneys derived from taxation or assessment in any of the several member units be used in payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other member unit.

Ordering of work or improvements

SEC. 16. Whenever in the opinion of the board the public interest or convenience may require, it may order any work or improvement which it is authorized to undertake to be done in accordance with the procedure and in pursuance of the provisions of either the Improvement Act of 1911, Division 7 (commencing at Section 5000) of the Streets and Highways Code, or the Municipal Improvement Act of 1913, Division 12 (commencing at Section 10000) of the Streets and Highways Code.

Definitions

The following terms, as used in the aforesaid improvement acts, shall refer to that which is set out herein for the purposes of this act:

(a) "Municipality" or "city" refers to the agency;

(b) "City council" or "legislative body" refers to the board of directors of the agency;

(c) "City treasurer" or "treasurer" refers to the officer of the agency who has charge of and makes payment of the agency funds;

(d) "Mayor" refers to the president of the agency;

(e) "Clerk" refers to the secretary of the agency;

(f) "Council chambers" refers to the place where the regular meetings of the board of directors are held;

(g) "Superintendent of streets," or "street superintendent" and "city engineer" refer to the engineer of the agency;

(h) "Right-of-way" refers to any parcel of land through which a right-of-way has been granted to the agency for any purpose;

(i) All other words and terms relating to municipal officers and matters refer to the corresponding officers of the agency and matters under this act.

Works as "enterprise"

SEC. 17. If the board by resolution determines that a bonded indebtedness to pay for the acquisition or construction of any works for any purposes of the agency or for refunding any outstanding bonds should be incurred, and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the agency is authorized and shall have the power to define such works as an "enterprise" and to issue revenue bonds all in the manner and as provided in the Revenue Bond Law of 1941, Chapter 6 (commencing at Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code and for such purpose the agency shall be considered a "local agency" as defined by Section 54307 of said code.

Legal investments

SEC. 18. All revenue bonds issued by the agency may be certified as legal investments pursuant to the Districts Securities Commission Law (Chapter 1 (commencing at Section 20000) of Division 10 of the Water Code).

Conformity of improvements

SEC. 19. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and maps theretofore adopted unless the doing of any of such work described in said report shall be prohibited by law, or be rendered contrary to the best interest of the agency by some change of conditions in relation thereto, in which event the board may order necessary changes made in such proposed work of improvement, and may cause any plans and specifications to be made and adopted therefor.

Additional bonds

Whenever bonds have been authorized and the proceeds of the sale thereof have been expended as authorized in this act and the board shall by resolution determine that additional bonds shall be issued for carrying out any of the purposes of this act, the board may again proceed as provided in this act,

and submit to the qualified voters the question of issuing additional bonds in the same manner and with like procedures as provided in this act, and the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Repeat elections

Should a proposition for issuing bonds submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness the board shall not call or order, within six months after such election, another election for incurring indebtedness and issuing bonds under this act for the same purpose.

Retention of liability

SEC. 20. The repeal or amendment of this act shall not in any way affect or release any of the property in the agency or any member unit thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

Statement of creation and boundaries

SEC. 21. On or before the first day of February next succeeding the effective date of this act, the board shall cause to be filed a statement of the creation of and the boundaries of the agency with the county assessor and with the State Board of Equalization in the manner provided by Chapter 8 (commencing at Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code. Thereafter, all assessments shall be made for the agency by the State Board of Equalization and the county assessor, and all taxes shall be collected for the district by the county tax collector in the manner provided in this act.

Tax levy

The board shall, at the time of fixing the general tax levy, levy annually such taxes as are authorized by this act, and immediately thereafter transmit to the county auditor a statement of the rate or rates of taxes fixed by the board.

Collection of taxes

SEC. 21.1. The agency's taxes so levied shall be collected with and not separately from taxes for county purposes. When collected the agency taxes shall be paid to the treasurer of the agency, under the general requirements and penalties provided by law for the settlement of other taxes. The agency may adopt the alternative procedure of tax collection and apportionment established by Chapter 3 (commencing at Section 4701) of Part 8 of Division 1 of the Revenue and Taxation Code and any amendments thereof; provided, however, that the agency may thereafter abandon said alternative procedure at the end of any fiscal year of the agency.

Taxes a lien on property

SEC. 21.2. All taxes levied under this act are a lien on the property on which they are levied. The provisions of law of this State, prescribing the priority, time and manner of assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are hereby adopted for the agency and made a part hereof, so far as they are applicable and not in conflict with this act. Such officers shall be liable upon their official

bond for the faithful discharge of the duties imposed by the provisions of this act.

Action to determine validity of bonds

SEC. 22. The agency at any time after the authorization of bonds or after the execution of any contract may bring an action in the Superior Court of the State of California in and for the County of Kern to determine the validity of the bonds or of the contract. The action is in rem jurisdiction of all parties interested and may be had by publication of summons for at least once a week for three weeks in a newspaper of general circulation published in the agency and designated by the court in which the proceedings are pending. Jurisdiction is complete ten (10) days after the completion of the publication of the summons. Before the expiration of the 30 days after jurisdiction is acquired any person interested may appear and contest the validity of the bonds or assessment or the contract.

Proceeding in rem

Action by assessee or taxpayer

If no proceedings have been brought by the agency pursuant to this section, any agency assessee or taxpayer may at any time within thirty (30) days after the authorization of any bonds or execution of such contract bring an action in the superior court to determine the validity of the assessment or bonds or contract. The agency shall be a defendant. If more than one action is pending at the same time concerning similar contests provided for in this section, they shall be consolidated and tried together. The rules of pleading and practice in the Code of Civil Procedure, not inconsistent with the provisions of this section, are applicable to all actions or proceedings provided for by this section. In a contest provided for by this section, the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties. The judgment shall declare the bonds or contract either valid or invalid. The costs of any hearing or contest may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. Any party may appeal at any time within thirty (30) days after the entry of the judgment. No contest of any act or proceeding authorized under this act shall be made other than in the time and manner provided in this section. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six (6) months after the finding or conclusion was made.

Rules of pleading and practice

Judgment

Appeal

Action to determine validity of bonds or contract

SEC. 22.1. An action to determine the validity of bonds or a contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

Effect: Stats 1961, Ch 1479

This section shall become operative only if Assembly Bill No. 1412 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 1412 takes effect; at which time Section 22 of this act is repealed.

Continuing rights of certain agencies

SEC. 23. Neither the establishment of the agency nor any provision of this act shall affect, restrict nor supersede the existence, property, right, or power of any municipality, public district, or public agency now or hereafter established in or partially within the limits of the agency for the purpose of flood control, reclamation, conservation, storage, distribution, sale, use, or development of water. The legislature, because of conditions special to the county, hereby expressly declares its intent to permit within the limits of the Kern County Water Agency, the existence of more than one district, municipality or combination thereof, having similar powers over similar territory in regard to flood control, reclamation and water conservation, storage, distribution, sale, use or development.

Retention of vested rights

SEC. 24. Neither the formation of the agency nor this act shall impair the vested right of any person, association, corporation, municipality or public district in or to any water or the use thereof.

Action to determine legality of agency

SEC. 25. The agency, in order to determine the legality of its existence, may institute a proceeding therefor in the Superior Court of this State, in and for the County of Kern, by filing with the clerk of said county a complaint setting forth the name of the agency, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal agency formed under this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in the county. The State of California shall be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons the State, any property owner or resident in said agency, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the agency and shall be served upon the county counsel before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the agency and the State of California.

Service

Proceeding in rem

Action to determine legality of existence

SEC. 25.1. An action to determine the legality of existence of the agency may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure If such action is brought by the agency, the State of California shall be a defendant, and consent therefor is given. Service of summons therein shall be made on the Attorney General who shall appear in such action on behalf of the State in the same manner as with appearances in civil actions.

Effect: Stats 1961, Ch 1479

This section shall become operative only if Assembly Bill No. 1412 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 1412 takes effect; at which time Section 25 of this act is repealed.

Dissolution

SEC. 26. The agency may be dissolved in the manner provided for the dissolution of districts by Chapter 4 (commencing at Section 58950) of Division 1 of Title 6 of the Government Code, and the agency shall be considered a district within the meaning of all of the provisions of said chapter.

Special law

SEC. 27. The Legislature hereby finds that water problems in the county require countywide water conservation, flood control and development of water resources; that these problems are not general or statewide; that the county for many years has had made investigations and engineering surveys of the county's water resources by private and public engineers; that irrigation districts, county water districts, water storage districts, municipalities, and California water districts now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply and control the floods of said county and for such reason it is necessary to have a political entity coextensive with the geographical limits of the entire county; that the county cannot be supplied with water from a common source or by a common system of works; that investigation having shown conditions in said county to be peculiar to it. It is, therefore, hereby declared that a general law cannot be made applicable to said county and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein.

Severability

SEC. 28. If any provision of this act is declared unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

Short title

SEC. 29. This act may be designated and referred to as "the Kern County Water Agency Act," and any reference thereto by such designation shall be sufficient for all purposes.

Urgency

SEC. 30. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The creation of the Kern County Water Agency is urgently needed in order to provide a water supply for inhabitants of Kern County, and particularly in order to contract with the State for such a water supply. In order that an election may be held in the county early this year and the Kern County Water Agency may commence to function and exercise its powers, it is necessary that this act go into immediate effect.

CHAPTER 1004

An act to amend Section 161 of the Military and Veterans Code, relating to the State Militia.

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 161 of the Military and Veterans Code is amended to read:

161. The office of the Adjutant General consists of one officer of the rank of major general who is the Adjutant General, one officer of the rank of brigadier general who is the Assistant Adjutant General, one officer who may be of the rank of brigadier general who is the Deputy Adjutant General, Army Division, one officer who may be of the rank of brigadier general who is the Deputy Adjutant General, Air Division, and such other officers as are prescribed by the laws or regulations of the United States. No person is eligible for appointment as the Assistant Adjutant General unless he had not less than a total of five (5) years of commissioned service in the California National Guard, of which at least three (3) years shall be service as a field officer and of which at least three (3) years shall have been in command of air or ground troops at the battalion or equivalent or higher command level or three (3) years as a staff officer at brigade or equivalent or higher staff level and of which at least two (2) years shall be active duty in time of war until 1960. In lieu of the five years' commissioned service in the California National Guard and the further provisions as to service therein such person shall have not less than a total of ten (10) years' commissioned service in the National Guard of another state, the District of Columbia, a territory or the United States Army or Marine Corps of which service at least three (3) years shall have been as a field officer and at least three (3) years shall have been in command of air or ground troops at the battalion or equivalent or higher command level or three (3) years as a staff officer at brigade or equivalent or higher staff level and at least two (2) years shall be active duty in time of war until 1960. The Assistant Adjutant General is subordinate only to the Governor and the Adjutant General.

CHAPTER 1005

An act to add Section 17852 to the Education Code, relating to financial support for junior colleges, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 4, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 17852 is added to the Education Code, to read:

17852. Notwithstanding any provision of Section 17851, the Superintendent of Public Instruction shall, for the fiscal year 1961-62, withhold from the apportionment to a junior college district the basic aid apportionment allowed the junior college district for the attendance of all students who were residing within the district and attending a junior college in another district under an interdistrict attendance agreement, and on account of which average daily attendance tuition payment is required by the junior college district of residence, provided such attendance exceeds 3,000 units of average daily attendance. The Superintendent of Public Instruction shall add the amount withheld to the apportionment required to be made to the district of attendance.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that an extreme budgetary and financial hardship will not result for districts which have an unusually large number of students attending junior college during 1960-61 in another district under a cost agreement involving abatement of apportionments against the cost of education, it is necessary that this act take effect immediately.

CHAPTER 1006

An act to add Article 16.5 (commencing with Section 18360) and Chapter 17 (commencing at Section 20001) to Division 14 of the Education Code, relating to public school financing, and making an appropriation therefor.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 17 (commencing at Section 20001) is added to Division 14 of the Education Code, to read:

CHAPTER 17. JUNIOR COLLEGE TAX RELIEF ACT

20001. As used in this chapter: Definitions

(a) "Junior college district" means any district maintaining a junior college.

(b) "Junior college" means grades 13 and 14 of a two- or four-year junior college.

(c) "Unit of average daily attendance" means a unit of average daily attendance during the preceding fiscal year in a graded class in grade 13 or 14 of a junior college of pupils who are residents of the district maintaining the junior college and who are not adults as defined in Section 6352.

20002. This chapter shall be administered by the Department of Education. The department shall adopt such rules and regulations as it deems necessary to carry out the purposes of this chapter. Administration

20003. Any junior college district is eligible to apply for a tax relief grant under this chapter. Grant eligibility

20004. A junior college district eligible for a tax relief grant may file with the State Department of Education one or more applications for a grant within 16 months after the effective date of this chapter. The form of the application shall be prescribed by the Superintendent of Public Instruction. The Superintendent of Public Instruction shall examine and approve within 18 months after the effective date of this chapter all applications of junior college districts eligible for a tax relief grant under this chapter. Application

20005. A tax relief grant shall be used for either of the two following purposes: Purposes of tax relief grant

(a) For the payment of the interest and redemption of outstanding bonds of the district (or in the case of a city and county, bonds of the city and county) issued for junior college purposes or for money borrowed for capital outlay purposes from the county school service fund.

(b) For the purchase or improvement of junior college sites or the planning and construction of junior college buildings, on a matching basis of not to exceed one part state funds for each four parts district funds.

20006. The Superintendent of Public Instruction shall compute for each eligible junior college district a maximum entitlement which may be used as a junior college tax relief grant computed as follows: Computation of maximum entitlement

(a) Dividing the average assessed valuation per unit of average daily attendance in all junior college districts in the State, by the assessed valuation per unit of average daily attendance in the district.

(b) Multiplying the quotient derived under subdivision (a) by the number of units of average daily attendance of the district

(c) Computing the total of the products derived under subdivision (b) for each junior college district in the State.

(d) Dividing five million dollars ($5,000,000) by the total computed under subdivision (c).

(e) Multiplying the quotient derived under subdivision (d) by the product derived under subdivision (b).

For the purposes of this section the Superintendent of Public Instruction shall estimate for each eligible junior college district which is in existence for all purposes for less than three years prior to the effective date of this chapter, or which has had graded classes for less than three years, the total number of units of average daily attendance which would be credited to the district if it had been in existence for three years; the units of average daily attendance so estimated shall be used for such a district instead of the actual number of units of average daily attendance. For the purposes of this section no junior college district shall be considered to have fewer than 300 units of average daily attendance.

Certification, warrant, etc

20007. Upon approving an application for a tax relief grant, the Superintendent of Public Instruction shall certify to the State Controller the amount of the tax relief grant approved for the junior college pursuant to this chapter. The State Controller shall thereupon draw his warrant on the State Treasurer in favor of the county treasurer of the county having jurisdiction over the district in accordance with the terms of the approved application. The warrant shall be paid from the General Fund in the State Treasury. All money received by the treasurer of any county pursuant to this section shall be immediately credited by the county treasurer to the interest and sinking fund, the special reserve fund, or the general fund of the junior college district whichever fund the Superintendent of Public Instruction shall specify in approving the application.

Appropriation to Department of Education

SEC. 2. The sum of five million dollars ($5,000,000) is hereby appropriated from the General Fund to the Department of Education for expenditure for tax relief grants pursuant to Chapter 17 (commencing with Section 20001) of Division 14 of the Education Code.

SEC. 3. Article 16 5 (commencing with Section 18360) is added to Division 14 of said code, to read:

Article 16 5. Recovery of County School Service Fund Accumulated Surpluses

Elimination of accumulated surpluses in county school service funds

18360. After making all determinations provided for in Article 16 (commencing with Section 18351), Chapter 3, Division 14 of this code for the fiscal year 1961-62, but prior to authorizing any transfer of funds from the General Fund to the State School Fund under Chapter 2 (commencing with Section 17300) of that division, the Superintendent of Public Instruction shall proceed as specified in this article to eliminate accumulated surpluses in the several county school service funds.

Computation

18361. The superintendent shall compute an amount equal to the surplus in each of the county school service funds as of June 30, 1961, as shown by each of the budgets for the 1961-62 fiscal year submitted to him pursuant to Section 18351. For the purpose of this article the surplus for each county school service fund is the total beginning balances shown on the budget so submitted, exclusive of trust funds or funds otherwise dedicated. For the purpose of this section trust funds or funds otherwise dedicated are defined as

Surplus trust funds excluded

(1) Unexpended balance of any funds that have accrued to a county school service fund under a grant of federal funds, or a grant of private or foundation funds, required to have been expended for a specified purpose, plus the amounts of county school service fund money committed for the specific purposes as required to receive the grant or trust;

(2) Unexpended balance of any state funds allocated on an average daily attendance basis for the purpose of maintaining special schools and classes for the mentally retarded and juvenile hall schools;

(3) Unexpended balances of a county or school district tax funds the levy for which was to maintain special schools and classes for the mentally retarded and juvenile hall schools;

(4) The unexpended balance of any account within the county school service fund contributed by school districts for a specific purpose and from which account expenditures are made by the county superintendent of schools acting as an agent of the districts contributing to the account.

Other exclusion

18361.5. In addition to the amounts to be excluded in computing the balance in each of the county school service funds pursuant to Section 18361, there shall also be excluded any amounts derived from county school taxes levied and collected prior to 1935 which still remain in a county school service fund. The Department of Education shall, on or before the fifth calendar day of the 1962 Regular Session of the Legislature, submit to the Legislature a report specifying the amounts of such moneys remaining in the respective county school service funds, the derivation of the moneys, and related data pertaining to the retention and handling of such moneys in the respective county school service funds.

Reduction of total allowance

18362. The superintendent shall reduce the total allowance or apportionment under subdivisions (a) and (b) of Section 18352 to each county school service fund for the 1961-62 fiscal year by the amount of the surplus for each fund computed as provided in this article. If the accumulated surplus exceeds the allowance or apportionment determined for any county school service fund in the 1961-62 fiscal year, he shall reduce the allowance or apportionment to zero for that year. The total of the reductions so made shall constitute "county school service fund accumulated surpluses" for the purpose of this article.

Reduction of State School Fund transfer amount

18363. For the 1961-62 fiscal year, the total amount to be transferred from the General Fund to the State School Fund pursuant to Section 17301 and the total amount available for allowance or apportionment to county school service funds shall each be diminished by the amount of the county school service fund accumulated surpluses.

Elimination of balance of surplus

18364. During the 1962-63 fiscal year, the superintendent shall eliminate the balance of the surplus remaining in any county school service fund after the reductions for 1961-62 of surpluses computed in accordance with Section 18361 have been effected. Such balances shall be eliminated in the manner provided by this article, with such reductions in allowances or apportionments to county school service funds, amounts transferred to the State School Fund and amounts available for the purposes of such funds as may be necessary to eliminate the balance of the surplus.

Transfer to County School Service Fund Surplus Account

SEC. 4. An amount equivalent to the total amount by which transfers from the General Fund to the State School Fund are reduced for fiscal year 1961-62 in accordance with this article, less five million dollars ($5,000,000), is hereby transferred from the General Fund to the County School Service Fund Surplus Account in the General Fund, which account is hereby created. Funds thus transferred shall be used for educational purposes, including any future adjustments in the various county school fund balances which are found to be equitable after audit by the State, when such funds are specifically appropriated for such purposes by a future act of the Legislature.

CHAPTER 1007

An act to amend Section 1263 of the Agricultural Code, relating to produce dealers.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1263 of the Agricultural Code is amended to read:

1263. No person shall act as a commission merchant, dealer, broker, cash buyer, or agent without having obtained a license as provided in this chapter. Every person, before acting as a commission merchant, dealer, broker, cash buyer, or agent, as herein defined, shall file an application with the director for a license to transact the business of commission merchant, dealer, broker, cash buyer, or agent, and such application shall be accompanied by the license fee herein provided for each specified class of business. Separate applications shall be filed for each class of business.

The application shall in each case state the class or classes of farm products applicant proposes to handle, the full name of the person applying for such license, and if the applicant be a firm, exchange, association or corporation, the full name of each member of the firm, or the names of the officers of the exchange, association or corporation shall be given in the application. Such application shall further state the principal business address of the applicant in the State of California and elsewhere and the name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant. The director shall require the applicant to make a showing of character, responsibility and good faith in seeking to carry on the business stated in the application, and may make investigations, hold hearings, and make determinations respecting such matters.

Should the applicant be a corporation or partnership, it shall likewise satisfy the director of the character, responsibility, and good faith of any or all persons connected with it in a responsible or managing position, such as manager, superintendent, officer, or director of a corporation, or manager, superintendent, or member of a partnership. Failure of any such person to satisfy the director of his character, responsibility, or good faith may be considered by the director as adverse to a showing of such qualifications by such corporation or partnership, and shall be good and sufficient grounds for the denial of an application for license or of the renewal thereof.

Previous conviction of a felony, previous bankruptcy, voluntary or involuntary, or previous violation of this chapter shall be considered by the director as adverse to a showing of such character, responsibility, or good faith on the part of any applicant, or on the part of any manager, superintendent, director, or officer of an applicant corporation, or on the part of any superintendent, manager, or member of an applicant partnership. The same considerations are applicable to an individual applicant who has previously been in a responsible or managing position with a corporation or partnership which has suffered revocation or suspension of license by reason of violation of this chapter or by reason of violation of Chapter 9, Division 6, of the Agricultural Code.

Any person adjudged a bankrupt, or any person against whose bondsman or bondsmen a claim or claims have been collected by the director in accordance with the provisions of this chapter or Chapter 9 (commencing at Section 1299.18) of Division 6 of this code, and who has not made full settlement with all producer-creditors, shall not be licensed by the director during the period of three (3) years from the date of such adjudication or collection.

In addition to the general requirements applicable to all classes of applications as in this section set forth, the following requirements shall apply to the class of applications noted:

(a) Commission Merchants. Each application shall include a complete schedule of commissions, together with itemized listing of all charges for all services, and such designated commissions and charges shall not be changed or varied for the license period except by written contract between the parties or by written notice to the director. If changed by a written contract, such charges shall be clearly set forth in detail in said written contract. Any services rendered for which charges are made, if not listed in the schedule on the application, shall be rendered on a strictly cost basis.

(b) Agents. Each application shall include such information as the director may consider proper or necessary, and shall include the name and address of applicant, and the name and address of the commission merchant, dealer, broker, or cash buyer represented or sought to be represented by said agent, and the written endorsement or nomination of such commission merchant, dealer, broker, or cash buyer.

The director shall thereupon issue to such applicant a license entitling the applicant to conduct the business described in the application at the place named in the application for a year from the date thereof or until the same shall have been suspended or revoked for cause; provided, however, that licenses of agents shall expire upon the date of expiration of the license of the principal for whom the agent acts. The director may also issue to each agent a card or cards, which shall bear the signature of said agent, separate cards being required for each principal. Any agent shall show said card or cards upon the request of any interested person. Any agent who displays a void or expired license card is guilty of a misdemeanor, punishable as provided in Section 1273 of this chapter.

Fraud or misrepresentation in making any application shall ipso facto work a revocation of any license granted thereunder. All indicia of the possession of a license shall be at all times the property of the State of California and each licensee shall be entitled to the possession thereof only for the duration of said license.

For filing the application herein described, each applicant must pay a fee as follows:

(a) Commission Merchants. Fifty-five dollars ($55) for each year; provided, that a person licensed as a slaughterer under the provisions of Article 13 (commencing at Section 359) of Chapter 2 of Division 3 of this code shall be entitled to be licensed as a commission merchant without payment of further fees.

(b) Dealers. Fifty-five dollars ($55) for each year.

(c) Brokers. Fifty-five dollars ($55) for each year.

(d) Cash Buyers. Fifty-five dollars ($55) for each year.

(e) Agents. Five dollars ($5) for each license period of the principal.

Should any commission merchant, dealer, broker, or cash buyer fail, refuse, or neglect to apply for the renewal of a preexisting license on or before the date of the expiration thereof,

a penalty of ten dollars ($10) shall apply to and be added to the original fee of fifty-five dollars ($55), and shall be paid by the applicant before the renewal license may be issued.

Any person who has applied for and obtained a license within the classification of commission merchant, or dealer, or broker, or cash buyer, in the manner and upon payment of the fee herein set forth, may apply for and secure a license in any or all of the remaining such classifications without payment of further fee, and upon further complying with those parts of this chapter regulating the licensing of the other particular classification involved. All licenses held by any licensee under the provisions of this section shall automatically expire on the expiration date for the particular license for which the license fee was paid.

CHAPTER 1008

An act to amend Section 205.5 of the Agricultural Code, relating to the State Livestock Health Committee.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 205.5 of the Agricultural Code is amended to read:

205.5. For the purpose of protecting the agricultural industry of this State and to co-ordinate livestock health activities within this State and among the several states having common or similar problems in the field of livestock disease prevention, quarantine, eradication or control, there is hereby created a State Livestock Health Committee.

Said committee shall be comprised of seven members who shall be appointed by the Governor and who shall serve for a term of two years and until their successors are appointed after the expiration of said term. One such member shall be recommended by the director to represent the official livestock health services of the State and the other members shall be representatives of the livestock industry of the State. Each member of the committee shall be allowed necessary traveling and incidental expenses incurred in the discharge of any of his duties under this section.

The State Livestock Health Committee shall meet periodically with the livestock health officials and/or duly authorized agricultural representatives of the several states and of the federal government and with members of any like committee from other states. The members of the State Livestock Health Committee shall co-operate with the director and shall keep both the Governor and the director advised of important and significant developments in phases of work in connection with which the committee is appointed. All matters pertaining to

budgetary allotments and fiscal procedures in connection with the work of the committee shall be handled by the department.

The provisions of this section shall be effective until the 91st day after final adjournment of the 1965 Regular Session of the Legislature.

CHAPTER 1009

An act to add Section 38 to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949) relating to the Alameda County Flood Control and Water Conservation District.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 38 is added to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), to read:

Sec. 38. Notwithstanding any other provisions of this act, the following shall apply with respect to the government, operation and financing of any zone hereafter established for the purpose of water importation, treatment or conveyance and lying wholly or in part in Washington Township:

(1) The zone shall be governed and controlled by a commission whose members shall be appointed by the city councils of the incorporated cities lying wholly or in part in the zone. Each such city council may, by resolution, appoint one commissioner who shall serve at the pleasure of the city council.

(2) Each commissioner must be a resident of the zone and a qualified elector therein. A commissioner may also be a member of a city council or of a board of directors of a water district and such membership shall not be considered incompatible with the position of commissioner. Commissioners shall serve without compensation except that they may receive payment for their actual and necessary expenses incurred in the performance of official duties under this act, payable from the funds of said zone.

(3) The commission shall have the power to make and enforce all needful rules and regulations for the administration and government of the zone, to appoint a chairman, a secretary and such other officers, agents and assistants for the zone commission or zone as in its judgment may be deemed necessary and to prescribe their duties and fix their compensation.

(4) The approval or concurrence of the zone commission shall be obtained before any project or work of improvement for the zone may be instituted. Such approval or concurrence shall be evidenced by a resolution adopted by unanimous vote of all members of the commission.

(5) The zone tax or assessment shall be based upon a budget or budgets prepared by or under the direction of the zone commission.

(6) No proceeding shall be commenced or taken for the incurring of a bonded indebtedness to pay the cost of any work or improvement of such zone until the zone commission has given its approval or concurrence to the incurring of such bonded indebtedness.

(7) The zone commission shall have the power to establish the rates and terms for which water acquired by or on behalf of the zone will be sold.

CHAPTER 1010

An act to amend Section 553.1 of the Streets and Highways Code, relating to state highways.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 553.1 of the Streets and Highways Code is amended to read:

553.1. Route 253 is from:

(a) Route 68 near the south city limits of San Francisco to Route 224 near the San Francisco-Oakland Bay Bridge.

(b) Route 68 near Alemany Boulevard to the route described in subdivision (a) of this section.

(c) Notwithstanding the provisions of Section 89 of Chapter 1062 of the Statutes of 1959, construction of all or any portion of Route 253 may be commenced at any time, if the City and County of San Francisco has conveyed or does convey to the State of California, without charge, all real property presently acquired by it for the construction of such route or portion thereof.

CHAPTER 1011

An act to amend Section 28129 of the Government Code, relating to compensation for public service in counties.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 28129 of the Government Code is amended to read:

28129. In a county of the 29th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eleven thousand dollars ($11,000) a year.

(b) The district attorney fifteen thousand dollars ($15,000) a year. He shall devote his entire time to the work of the county and State and is prohibited from engaging in private work or practice.

(c) Each supervisor, five thousand dollars ($5,000) a year which shall be in full for all services rendered as supervisor.

(d) Grand jurors and trial jurors in the superior court, five dollars ($5) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court or in attending sessions of the grand jury, in going only. In criminal actions the fees and mileage of trial jurors shall be paid by the treasurer out of the general funds of the county upon warrants drawn by the auditor, who shall draw the warrants upon the written order of the judge of the superior court in which the jurors were in attendance. The compensation provided for by this section shall be paid to incumbent officers.

CHAPTER 1012

An act to amend Sections 955 and 958 of the Streets and Highways Code, relating to county highways.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 955 of the Streets and Highways Code is amended to read:

Notice of hearing of petition

955. Upon the filing of such petition, the board shall by order fix a day for the hearing of the petition, and shall post notices conspicuously along the line of the highway proposed to be abandoned at least two weeks prior to the day fixed for the hearing. Such notices shall be posted not less than five hundred feet apart, but at least three shall be posted. Such notices shall state the filing of such petition and the time and place of the hearing.

SEC. 2. Section 958 of said code is amended to read:

Notice of hearing of resolution or petition

958. Upon the making of such resolution of intention or filing of such petition, the board shall by order fix a day for hearing the resolution or petition and shall give notice to all freeholders in the road district of the time and place fixed for the hearing. Such notice shall be given by publication in a newspaper of general circulation published in the county and designated in the order by the board, for at least two successive weeks prior to the day fixed for the hearing. The board shall also conspicuously post a similar notice along the line of the highway proposed to be abandoned at least two weeks prior to the day fixed for the hearing.

CHAPTER 1013

An act to amend Section 7 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951), relating to the Napa County Flood Control and Water Conservation District.

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 7 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951), is amended to read:

Sec. 7. The Board of Supervisors of Napa County shall be and is hereby designated as, and empowered to act as, ex officio the Board of Supervisors of the Napa County Flood Control and Water Conservation District. As used elsewhere in this act the terms "board" and "board of supervisors" mean the Board of Supervisors of the Napa County Flood Control and Water Conservation District. Each member of the board of directors of the district shall receive as compensation for his services as a member of the board of the district one hundred dollars ($100) per month and his actual and necessary expenses in the performance of official duties under this act, payable from the funds of said district, which compensation shall be in addition to his salary as county supervisor.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Napa.

CHAPTER 1014

An act to add Section 4226.5 to the Business and Professions Code, relating to dangerous drugs.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 4226.5 is added to the Business and Professions Code, to read:

4226.5. In order to provide a physician and surgeon, a dentist, a podiatrist, or a veterinarian with hypnotic drugs for administration to patients in accordance with Sections 4213, 4216, and 4226, a licensed pharmacy, or a licensed wholesaler, or a licensed manufacturer of drugs, may furnish hypnotic

drugs to such a practitioner upon receipt of an order giving the date, address, license classification, and name of the practitioner; the name, type, strength, and quantity of the hypnotic drug so ordered; and the words: "For Administration to Immediate Needs of Patients." Such order shall be signed by the practitioner and shall be placed in a separate file in the pharmacy or by the wholesaler or manufacturer as a record of the drugs so furnished.

CHAPTER 1015

An act to amend Section 7 of Chapter 78 of the Statutes of 1935, relating to municipal water districts.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 7 of Chapter 78 of the Statutes of 1935 is amended to read:

Sec. 7. Said legislative body shall, subject to the provisions of this act, prescribe the form of said bonds, and of the interest coupons attached thereto. Said legislative body may divide the principal amount of any authorized issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. Said bonds shall be payable in the following manner:

A part, to be determined by said legislative body, and which shall not be less than one-fortieth part of the whole amount of such indebtedness, shall be payable each and every year, on a day and date, and at a place to be fixed by said legislative body and designated in such bonds, together with the interest on all sums unpaid on such date, until the whole of said indebtedness shall have been paid; provided, however, the bonds of any issue or series irrespective of the purpose for which the same are to be issued may be made to mature and become payable in approximately equal total annual installments of interest and principal, during the term of the bonds computed from the first year in which any part of the principal shall mature to the date of final maturity which annual installments may vary one from another in amounts not exceeding in any year more than 5 percent of the total principal amount of the bonds of such issue, or of the series thereof then proposed to be issued; provided further, however, that said legislative body may in its discretion determine and fix a date for the earliest maturity of the principal of such bonds, not more than ten (10) years from the date of the issue of such bonds, but in this event the whole amount of such indebtedness must be

made payable in equal annual parts in not to exceed 40 years from the time of contracting the same.

The bonds shall be issued in such denomination as said legislative body may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the day and at the place fixed in such bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of 6 per centum per annum, and shall be paid semiannually; and said bonds shall be signed by the chief executive of the municipality, or by such other officer thereof as the legislative body of the municipality shall, by resolution adopted by a two-thirds vote of all its members, authorize and designate for that purpose, and also signed by the treasurer thereof, and shall be countersigned by the clerk. The interest coupons on said bonds shall be numbered consecutively and signed by the treasurer of such municipality by his engraved or lithographed signature. In case any such officers, whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of the bonds.

At any time prior to the sale of said bonds and notwithstanding the fact that a tax may have been levied to pay principal and interest or principal or interest of any of said unsold bonds, the said unsold bonds may be redated and the maturities, denominations, form, interest rate or any thereof may be changed, and, after such changes are made, the bonds issued pursuant thereto may be sold; provided, the interest rate of the bonds shall not exceed the rate authorized at the election. If a tax has theretofore been levied to pay principal and interest or principal or interest of any of said unsold bonds, the said tax, when collected, shall be used to pay the principal and interest or principal or interest of the bonds actually issued and sold.

CHAPTER 1016

An act to add Section 1300.19-3 to the Agricultural Code, relating to marketing of agricultural products.

[Approved by Governor July 7, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1300.19-3 is added to the Agricultural Code, to read:

1300.19-3. In lieu of other procedures provided in Section 1300.19, the director may, if he finds that any person has exceeded any quota or allotment or marketable percentage fixed

for him pursuant to any marketing order issued by the director thereunder, and if the director further finds that such person did not intend to violate such quota or allotment or marketable percentage, make demand on such person to pay to the director an amount equal to the market value of the quantity marketed in excess of such quota, allotment or percentage. Such market value shall be only the cost of acquisition to the person concerned and does not include the value of services or commodities added subsequent to acquisition. Payment of such amount shall preclude any further enforcement action in connection with such transaction. If such person shall refuse to pay or fail to pay the amount demanded, the director shall thereupon proceed in accordance with the other provisions of Section 1300.19. Any moneys recovered pursuant to this subdivision shall be deposited in accordance with subdivision (f) of Section 1300.17.

CHAPTER 1017

An act to amend Section 1300.19 of the Agricultural Code, relating to marketing of agricultural products.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1300.19 of the Agricultural Code is amended to read:

1300.19. The Director of Agriculture shall be responsible for the administration and enforcement of this chapter.

The following penalties, remedies, procedures and actions shall apply in instances of violations and complaints of violations of the provisions of this chapter or of any marketing order or the rules and regulations issued by the director under the authority of this chapter or any marketing order issued and effective thereunder:

(a) Every person who violates any provision of this chapter or any provision of any marketing order duly issued by the director hereunder, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars ($50), nor more than five hundred dollars ($500), or by imprisonment of not less than 10 days nor more than six months, or by both such fine and imprisonment. Each violation during any day shall constitute a separate offense.

(b) Any person who violates any provision of this chapter or any marketing order duly issued by the director and in effect hereunder, or who violates any rule or regulation issued by the director pursuant to the provisions of this chapter or of any marketing order duly issued by the director and effective hereunder, shall be liable civilly for a penalty in an

amount not to exceed a sum of five hundred dollars ($500) for each and every violation thereof.

In addition to such civil penalty, any person knowingly exceeding any quota or allotment or marketable percentage fixed for him under any marketing order, or rule or regulation issued by the director thereunder, shall forfeit to the State of California a sum equal to the current market value of such excess (or three times such amount, in the discretion of the court) which forfeiture may be recoverable in a civil suit brought in the name of the State of California. Any moneys recovered pursuant to this subdivision shall be deposited in accordance with subdivision (f) of Section 1300.17.

(c) The director on his own motion may or upon complaint of any interested party charging violation of any provision of this chapter or of any provision of any marketing order or any rule or regulation issued by the director and effective hereunder, shall either refer the matter directly to the Attorney General of this State or any district attorney of this State for the institution of legal proceedings thereupon, or, if the director deems it necessary or advisable, he shall immediately call an administrative hearing to consider the charges set forth in such verified complaint. In case the matter is referred directly by the director to the Attorney General or any district attorney, it shall be the duty of such officer, if, after examination of the complaint and evidence he believes that a violation has occurred, to thereupon bring an appropriate action or actions in a court or courts of competent jurisdiction in this State.

(d) In case an administrative hearing is called by the director, the director shall cause a copy of such complaint, together with a notice of the time and place of hearing of such complaint, to be served personally or by mail upon the person or persons named as respondent or respondents in such verified complaint. Such service shall be made at least 10 days before said hearing, which shall be held in the city or town in which is situated the principal place of business of the respondent, or in which the violation complained of is alleged to have occurred, or in the nearest office of the State Department of Agriculture, at the discretion of the director. At the time and place designated for such administrative hearing, the director or his agents shall hear the parties to said complaint and shall enter in the office of the director at Sacramento, his findings based upon the facts established at such hearing. If from the testimony and evidence adduced at said administrative hearing the director finds that no violation has occurred he shall forthwith dismiss such complaint and notify the parties to such complaint.

(e) If the director finds from said administrative hearing that a violation has occurred he shall so enter his findings and notify the parties to such complaint. In his discretion the director shall either refer the matter to the Attorney General for the institution of legal proceedings or he may notify such

parties to cease and desist from further violation. Upon their refusal or failure to comply, or if he finds that the facts or circumstances warrant immediate prosecution, the director shall file a complaint with the Attorney General or any district attorney of this State requesting that such officer commence any or all actions authorized in this section against such respondent or respondents in a court of competent jurisdiction as set forth hereinafter.

(f) The Attorney General of this State, or any district attorney of this State, shall upon complaint by the director or any other person, or may, upon his own initiative, if, after examination of the complaint and evidence he believes a violation to have occurred, bring an action for criminal penalties in the name of the people of this State in any court of competent jurisdiction in the State of California against any person violating any provisions of this chapter or of any marketing order duly issued by the director and effective hereunder.

(g) The Attorney General of this State shall upon complaint by the director or may, upon his own initiative, if, after examination of the complaint and evidence he believes a violation to have occurred, bring an action in the name of the people of this State in the Superior Court of the State of California for civil penalties or for injunctive relief, including specific performance of any obligation imposed by a marketing order, or any rule or regulation issued hereunder, or both, against any person violating any provisions of this chapter or of any marketing order or any rule or regulation duly issued by the director hereunder.

(h) If it appears to the court upon any application for a temporary restraining order, or upon the hearing of any order to show cause why a preliminary injunction should not be issued, or upon the hearing of any motion for a preliminary injunction, or if the court shall find, in any such action, that any defendant therein is violating, or has violated any provision of this chapter, or of any marketing order, or any rule or regulation duly issued by the director hereunder, then the court shall enjoin the defendant from committing further violations, and may compel specific performance of any obligation imposed by a marketing order, or any rule or regulation issued by the director hereunder.

(i) In any suit brought by the Attorney General to enforce any of the provisions of this chapter or of any marketing order issued by the director and effective hereunder or of any rule or regulation issued by the director pursuant to the provisions of any marketing order, the judgment, if in favor of the State, shall provide that the defendant pay to the director the costs incurred by the director and by the advisory board concerned with the administration of such marketing order in the prosecution of such action. Any moneys recovered shall be deposited in accordance with subdivision (f) of Section 1300.17.

(j) Any such action may be commenced either in the county where defendant resides, or where any act or omission or part thereof complained of occurred.

(k) Whenever the use by a producer or handler of a particular emblem, label, certificate or other distinctive designation of grade, quality or condition other than grade or other quality designations then in effect pursuant to state or federal grade standards is made contingent upon compliance with certain production or handling regulations authorized by the provisions of a marketing order or agreement issued and made effective hereunder, it shall be unlawful and a violation of this chapter for any person, who is not participating in and complying with such order, agreement or regulations to use such designation of grade, quality or condition.

(*l*) It shall be a violation of this chapter for:

(1) Any person to willfully render or furnish a false or fraudulent report, statement or record required by the director pursuant to the provisions of this chapter, or any marketing order effective thereunder;

(2) Any person engaged in the handling or processing of an agricultural commodity or in the wholesale or retail trade thereof to fail or refuse to furnish to the director or his duly authorized agents, upon request, information concerning the name and address of the persons from whom he has received an agricultural commodity regulated by a marketing order issued and in effect hereunder, and the quantity of such commodity so received.

(3) Any handler to receive, handle or have in his possession any agricultural commodity regulated by a marketing order or marketing agreement issued hereunder, which commodity the handler knows is being marketed by the producer thereof without complying with, or in violation of the provisions of such marketing order or agreement.

(m) The penalties and remedies prescribed in this section with respect to any violation mentioned in this section shall be concurrent and alternative and neither singly nor combined shall the same be exclusive and either singly or combined the same shall be cumulative with any and all other civil, criminal or administrative rights, remedies, forfeitures or penalties provided or allowed by law with respect to any such violation.

(n) Any authorized inspector or other authorized person discharging his duties in the checking of compliance with the provisions of any marketing order made effective pursuant to this chapter may enter and inspect any premises, enclosure, building or conveyance where he has reason to believe any agricultural commodity subject to a marketing order is produced, stored, being prepared for market or marketed, and inspect or cause to be inspected such representative samples of the commodity as may be necessary to determine whether or not any lot of said commodity is in compliance with applicable regulations of any marketing order made effective pursuant to the provisions of this chapter.

(o) Any authorized inspector or other authorized person in the discharge of his duties, if he has reason to believe that a lot of any agricultural commodity subject to a marketing order or marketing agreement issued hereunder is not in compliance with the requirements of such marketing order or agreement, or of marketing rules and regulations issued pursuant thereto, as to quality, condition, size, maturity, pack, labeling or markings, may hold such lot for a reasonable period of time sufficient to enable such officer to ascertain by an authorized inspection whether such lot complies with such marketing requirements but in any event not to exceed 24 hours in the case of perishables or 72 hours in the case of nonperishables, except as hereinafter provided.

Following inspection, such inspector or other authorized person may affix to any lot which is determined to be in noncompliance, an official notice, warning tag or other appropriate marking warning that the lot is held and stating the reasons therefor. It is unlawful for any person, other than an authorized inspector or enforcing officer, to detach, alter, deface or destroy any such official notice, warning tag or marking so affixed to any such lot or to remove or dispose of such lot in any manner or under conditions other than as prescribed in such notice of noncompliance except upon written permission of an authorized enforcing officer or by order of a court of competent jurisdiction.

The director, or the authorized person by whom such lot is being held, shall serve the person in possession of said lot with a notice of noncompliance. Such notice shall be served in person or by mail to the last known address of such person in possession. It shall be the duty of such person in possession to notify the owner of said lot or other persons having an interest therein, of the serving of such notice of noncompliance.

Such notice of noncompliance shall include a description of the lot, the place where and the reasons for which it is held and shall cite the applicable marketing order or agreement or marketing rules and regulations and the section or sections thereof upon which said notice of noncompliance is based.

The owner of said lot shall have, in the case of a perishable commodity not to exceed 48 hours, and in the case of a nonperishable commodity not to exceed 72 hours from the time of serving such notice of noncompliance for reconditioning or for the correction of the deficiencies noted in said notice of noncompliance. If such lot is reconditioned or the deficiencies corrected the enforcing officer shall remove said warning tags or markings and release said lot for marketing; or with the consent of the owner of such lot the enforcing officer is hereby authorized to divert said lot to other lawful uses or to destroy such lot.

(p) If the owner of such lot fails or refuses to give such consent, or if the lot has not been reconditioned or the deficiencies otherwise corrected so as to bring said lot into compliance within the time specified in the notice, then the

enforcing officer shall proceed as provided hereinafter. The enforcing officer may file a verified petition in any superior or inferior court of this State requesting permission to divert such lot to any other available lawful use or to destroy such lot. Such verified petition shall show the condition of the lot; that the lot is situated within the territorial jurisdiction of the court in which said petition is being filed; that the lot is held, and that the notice of noncompliance has been served as hereinbefore provided; that the lot has not been reconditioned as required; the name and address of the owner and the person in possession of said lot and that the owner has refused permission to divert or to destroy said lot. Upon the filing of such verified petition the court may issue an order to show cause returnable in five (5) days after service upon the owner why the lot shall not be reconditioned or the deficiencies corrected or why the lot shall not be diverted to other lawful uses or destroyed. The owner of said lot may, prior to the date when said order to show cause is returnable, either recondition or correct the deficiencies in said lot so as to bring said lot into compliance or may file at or before the hearing on said order an answer with the court showing why said lot shall not be reconditioned or the deficiencies corrected so as to bring it into compliance or showing why said lot should not be diverted to other lawful uses or destroyed.

If at the expiration of the said period the owner of said lot has failed or refused to recondition or to correct the deficiencies so as to bring said lot into compliance the court may enter judgment ordering that said lot be reconditioned or diverted to any other lawful uses or destroyed in the manner directed by the court or relabeled, or denatured or otherwise processed, or sold or released upon such conditions as the court in its discretion may impose, except that said lot may not be sold or released into the regular channels of trade.

In the event of sale of any lot by order of court, the costs of storage, handling and reconditioning or disposal shall be deducted from the proceeds of sale and the balance, if any, paid into court for the account of the owner of any such lot.

(q) Disposal of any lot or portion of any lot pursuant to the provisions of this section whether such disposal be by arrangement with an enforcement officer or by court order shall not waive any of the penalty provisions of this chapter

CHAPTER 1018

An act to add Article 12.5 (commencing with Section 6385) to Chapter 6 of Division 6 of the Education Code, relating to education of adults.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Article 12.5 (commencing with Section 6385) is added to Chapter 6 of Division 6 of the Education Code, to read:

Article 12.5. Education of Handicapped Adults

Classes for handicapped adults

6385. The governing board of any school district maintaining secondary schools shall have the power, with the approval of the State Department of Education, to establish special classes for adults designed to serve the educational needs of handicapped adults. Such classes shall be directed to providing instruction in civic, vocational, literary, homemaking, technical, and general education.

Workshops, etc.

6386. Special classes for handicapped adults may be conducted under the direction of the governing board of the school district in workshop and training facilities provided by nonprofit organizations, or in public school facilities.

CHAPTER 1019

An act to add Section 15957.5 to the Education Code, relating to the use of school district certificated employees on school district work.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 15957.5 is added to the Education Code, to read:

15957.5. The governing board of any district defined hereafter, in addition to any other authority granted by law, may employ as classified employees, in accordance with rules and regulations established by the Personnel Commission, any certificated employees of the district or districts during vacation periods, or on any other day or days when the certificated employee is not required to perform services for the district, to repair or build apparatus or equipment related to their duties as certificated employees even though the total cost of labor exceeds one thousand dollars ($1,000). This section applies only when the average daily attendance of any school

district, or of two or more school districts governed by governing boards of identical personnel, is 400,000 or more, as shown by the annual report of the county superintendent of schools for the preceding school year.

CHAPTER 1020

An act to add Section 259 to the Financial Code, relating to the deposit of securities with the State Treasurer.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 259 is added to the Financial Code, to read:

259. Notwithstanding any other provision of this code, whenever any provision of this division requires the pledge of securities to be deposited with the State Treasurer, to insure the performance of any act or duty, the securities after first being approved by the superintendent and upon the written order of the superintendent, shall be deposited with the State Treasurer. The State Treasurer, with the consent of the owner of the securities deposited or to be deposited with him, may place the securities in the custody of a qualified trust company or bank in the same manner and under the same conditions provided in Article 3 (commencing with Section 16550) of Chapter 4 of Part 2 of Division 4 of Title 2 of the Government Code.

CHAPTER 1021

An act to add Article 10 (commencing with Section 7150) to Chapter 9 of Division 3 of the Business and Professions Code, relating to the home improvement business.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Article 10 (commencing with Section 7150) is added to Chapter 9 of Division 3 of the Business and Professions Code, to read:

Article 10. Home Improvement Business

7150. "Person" includes any person, firm, association, organization, partnership, business trust, corporation, or company. "Person"

"Home improvement"

7151. "Home improvement" means the repairing, remodeling, altering, converting, or modernizing of, or adding to, residential property.

Bond or cash deposit

7152. The board may require a person engaged in the business of home improvement, whether as a principal, agent, salesman, employee or otherwise, in the absence of adequate financial responsibility as determined by the board to file a bond or cash deposit as provided in this chapter when it finds the filing of such a bond or cash deposit is necessary for the protection from financial loss of persons dealing with those engaged in such business.

Classes and subclasses

7153. The board may establish classes and subclasses of persons engaged in the business of home improvement based upon whether the person is a principal, agent, salesman, employee, or otherwise and may require a bond in different amounts for the different classes or subclasses based upon the magnitude of the operation of the business, but in no event shall the bond be more than twenty-five thousand dollars ($25,000). The board shall permit any person required to file a bond under this chapter to deposit cash in the amount of the required bond in lieu of filing the bond.

Bond

7154. The bond shall be issued by a surety company admitted to do business in this State and shall run to the people of the State of California. It shall be conditioned upon the observance by the person engaged in the business of home improvement, and any officer, agent, employee, salesman, or other person acting on his behalf, of all laws applicable to the conduct of the business.

Authority to bring suit against surety

7155. Any person aggrieved by the violation of any law applicable to the conduct of the business shall have, in addition to his right of action against the person engaged in the business, a right to bring suit against the surety on the bond, either alone or jointly with the principal thereon, or against the cash deposit and to recover in an amount not exceeding the penalty of the bond or the cash deposit any damages sustained by reason of any act, transaction, or conduct of the persons engaged in the business of home improvement or of any officer, agent, employee, salesman, or other person acting on his behalf, which is in violation of the law applicable to the conduct of the business.

Misdemeanor

7156. Any person failing to file the bond or the cash deposit required by this chapter shall be guilty of a misdemeanor.

Bonding requirements

7157. The bonding or depositing under this chapter may be required notwithstanding the fact that the person may also be subject to the bonding or depositing requirements of another law.

Limitation of article

7158. This article shall not apply to any work or operation on one undertaking or project by one or more contracts, the aggregate contract price for labor, materials, and all other items, is less than one hundred dollars ($100).

CHAPTER 1022

An act to repeal Section 3403 of, and to add Section 13584.3 to, the Education Code, relating to employment rights of classified personnel upon unification of districts.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 3403 of the Education Code is repealed.

SEC. 2. Section 13584.3 is added to said code, to read:

13584.3. Persons employed in positions not requiring certification qualifications in districts, all or part of whose territory is included in a unification of districts, shall continue as employees of the unified school district for not less than one year, and shall not, by reason of any unification, be deprived of any benefit which they would have had had the unification not taken place. In determining the rights of such employees, their salaries, accumulated leaves, and other rights shall be determined as of the date the unification election was conducted. No increase in benefits not previously conferred, granted by the governing board of any district, all or part of whose territory is included in a unification of districts, after such unification election, shall be binding on the governing board of the unified district, except that benefits granted in the districts comprising the new unified district which does not become effective until the second succeeding first day of July shall be binding on the governing board of the unified district Nothing herein contained shall preclude the governing board of the unified school district from making any reasonable reassignment of the duties of such employees. The governing board of the unified district shall establish a system of uniform salaries, employee benefits and working conditions for employees performing like services in conformity with the provisions of this section.

CHAPTER 1023

An act to amend Section 16750 of the Business and Professions Code, relating to restraints of trade.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 16750 of the Business and Professions Code is amended to read:

16750. (a) Any person who is injured in his business or property by reason of anything forbidden or declared un-

lawful by this chapter, may sue therefor in any court having jurisdiction in the county where the defendant resides or is found, or any agent resides or is found, or where service may be obtained, without respect to the amount in controversy, and to recover three times the damages sustained by him, and shall be awarded a reasonable attorneys fee together with the costs of suit.

The amendments to this section adopted at the 1959 Regular Session of the Legislature do not apply to any action commenced prior to September 18, 1959.

(b) The State and any of its political subdivisions and public agencies shall be deemed a person within the meaning of this section.

(c) The Attorney General may bring an action on behalf of the State or of any of its political subdivisions or public agencies to recover the damages provided for by this section, or by any comparable provision of federal law, provided that the Attorney General shall notify in writing any political subdivision or public agency of his intention to bring any such action on its behalf, and at any time within 30 days thereafter, such political subdivision or public agency may, by formal resolution of its governing body or as otherwise specifically provided by applicable law, withdraw the authority of the Attorney General to bring the intended action.

SEC. 2. Subdivision (b) is added to this section for the purpose of clarification only and is not to be construed or interpreted as an indication that the State or any of its political subdivisions or public agencies is not a person within the meaning of Section 16750 as originally enacted in Chapter 530 of the Statutes of 1907 and as subsequently amended The Legislature hereby further declares that at the time of the original enactment of Section 16750, and at all times since, it intended that the State, its political subdivisions and public agencies be included within the meaning of the word "person."

CHAPTER 1024

An act to amend Section 19582 of the Education Code, relating to state school building aid.

In effect September 15, 1961

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961]

The people of the State of California do enact as follows

SECTION 1. Section 19582 of the Education Code is amended to read:

19582. The board by the adoption of rules shall provide for the manner of determining the area of adequate school construction existing in an applicant school district at the time of application. Such rules shall define and provide for the

method of determining building areas that are to be included in whole or in part, or to be excluded from the area of existing adequate school construction.

The board may make exceptions to the provisions of this section or to the rules adopted pursuant to such section when it determines that such will be for the benefit of children affected.

For the purposes of this section, "service area" may be defined as (1) buildings which when constructed were intended to be used for a purpose to which the provisions of Education Code Sections 15451 to 15465, inclusive, would not apply, whether or not such sections were in effect at the time when the building was constructed, or (2) buildings which when constructed were intended to be used for a purpose to which Education Code Sections 15451 to 15465, inclusive, would apply, whether or not such sections were in effect when the building was constructed, but which building has been converted or is intended to be converted, as shown by the application, to use for purposes to which such sections would not apply. Service area may include, but is not limited to, construction used as bus garages, maintenance shops, centrally located district storage and warehouses, custodial houses, utility shelters, administration offices, transformer vaults, and service yards.

In the event that a school district has expended funds for the purpose of constructing buildings used for housing certificated employees of the district and their families, the area of such buildings and the funds expended therefor shall be accounted for in the following manner:

(a) The area of such buildings constructed or acquired with the proceeds of a tax levied under Chapter 3 (commencing with Section 20701), Division 16, of this code, shall be excluded from the building area of the district.

(b) The area of such buildings constructed or acquired with the proceeds from the sale of school district bonds prior to July 1, 1961, shall be excluded from the building area of the district, however, such bond funds shall not be considered as "eligible bonded debt service" as defined in Section 19601(d) and 19615.

The board shall exclude from the building area of a district the area of any building which is or will be used exclusively for a parent co-operative nursery education facility, and for no other purpose, and which building at the time of acquisition thereof by the district was incidental to the purchase of a school site and unsuitable for classroom purposes or which was acquired by the district without expenditure of school district funds.

The area of adequate school construction existing in a district at the time of application shall be initially computed as all of the construction area of a district except (1) such areas as may be eligible for replacement under standards established by the board, and (2) such areas in an existing

structurally inadequate building for which an application has been filed for structural rehabilitation or in a building previously structurally rehabilitated under either Sections 19401 to 19486, inclusive, or Sections 19551 to 19689, inclusive, of the Education Code, that exceeds the maximum building area allowed by Section 19581 for a number of pupils, equivalent to those that could be housed in the building after rehabilitation. The board shall prescribe by rule the method of computing the number of pupils which could be so housed for the purposes of this subsection. If such area of adequate school construction, when added to the minimum facilities needed by the district, results in a total construction area in excess of the amount prescribed in Section 19581, then the board may make the following adjustments to the initial computation or such revisions thereof as the board, in its discretion, deems desirable:

(a) Service areas constructed prior to July 19, 1947, shall be excluded, except as provided in (c) below.

(b) Service areas constructed subsequent to July 19, 1947, shall be recomputed by multiplying the total number of square feet of said service area by the percentage determined from dividing the actual construction cost per square foot as determined by the Director of Finance by the estimated average cost per square foot of the new school facilities for which the district has made application.

(c) If any inadequate nonservice area constructed prior to July 19, 1947, is, or will be, converted to a service area, such area shall be recomputed by multiplying said area by the percentage determined by dividing the depreciated value of said area by the replacement cost as such value and cost are determined by the Director of Finance.

(d) If, after the revised computation of service areas is made as prescribed under subsections (a), (b), and (c) of this section, the existing and requested building area of the district is in excess of the schedule set forth in Section 19581, the existing building area of nonservice facilities may be determined on the basis of the number of pupils housed by such facilities at an allowance per pupil which is not more than 25 percent in excess of the amount per pupil prescribed in Section 19581.

The board shall prescribe by rule the method for computing the number of adequately housed pupils for purposes of this subsection.

CHAPTER 1025

An act to add Article 4 (commencing with Section 11115) to Chapter 1, Title 1, Part 4 of the Penal Code, relating to criminal records and reports of disposition of arrested persons.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 11115) is added to Chapter 1, Title 1, Part 4 of the Penal Code, to read:

Article 4. Criminal Records

Reports

11115. In any case in which a sheriff, police department or other law enforcement agency makes an arrest and transmits a report of the arrest to the Bureau of Criminal Identification and Investigation or to the Federal Bureau of Investigation, it shall be the duty of such law enforcement agency to furnish a report to such bureaus whenever the arrested person is transferred to the custody of another agency or is released without having a complaint or accusation filed with a court.

When a complaint or accusation has been filed with a court against such an arrested person, the law enforcement agency having primary jurisdiction to investigate the offense alleged therein shall receive the disposition of that case from the appropriate court and shall transmit a report of such disposition to the same bureaus to which arrest data has been furnished.

Report of disposition

11116. Whenever a criminal complaint or accusation is filed in any superior, municipal or justice court, the clerk, or, if there be no clerk, the judge of that court shall furnish a report of the disposition of such case to the sheriff, police department or other law enforcement agency primarily responsible for the investigation of the crime alleged, in a form and manner prescribed or approved by the Bureau of Criminal Identification and Investigation.

"Disposition"

"Disposition," as used herein, includes any discharge or commitment of the defendant in a preliminary hearing and any judgment after conviction, judgment of acquittal, order of dismissal or other order or judgment which terminates a criminal case.

Dismissal

Whenever a court shall dismiss the accusation or information against a defendant under the provisions of Section 1203.4 of this code, the clerk, or, if there be no clerk, the judge of that court shall furnish a report of such proceedings to the Bureau of Criminal Identification and Investigation and shall include therein such information as may be required by said bureau.

Procedures and forms

11117. The Bureau of Criminal Identification and Investigation shall prescribe and furnish the procedures and forms to be used for the reports required in this article and shall establish uniform classifications of dispositions, which shall include the reason for such disposition in those cases where an arrested person is released without having been brought to trial or without having entered a plea of guilty. The bureau shall record the disposition on the criminal record of such arrested persons.

The reports required in this article shall be forwarded to the Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation within 30 days after the release of the arrested person or the termination of court proceedings.

CHAPTER 1026

An act to add Section 9537 to the Business and Professions Code, relating to the State Board of Dry Cleaners.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 9537 is added to the Business and Professions Code, to read:

9537. The board shall waive any fee which may be required by subdivision (f) of Section 9580 for changing the address on a license or certificate of registration if the change in address did not occur because the licensee or certificate holder moved from the address shown on his license or certificate.

CHAPTER 1027

An act to add Section 13116.1 to the Education Code, relating to service in schools administered by public agencies.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 13116.1 is added to the Education Code, to read:

13116.1. The State Board of Education may issue limited standard supervision and administration credentials authorizing service in schools which are not part of the public school system but which are administered by other state agencies.

CHAPTER 1028

An act to amend Section 1156 of the Government Code, relating to payroll deductions of state officers and employees.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1156 of the Government Code is amended to read:

1156. State officers and employees may authorize deductions to be made from their salaries or wages, in accordance with the rules and regulations of the State Controller, for the payment of:

(a) Premiums on any policy or certificate of group life, accident, health or disability insurance issued to the officer or employee insured under any plan of group insurance approved by the Director of Finance.

(b) Dues or charges of a nonprofit membership corporation for the purpose of defraying the cost of medical service (including service rendered by doctors of medicine, doctors of osteopathy, or doctors of chiropractic) or hospital care, or both, under any plan approved by the Director of Finance.

(c) Premiums on National Service Life Insurance or United States Government Converted Insurance.

(d) Dues in any bona fide association if the association, or the unit thereof, is comprised principally of employees and former employees of agencies of the State of California. The Controller shall determine the additional cost involved in making such deductions, and the association, or the unit thereof, shall pay the amount of such additional cost to the State Controller for deposit in the General Fund.

(e) Shares or obligations to any regularly chartered credit union. The Controller shall determine the additional cost involved in making such deductions, and the credit unions shall pay the amount of such additional cost to the State Controller for deposit in the General Fund.

(f) Recurrent fees or charges payable to a state agency under a collection plan approved by the Director of Finance and the State Controller.

CHAPTER 1029

An act to amend Sections 689d and 690.27 of the Code of Civil Procedure, relating to collection of state taxes.

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 689d of the Code of Civil Procedure is amended to read:

Hearing to determine title

689d. In cases in which a warrant is issued by the State of California, or a department or agency thereof, pursuant to Section 1785 of the Unemployment Insurance Code, or Section 6776, 7881, 9001, 10111, 18906, 26191, 30341 or 32365 of the Revenue and Taxation Code, for the collection of tax liability owed to said State, a department or agency thereof, a hearing, for the purpose of determining title to the property in question as provided in Section 689 of this code, may be held by the superior court of the county, or city and county, in which the property levied upon is located.

SEC. 2. Section 690.27 of the Code of Civil Procedure is amended to read:

Exemptions

690.27. In cases in which a warrant is issued by the State of California, or a department or agency thereof, pursuant to Section 1785 of the Unemployment Insurance Code, or Section 6776, 7881, 9001, 10111, 18906, 26191, 30341 or 32365 of the Revenue and Taxation Code, for the collection of tax liability owed to the State, a department or agency thereof, the tax debtor shall be entitled to the exemptions provided in Sections 690.1 to 690.25, inclusive, and all the provisions of Section 690.26 shall be applicable to the assertion and determination

Jurisdiction

thereof. The superior court of the county, or city and county, in which the property levied upon is located shall have jurisdiction to hear and determine the validity of the claim of exemption or the value of the property claimed exempt, whether or not the value of the property determines the right to exemption, in like manner as if the property were levied upon by writ of execution issued by said court.

CHAPTER 1030

An act to amend Section 454 of the Education Code, relating to surplus property.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 454 of the Education Code is amended to read:

454. (1) The California State Education Agency for Surplus Property in providing for the disposition of such property shall require the payment of such charges by the parties to whom property is transferred as the agency estimates will reimburse the agency for the average costs of procuring, storing, handling, and disposing of such property. All moneys received by the agency for charges under this section or its predecessor shall be paid into the State Treasury to the credit of the Educational Surplus Property Revolving Fund. The agency may reduce or eliminate charges on property found not to be usable for the purpose for which procured. Any

moneys found by the agency to be in excess of the costs incurred in procuring, storing, handling and disposing of such property may, upon approval of the Department of Finance, be refunded to the parties from whom such moneys were received Moneys refunded to the state agencies specified in subdivision (2) of this section shall be deposited in the State Treasury as provided in that subdivision.

(2) Notwithstanding any other provision of law, (a) the Department of Education, acting for state agencies supported principally from the General Fund, and (b) state agencies supported principally from a special fund of the State Treasury, shall deposit refunds received under subdivision (1) of this section to the credit of the state fund from which the state agency receives its principal support. The Department of Finance shall determine the fund from which the state agency receives its principal support.

Section 16303 of the Government Code shall not apply to refunds received under this section.

CHAPTER 1031

An act to amend Sections 891, 892, 893, 894, 895, 896, 896.1, and 899 of the Military and Veterans Code, relating to educational assistance for veterans' dependents.

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 891 of the Military and Veterans Code is amended to read:

Dependent of veteran

891. A dependent of a veteran applying for aid under the provisions of this article shall be over 14 or shall have entered the ninth grade, and shall be a native of or shall have lived in this State for five of the nine years immediately preceding the date upon which the application is filed. Any dependent of a veteran, except a dependent widow of a veteran, who has attained eligibility, pursuant to this article while under 21 years of age may continue to receive the benefits of this article until the needed training is completed or until he attains the age of 27 years, whichever first occurs, except that a dependent who has honorably served in the armed forces of the United States may be granted an extension of training through age 30.

A dependent widow of a veteran shall be limited to not more than 48 months or the equivalent thereof in part-time training.

SEC. 2. Section 892 of said code is amended to read:

State wardships of education

892. A dependent of a veteran who desires to continue his education may apply to the department. If in the opinion of the department the educational needs of the applicant can be satisfactorily met in educational institutions in this State or elsewhere, the department shall assume state wardship over the education of the applicant. The department may provide edu-

cational counsel for applicants and assist them in securing admission to suitable institutions of learning. Tuition may be paid at private schools only when suitable opportunity is not available in public or semipublic institutions.

SEC. 3. Section 893 of said code is amended to read:

Payments provided

893. The department, insofar as funds permit, may provide:

(a) For the payment of tuition and other fees.

(b) For the monthly payment of an allowance for books, supplies and living expenses of the student. Qualified applicants may claim their first monthly allowance upon completion of school registration and the department is authorized to establish a revolving fund if necessary to expedite payment.

SEC. 4. Section 894 of said code is amended to read:

Allowance: Post-graduates, etc

894. For students of postgraduate, collegiate, junior college, business and trade school rank the amount expended by the department as an allowance for living expenses shall not exceed fifty dollars ($50) per month. For students of high school rank the amount shall not exceed twenty dollars ($20) per month, during the time the student is in actual attendance at a day school. Absence during the month on account of illness shall be included as part of such attendance.

SEC. 5. Section 895 of said code is amended to read:

895. For tuition and fees;

Tuition and fees

(a) The amount expended on account of any one applicant while pursuing a course of postgraduate college or professional school rank shall not exceed one thousand six hundred dollars ($1,600).

(b) The amount expended on account of any one applicant of undergraduate, collegiate, junior college, business, and trade school rank under the provisions of this article shall not exceed the maximum rate authorized for the regular school year under Section 31214 of the Education Code and not to exceed one-third more for students pursuing a summer session or full year course.

(c) For students of high school rank the sum shall not exceed two hundred dollars ($200) a year for students pursuing a regular course and two hundred forty dollars ($240) a year for students pursuing a summer session or full year course.

SEC. 6. Section 896 of said code is amended to read:

Consideration of applications

896. The department shall consider applications in the order in which they are received. If the funds available are insufficient to meet the obligations which would arise from the guardianship of all worthy applicants, the department shall assume wardship over the applicants who are most urgently in need of further education, taking into consideration both scholastic achievement and financial need.

SEC. 7. Section 896.1 of said code is amended to read:

Federal educational benefits

896.1. No dependent of a veteran shall be eligible to receive the benefits of this article during the time that he is entitled to receive federal educational benefits under Chapter 35, Title

38, United States Code, as amended, or duplicate assistance from any other government source.

SEC. 8. Section 899 of said code is amended to read:

899. The department may, for the purposes of this article, draw upon its appropriation for educational assistance to veterans under Section 981 to 981.8 of the Military and Veterans Code.

Drawing upon appropriation

CHAPTER 1032

An act to amend Section 19591 of the Education Code, relating to state school building aid.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 19591 of the Education Code is amended to read:

19591. Notwithstanding any provisions of Section 19590, if an applicant district issues and sells bonds prior to an apportionment in an amount which results in its being on the date of such apportionment within five thousand dollars ($5,000) of the maximum amount of bonds which the district could have had outstanding on said date, and makes the entire proceeds of said bond issue available for the purposes of the apportionment, or as a condition of an apportionment is required by the board to sell bonds to within five thousand dollars ($5,000) of the maximum amount which the district could have had outstanding on the date thereof, and to make the proceeds available for the purposes of Section 19590, the district shall remain qualified to receive an apportionment or apportionments prior to the next equalized assessment of the county or counties in which said district is located without being required to issue and sell additional bonds, notwithstanding the retirement of any bonds of the district or territorial changes therein subsequent to any apportionment referred to in this section and prior to such next equalized assessment.

CHAPTER 1033

An act to amend Sections 22126 and 31801 of the Government Code, relating to the participation of policemen and firemen in the federal old age and survivors insurance system.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 22126 of the Government Code is amended to read:

Policemen and firemen separate

22126. Notwithstanding Section 22009.1, each retirement system which covers positions of policemen or firemen, or both, and other positions shall constitute a separate retirement system with respect to the positions of policemen or firemen, or both, covered by the system. Policemen and firemen shall vote separately from the other members of the system.

If federal benefits are extended to any fireman's or policeman's position they shall be extended to them as a unit without any division of their separate retirement systems.

SEC. 2. Section 31801 of said code is amended to read:

Legislative intent

31801. It is the intent of the Legislature that the enactment of this article shall authorize persons in positions covered by a retirement system pursuant to this chapter to participate in the federal old age and survivors insurance provisions of the Social Security Act without jeopardizing the continued maintenance of their local system.

To this end and notwithstanding any other provisions of this chapter, the provisions of this article, when made applicable by resolution of the governing board, shall supersede or modify any inconsistent provision in this chapter in its application to every member whose position is included in an agreement between the state and federal government for coverage under the old age and survivors insurance provisions of the Social Security Act.

The provisions of this chapter are not repealed by this article, however, and except as superseded or modified by this article in their application to members who are covered by old age and survivors insurance, they shall continue to be fully effective and operative.

Nothing in this article shall authorize the extension of the federal system to service in any policeman's or fireman's position covered by a separate retirement system unless all of the policemen or firemen are included as a unit without any division of their separate retirement system.

Separate voting

When federal benefits are to be extended to any fireman's or policeman's position pursuant to this part they shall vote separately from other members of such system in all cases without regard to their classification as miscellaneous members or otherwise, and notwithstanding Section 22009.1, such system shall constitute a separate retirement system with respect to the positions of policemen or firemen, or both, covered by the system.

CHAPTER 1034

An act to amend Section 1998 of the Code of Civil Procedure, relating to subpoena of hospital records.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1998 of the Code of Civil Procedure is amended to read:

1998. (a) Except as provided in Section 1998.4, when a subpoena duces tecum is served upon the custodian of records or other qualified witness from a licensed or county hospital, state hospital or hospital in an institution under the jurisdiction of the Department of Corrections in an action in which the hospital is neither a party nor the place where any cause of action is alleged to have arisen and such subpoena requires the production of all or any part of the records of the hospital relating to the care or treatment of a patient in such hospital, it shall be sufficient compliance therewith if the custodian or other officer of the hospital shall, within five days after the receipt of such subpoena, deliver by mail or otherwise a true and correct copy (which may be a photographic or microphotographic reproduction) of all the records described in such subpoena to the clerk of court or to the court if there be no clerk or to such other person as described in subdivision (a) of Section 2018, together with the affidavit described in Section 1998.1.

(b) The copy of the records shall be separately enclosed in an inner envelope or wrapper, sealed, with the title and number of the action, name of witness and date of subpoena clearly inscribed thereon; the sealed envelope or wrapper shall then be enclosed in an outer envelope or wrapper, sealed, directed as follows:

If the subpoena directs attendance in court, to the clerk of such court, or to the judge thereof, if there be no clerk; if the subpoena directs attendance at a deposition or other hearing, to the officer before whom the deposition is to be taken, at the place designated in the subpoena for the taking of the deposition or at his place of business; in other cases, to the officer, body, or tribunal conducting the hearing, at a like address.

(c) Unless the parties to the action or proceeding otherwise agree, or unless the sealed envelope or wrapper is returned to a witness who is to appear personally, the copy of the records shall remain sealed and shall be opened only at the time of trial, deposition, or other hearing, upon the direction of the judge, officer, body, or tribunal conducting the proceeding, in the presence of all parties who have appeared in person or by counsel at such trial, deposition, or hearing. Records which are not introduced in evidence or required as part of the record shall be returned to the person or entity from whom received.

CHAPTER 1035

An act to amend Sections 11011 and 11015 of the Business and Professions Code, relating to subdivided lands.

In effect September 15, 1961

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 11011 of the Business and Professions Code is amended to read:

Obtaining of additional information

11011. After receiving the notice of intention, the commissioner may require such additional information concerning the project as he deems necessary, for which purpose he may prepare a questionnaire for the owner, his agent or subdivider, to answer. A filing fee of fifty dollars ($50), plus one dollar ($1) for each lot in excess of 50 lots in the subdivision, but not to exceed two hundred fifty dollars ($250) per subdivision shall accompany the answered questionnaire.

SEC. 2. Section 11015 of said code is amended to read:

Inspection of foreign lands

11015. When an inspection is to be made of subdivided lands, situated outside the State of California, being offered for sale or lease in this State, the questionnaire shall be accompanied by the filing fee, together with an amount equivalent to ten cents ($0.10) a mile for each mile going and returning. or where public transportation is available the actual round trip fare pertaining thereto, estimated by the commissioner to be traveled from the office of the Division of Real Estate where the filing is made to the location of the project, and an amount estimated to be necessary to cover the additional expenses of such inspection, not to exceed fifty dollars ($50) a day for each day consumed in the examination of the project.

CHAPTER 1036

An act to add Chapter 8 (commencing with Section 60250) to Division 1 of Title 6 of the Government Code, relating to district assessments.

In effect September 15, 1961

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing with Section 60250) is added to Division 1 of Title 6 of the Government Code, to read:

CHAPTER 8. DISTRICT ASSESSMENTS

"District"

60250. In this chapter, "district" means any district created by, or pursuant to, law.

60251. In this chapter, "assessor" means the assessor of a district, or any other officer who makes assessments for the district. "Assessor"

60252. In this chapter, "board" means the board of directors of a district. "Board"

60253. Where the assessor possesses a complete, accurate map of any land or where such a complete, accurate map of any land prepared for county purposes pursuant to Section 325 or 327 of the Revenue and Taxation Code is possessed by the assessor, he may number or letter the parcels or adopt the parcel numbers or letters used by the county assessor, and may renumber or reletter the parcels or prepare new map pages for any portion of such map to show combinations or divisions of parcels. Upon the board approving such maps and the manner of numbering and lettering the parcels, the parcel numbers and letters may be used in lieu of other description of the land involved in the assessment book, equalization of the assessments, assessment bills, if any, receipts for payment of assessments, published lists of delinquencies, certificates of sale, and in all other assessment proceedings and documents; except that land shall not be described in collector's deeds or other deeds by reference to any such map unless such map has been filed for record in the office of the county recorder of the county in which such land is located. Parcel numbers or letters

Any such map used for assessment purposes, or a copy thereof, shall at all times be publicly displayed in the office of the assessor.

CHAPTER 1037

An act to add Section 13114 to the Government Code, relating to the parking of vehicles upon state property.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 13114 is added to the Government Code, to read:

13114. Any state agency, with the approval of the director, may permit motor vehicle parking by state officers and employees or other persons upon state property under the jurisdiction or control of such agency and may prescribe the terms and conditions of such parking including the payment of parking fees in such amounts and under such circumstances as may be determined by the state agency with the approval of the Director of Finance.

No such parking shall be permitted by any state agency except pursuant to this section.

Varying rates of parking fees may be established for different localities or for different parking facilities.

This section shall not apply to facilities constructed under the State College Revenue Bond Act of 1947, nor shall it apply to the parking of legislators' motor vehicles in the State Capitol Garage.

The Legislature hereby declares it to be the policy of the State to permit motor vehicle parking by state officers and employees or other persons on state-owned or controlled property to the extent reasonably possible and subject to the charging of parking fees under such circumstances and in such amounts as may be deemed appropriate.

The Legislature by this section does not intend to authorize the institution of a public parking program unrelated to state purposes and in competition with private industry.

CHAPTER 1038

An act to amend Sections 5706 and 5709 of the Education Code, relating to junior colleges.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 5706 of the Education Code is amended to read:

Two-year junior college admission standards

5706. The governing board of any district maintaining a two-year junior college shall admit to the junior college any high school graduate.

Such governing board may admit to the junior college any apprentice, as defined in Section 3077 of the Labor Code, who, in the judgement of the governing board or of the principal of the junior college if he is so authorized by rule of the governing board, is capable of profiting from the instruction offered.

Such governing board may by rule determine whether there shall be admitted to the junior college any other person who is over 18 years of age and who, in the judgment of the board or of the principal of the junior college if he is so authorized by the rule, is capable of profiting from the instruction offered. If the governing board determines to admit such other persons, any such person shall be admitted as a provisional student and thereafter shall be required to comply with the rules and regulations prescribed by the State Board of Education or the Superintendent of Public Instruction pertaining to the scholastic achievement and other standards to be met by provisional or probationary pupils, as a condition to being readmitted in any succeeding semester. The provisions of this paragraph shall not apply to persons in attendance in special classes and programs established for adults pursuant to Article 12 (commencing with Section 6351) of Chapter 6 of Division 6, or to any persons attending on a part-time basis only.

SEC. 2. Section 5709 of said code is amended to read:

Four-year junior college admission standards

5709. The principal of any four-year junior college shall admit to the 11th or 12th grade of the junior college any pupil who has completed the work of the 10th grade and any other person over 16 years of age who in his judgment is capable of profiting from the instruction offered.

The governing board of the district maintaining any four-year junior college shall admit to the 13th or 14th grade of the junior college any high school graduate.

Such governing board may admit to the 13th or 14th grade of the junior college any apprentice, as defined in Section 3077 of the Labor Code, who, in the judgment of the governing board or of the principal of the junior college if he is so authorized by rule of the governing board, is capable of profiting from the instruction offered.

Such governing board may by rule determine whether there shall be admitted to the 13th or 14th grade of the junior college any other person who is over 18 years of age and who, in the judgment of the board or of the principal of the junior college if he is so authorized by the rule, is capable of profiting from the instruction offered. If the governing board determines to admit such other persons, any such person who is admitted shall be admitted as a provisional student and thereafter shall be required to comply with the rules and regulations prescribed by the State Board of Education or the Superintendent of Public Instruction pertaining to scholastic achievement and other standards to be met by provisional or probationary pupils, as a condition to being readmitted in any succeeding semester. This section shall not apply to persons in attendance in special classes and programs established for adults pursuant to Article 12 (commencing with Section 6351) of Chapter 6 of Division 6, or to any persons attending on a part-time basis only.

CHAPTER 1039

An act to amend Section 92 of the Agricultural Code, relating to fairs.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 92 of the Agricultural Code is amended to read:

92. The Department of Finance shall apportion any money appropriated by the State for the encouragement of county, district or combined county and district fairs to the various agricultural fairs on the basis of the amount which each fair actually paid in premiums for agricultural, horticultural, mineral and livestock exhibits, and exhibits of do-

mestic arts, agricultural mechanics and industrial education made or manufactured for other than commercial purposes in each year. The money so apportioned shall be paid to the several counties and district agricultural associations as soon as such apportionment is determined.

The Department of Finance, out of any money on hand to be apportioned, may advance to any county or district agricultural association, for the purpose of paying premiums, at any time during the year, any portion of the money to which, in the opinion of the Director of Finance, the county or district agricultural association will become entitled for that year. The county or district agricultural association shall deposit such money in a bank account approved by the Director of Finance in accordance with the provisions of Section 16506 of the Government Code. Such money may be expended for premiums, capital outlay, including purchase of land, construction, improvements, equipment, for the acquisition, installation, maintenance, and operation of recreational facilities at fairgrounds of the county or district agricultural associations or support of county or district agricultural association fairs pursuant to a budget submitted to, and approved by, the Department of Finance subject to the provisions of Sections 13320 to 13324, inclusive, of the Government Code.

All sums expended from such moneys for construction and improvements by counties shall be subject to the provisions of Sections 25450 to 25463, inclusive, of the Government Code. The county auditor or secretary of any such fair desiring to share in any such appropriation shall file with the Department of Finance on or before December 31st, of each year, a sworn statement setting forth the actual amount paid for premiums by such fair held in that year.

Six thousand dollars ($6,000) shall be the maximum base of allocation paid any fair for its first year of operation, and thereafter in each subsequent year in which a fair is held the maximum base of allocation shall increase by 10 percent over the maximum base for the year in which a fair was last held.

In the event the premiums paid during any year in which a fair is held are less than the maximum base of allocation for that year, the base of allocation for that year shall be the premiums so paid during such year. For any fair operated prior to 1933 which received, or was qualified to receive, money from appropriations for the support of agricultural fairs, the basis may be increased 10 percent for each year in which a fair was held from the time the fair was first held, except that if no fair was held by the county or district for a period of five or more years the percentage of increase shall apply only from the first fair held after said period. Any fair may pay premiums in an amount greater than that used as the base of apportionment to it.

The Department of Finance shall prescribe rules and regulations for the judging of exhibits, and the maximum amount of premiums which may be offered and paid for all classes, sec-

tions, and types of exhibits. Said rules and regulations and the maximum amount of premiums which may be offered and paid shall be exempt from the provisions of Section 11380 of the Government Code but may be filed with the Secretary of State under the provisions of Section 11385 of the Government Code. No fair shall receive any apportionment of funds under this section unless it complies with such rules and regulations.

No allotment from the apportionment herein provided shall be made for more than one fair in any one year in any county or district. The fact that a county or district contracts one with the other or with a county fair association, to hold an agricultural fair shall not bar it from receiving a proper proportion of the moneys herein appropriated, except that no county or district may hold a joint or combined fair and receive an allotment of money under the provisions of this section. No fair for which a separate appropriation is made by the State shall participate in the apportionment of any money appropriated for the encouragement of county and district agricultural fairs. On or after January 1, 1943, allotments from the appropriation herein provided shall be made only to district agricultural associations or counties which received allotments under this section on the basis of the premiums paid at fairs held during the calendar year 1941 except that: (1) A district agricultural association which did not receive an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941 may receive an allotment as provided in this section unless a county whose area lies in whole or in part within the boundaries of the agricultural district received an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941; (2) Solano County may receive an allotment although that county held no fair in the calendar year 1941 and the agricultural association of the agricultural district comprising Solano County received an allotment during the calendar year 1941; (3) Marin County may receive an allotment although that county held no fair in the calendar year 1941 and the agricultural association of the agricultural district of which Marin County is a part received an allotment during the calendar year 1941; (4) Santa Cruz County may receive an allotment although that county held no fair in the calendar year 1941 and the agricultural association of the agricultural district comprising Santa Cruz County received an allotment during the calendar year 1941; (5) Merced and Madera Counties may each receive an allotment although those counties held no fairs in the calendar year 1941 and the agricultural associations of the agricultural districts comprising Merced and Madera Counties each received an allotment during the calendar year 1941; (6) a district agricultural association which did not receive an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941, may receive an allotment as provided in this section; provided, the board of supervisors of each county, whose

area lies in whole or in part within the boundaries of the agricultural district and which received an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941, shall by resolution announce its intention to permanently discontinue the holding of fairs for which the county would be eligible to participate in the allocation from the appropriation herein provided. A certified copy of said resolution shall be filed with the Department of Finance. Upon adoption of said resolution by the board of supervisors, and the filing thereof as herein provided, the county referred to shall no longer be eligible to receive allotments under this section and the district agricultural association which becomes eligible to receive an allotment due to the adoption of said resolution shall, for the purpose of determining the maximum base of allocation for said association, be entitled to receive credit for the fairs previously held by said county and said fairs shall be considered as fairs held by the association in calculating the maximum base for said association as provided herein. Within one year from and after the date said resolution is adopted, the county shall pay to said district agricultural association the unexpended balance of any moneys previously apportioned to said county under this section. Notwithstanding the foregoing provisions of this paragraph a district agricultural association of a district created subsequent to January 1, 1943, may receive an allotment as provided in this section.

The Department of Finance, in its discretion, may at any time examine the books and records of any fair to determine the correctness of any statement or report filed with the Department of Finance.

CHAPTER 1040

An act to amend Section 18 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 18 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957) is amended to read:

Sec. 18. An action to determine the validity of bonds, levy of a special assessment or a contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

CHAPTER 1041

An act to amend Section 5183 of the Welfare and Institutions Code, relating to public guardians.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 5183 of the Welfare and Institutions Code is amended to read:

5183 All funds coming into the custody of the public guardian shall be deposited either in the county treasury and disbursed by proper warrant, or shall be deposited in one or more banks authorized to do business within the county and withdrawn only upon an order of the public guardian, countersigned by a judge of the superior court. In counties having a population of over 270,000, such withdrawals need not be countersigned by a judge of the superior court.

CHAPTER 1042

An act to amend Sections 2281 and 2282 of the Civil Code, relating to the manner and time in which the office of trustee is vacated and trustee discharged.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 2281 of the Civil Code is amended to read:

Vacancy in office

2281. The office of a trustee is vacated:

(1) In the case of an individual trustee, by—

(a) His discharge;

(b) His death;

(c) Appointment of a conservator or guardian of his person or estate; or

(d) The filing by him of a petition for adjudication of bankruptcy or for approval of an arrangement, composition or other extension under the National Bankruptcy Act, or the approval for a petition filed against him for any of said purposes.

(2) In the case of a corporate trustee by—

(a) Its discharge;

(b) Revocation of its charter or suspension of its corporate powers, if its charter shall remain revoked or its powers remain suspended for a period of thirty (30) days;

(c) Appointment of a receiver for such trustee if such appointment shall not be vacated within a period of thirty (30) days; or

(d) The filing by it of a petition for adjudication of bankruptcy or for approval of an arrangement, composition or other extension under the National Bankruptcy Act, or the approval of a petition filed against it for any of said purposes.

Provided, that any bona fide transaction entered into with such trustee by any person acting without actual knowledge that his or its office has been vacated as herein provided shall be binding on all parties.

The provisions of this section shall extend and apply to trustees under deeds of trust given to secure obligations.

SEC. 2. Section 2282 of said code is amended to read:

Discharge of trustee

2282. A trustee can be discharged from his trust only as follows:

1. By the extinction of the trust;

2. By the completion of his duties under the trust;

3. By such means as may be prescribed by the declaration of trust;

4. By the consent of the beneficiary, if he have capacity to contract;

5. By the judgment of a competent tribunal, in a direct proceeding for that purpose, that he is an incompetent as defined by Section 1435.2 of the Probate Code; or,

6. By the superior court.

CHAPTER 1043

An act to amend Section 34322 of the Health and Safety Code, relating to housing.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 34322 of the Health and Safety Code is amended to read:

34322. In the operation or management of housing projects an authority shall:

(a) Rent or lease the dwelling accommodations only to persons of low income and only at rentals within their financial reach.

(b) Rent or lease to a tenant dwelling accommodations consisting of the number of rooms which it deems necessary to provide safe and sanitary accommodations to the occupants, without overcrowding.

(c) Fix income limits for occupancy and rents after taking into consideration (1) the family size, composition, age, physical handicaps, and other factors which might affect the rent-paying ability of the person, and (2) the economic factors which affect the financial stability and solvency of the project.

(d) Prohibit subletting by tenants.

CHAPTER 1044

An act to add Section 34330 to the Health and Safety Code, relating to housing.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 34330 is added to the Health and Safety Code, to read:

34330. An authority shall have the power to:

(a) Assist in relocating in suitable housing accommodations at rentals within their means persons of low income who have been or will be deprived of dwellings within areas or buildings which have been or will be cleared or demolished. In connection with any project, an authority shall maintain or provide for the maintenance of tenant placement service in which there shall be recorded lists of untenanted, suitable dwellings available to persons of low income and shall furnish such information to such persons. An authority shall from time to time make studies and surveys of dwelling units which may become unoccupied and available to persons of low income and shall also make arrangements with owners and lessors of such dwellings for registration thereof with the tenant placement service. In connection with any project, an authority may pay so much of the necessary cost of removal of persons of low income, and of business or commercial tenants, from the area or buildings to be cleared for the development of the project to suitable locations in such cases and in such amounts as may be approved by the authority. Removal costs so paid by an authority shall be included in the project cost.

(b) Exercise the powers set forth in subdivision (a), in connection with the relocation of persons of low income who are displaced by any public or private improvement within its area of operation. The financing of such relocation activities by an authority shall be arranged by contract with the public or private agency undertaking the improvement which makes such relocation necessary.

(c) Admit to a dwelling in any project of the authority any person or persons residing in an area or building to be cleared or demolished as described in subdivision (a) or (b), if the probable aggregate annual income of such person or persons does not exceed the income limit for continued occupancy established by the authority for the dwelling to which such person or persons is admitted.

CHAPTER 1045

An act to amend Sections 475 of, and to add Section 475a to, the Penal Code, relating to possession of checks and similar paper with intent to defraud.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 475 of the Penal Code is amended to read:

Forged notes or bills

475. Every person who has in his possession, or receives from another person, any forged promissory note or bank bill, or bills, for the payment of money or property, with the intention to pass the same, or to permit, cause, or procure the same to be uttered or passed, with the intention to defraud any person, knowing the same to be forged or counterfeited, or has or keeps in his possession any blank or unfinished note or bank bill made in the form or similitude of any promissory note or bill for payment of money or property, made to be issued by any incorporated bank or banking company, or any blank or unfinished check, money order, or traveler's check, made in the form or similitude of any check, money order, or traveler's check, whether the parties thereto are real or fictitious, with intention to fill up and complete such blank and unfinished note or bill, check, money order, or traveler's check, or to permit, or cause, or procure the same to be filled up and completed in order to utter or pass the same, or to permit, or cause, or procure the same to be uttered or passed, to defraud any person, is punishable by imprisonment in the state prison for not less than one nor more than 14 years.

SEC. 2. Section 475a is added to said code, to read:

Intent to defraud

475a. Every person who has in his possession a completed check, money order, or traveler's check, whether the parties thereto are real or fictitious, with intention to utter or pass the same, or to permit, cause, or procure the same to be uttered or passed, to defraud any person, is punishable by imprisonment in the state prison for not less than one nor more than 14 years.

CHAPTER 1046

An act to amend Section 16059 of the Education Code, relating to school property.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 16059 of the Education Code is amended to read:

16059. Whenever it is proposed to lease real property and the governing board unanimously determines in the resolution that in its opinion, the monthly rental value of the property does not exceed the sum of fifty dollars ($50), the resolution need not be posted and may, before the date of the meeting, be published in two successive issues of a weekly newspaper or in five successive issues of a daily newspaper. The newspaper in which the notice is published shall be one published in the district and having a general circulation there; or if there is no such newspaper, then one having a general circulation in the district; or if there is no such newspaper, then in one having a general circulation in a county in which the district or any part thereof is situated.

CHAPTER 1047

An act to add Sections 10802, 10803, 10804, 10805, 10806, and 10807 to, to amend Section 10801 of, to amend and renumber Sections 10802, 10804, 10805, 10806, 10807, 10808, and 10809 of, and to repeal Section 10803 of, the Education Code, relating to interdistrict attendance.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 10801 of the Education Code is amended to read:

10801. The governing board of any school district may admit to the schools or classes maintained in the district any pupil who lives in another school district which maintains schools or classes of the grade levels which the pupil desires to attend. An agreement providing for such attendance shall be entered into between the governing board and the governing board of the district in which the pupil lives. The agreement shall stipulate the terms upon which the interdistrict attendance shall be permitted.

Interdistrict attendance agreements

SEC. 2. Section 10802 is added to said code, to read:

10802. An interdistrict attendance agreement shall be for a term of not to exceed five consecutive school years.

Term of agreement

Repeal

SEC. 3. Section 10803 of said code is repealed.

SEC. 4. Section 10803 is added to said code, to read:

Appeal and determination

10803. If the governing board of either district neglects or refuses to enter into such an agreement within 30 days after the person having custody of any pupil has requested the board so to do:

(a) The person may appeal to the county board of education having jurisdiction over the district in which the pupil lives.

(b) The county board of education shall, within 30 days after the filing of the appeal, determine whether the pupil should be permitted to attend in the district in which he desires to attend and for what period of time

SEC. 5. Section 10804 is added to said code, to read:

Admission

10804. If the county board of education determines that the pupil should be permitted to attend in the district in which he desires to attend, the pupil shall be admitted to school in the district without delay.

SEC. 6. Section 10805 is added to said code, to read:

Payment of cost

10805. If the county board of education determines that the pupil should be permitted to attend in the district in which he desires to attend, the governing board of the district in which the pupil lives shall pay to the district of attendance, at the close of each school year in which the pupil attends in the district of attendance an amount which shall be:

(a) The actual cost to the district of attendance of the education of the pupil, less all state and federal funds apportioned to the district on account of the pupil, or

(b) An amount fixed by the county board of education, if:

(1) The school attended by the pupil is one which came into the possession of the district of attendance by reason of the annexation or transfer of territory, including the site of the school, of the district in which the pupil lives to the district of attendance, and

(2) The pupil would have normally attended the school had its site remained in the district in which the pupil lives.

The amount so fixed by the county board of education shall be:

(A) Not more than the actual cost to the district of attendance of educating of such pupil, less all state and federal funds apportioned to the district on account of the attendance of such pupil, but

(B) Not less than the actual average cost to the district in which the pupil lives of educating pupils in schools of the same grade level, less the average amount per pupil of all state and federal funds apportioned to the district on account of the attendance of pupils.

SEC. 7. Section 10806 is added to said code, to read:

Provisional admission

10806. A pupil may be admitted provisionally to the schools of a district, other than that in which he lives, by the governing board of the district for a period of not exceeding two school months, pending decision by the governing boards of

the school districts concerned, or by the county board of education relative to his admittance

SEC. 8. Section 10807 is added to said code, to read:

Junior high school attendance

10807 The provisions of Sections 10801 to 10806, inclusive, do not apply to the attendance of pupils in the seventh and eighth grades of a junior high school.

SEC. 9. Section 10802 of said code is amended and renumbered to read:

County boards of education

10808. Where the county boards of education of the two counties concerned agree that it is for the best educational and health interest of the child, a school district located in one county shall admit to the schools or classes maintained by it any pupil who resides in a school district located in another county

SEC. 10. Section 10804 of said code is amended and renumbered to read.

Procedure for education of all pupils

10809. Whenever three-fourths of the electors residing in an elementary school district and having children attending in the schools of the district petition the governing board of the district so to do, the governing board of such district with the approval of all the members of the county board of education may provide for the education of all elementary school pupils in the district by another elementary or unified school district subject to such terms and conditions as the governing boards of the two districts may agree upon. The attendance of the pupils shall be credited to the district of attendance and on the next succeeding July 1st, the district of residence shall be subject to the provisions of Sections 1871 to 1885, inclusive.

SEC. 11. Section 10805 of said code is amended and renumbered to read:

Interdistrict kindergarten agreements

10810. The governing board of an elementary school district or unified school district may admit to the kindergartens maintained by the district children eligible for admission to kindergarten classes who reside in an elementary school district or unified school district not maintaining a kindergarten whenever an agreement is entered into between the governing board of the district of attendance and the governing board of the district of residence stipulating the terms upon which the interdistrict attendance shall be permitted.

SEC. 12. Section 10806 of said code is amended and renumbered to read:

Refusal to pay district of attendance

10811. If the governing board of a school district in which pupils reside who are lawfully attending in another district fails or refuses to pay, when due, the amount required to be paid the district of attendance for the education of such pupils under any provision of this code, the county superintendent of schools having jurisdiction over the district of residence shall draw a requisition against the funds of the district of residence in favor of the district of attendance in payment of such amount and transmit the requisition to the governing board of the district of attendance.

SEC. 13. Section 10807 of said code is amended and renumbered to read:

First three years of district existence

10812. The governing board of any school district may admit to the schools or classes maintained in the district any pupils who reside in another school district during any of the first three fiscal years of existence for all purposes of the district of residence, whenever an agreement is entered into between the governing boards stipulating the terms upon which the interdistrict attendance shall be permitted.

SEC. 14. Section 10808 of said code is amended and renumbered to read:

Crediting of average daily attendance

10813. Except as may otherwise be specially provided, the average daily attendance of all pupils, excepting pupils attending the seventh and eighth grades of a junior high school, who reside in one school district and attend school in another school district shall be credited to the district attended for apportionment purposes.

SEC. 15. Section 10809 of said code is amended and renumbered to read:

Same: Re suspended district

10814. The attendance of a pupil residing in a suspended elementary school district included within a union or joint union elementary school district and attending school in the union or joint union elementary school district, shall be credited to the elementary school district within the union or joint union elementary school district in which the school attended by the pupil is located.

CHAPTER 1048

An act to amend Section 1484 of the Education Code, relating to unified school districts.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1484 of the Education Code is amended to read:

1484. When any unified school district is created under the provisions of Section 813, Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 13005, 13554, and 21802, the county superintendent of schools having jurisdiction shall call and set the date for an election for the purpose of electing the governing board of the district. The call shall be issued not later than the fourth Tuesday of January next succeeding the creation of the district, and the election shall be held not later than the third Tuesday in May next succeeding the call. The election shall be held and conducted by the county superintendent of schools having jurisdiction in substantially the same manner as elections held under Sections 931 to 974, inclusive, and Sections 1231 and 1232.

CHAPTER 1049

An act to amend Section 16203 of the Education Code, relating to school district property.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 16203 of the Education Code is amended to read:

16203. The board shall not enter into and be a party to any such sale, exchange, or lease unless the following conditions have been met:

(a) A resolution authorizing such action and prescribing the terms of the sale, exchange, or lease has been adopted by the unanimous vote of all the members elected or appointed to the board;

(b) Such resolution has been published in a newspaper published in the district and having a general circulation there; or if there be no such newspaper, then in a newspaper having a general circulation in the district; of if there is no such newspaper, then in a newspaper having a general circulation in a county in which the district or any part thereof is situated. Notice shall be published no less than once a week for three weeks prior to the making of the sale, exchange, or the execution of the lease by the board.

CHAPTER 1050

An act to amend Section 911.23 of the Agricultural Code, relating to noxious weed seeds.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 911 23 of the Agricultural Code is amended to read:

911.23. "Secondary noxious weeds," as used in this article, means all species of noxious weeds not classified as primary noxious weeds.

Secondary noxious weeds include the following:

Alkali mallow (Sida hederacea).

Dodder (Cuscuta spp.)

Halogeton (Halogeton glomeratus).

Italian thistle (Carduus pycnocephalus)

Italian thistle (Carduus tenuiflorus).

Johnson grass (Sorghum halepense) and other perennial

Sorghum spp., including but not limited to Sorghum almum and perennial sweet Sudan grass.
Klamath weed (Hypericum perforatum).
Mediterranean sage (Salvia aethiopis).
Nutgrass, meaning yellow nutgrass (Cyperus esculentus) and purple nutgrass (Cyperus rotundus)
Poverty weed (Iva axillaris).
Puncture vine (Tribulus terrestris).
Sandbur grass (Cenchrus pauciflorus).
Wild morning glory (Convolvulus arvensis).
Yellow star thistle (Centaurea solstitialis).
Any other species which the director, as provided in Section 917.2, finds and declares to be a secondary noxious weed.

CHAPTER 1051

An act to add Section 124.5 to the Elections Code and Section 204.5 to the Elections Code as proposed by Assembly Bill No. 8, relating to the registration of voters.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 124.5 is added to the Elections Code, to read:

Registration at residences

124.5. Any person appointed or deputized by the county clerk to register voters may secure registrations at the places of residence of the persons to be registered.

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

Effect Stats. 1961, Ch 23

SEC. 3. Section 2 of this act shall become operative only if the Elections Code as proposed by Assembly Bill No. 8 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 8 takes effect; at which time Section 124.5 of the Elections Code as added by Section 1 of this act is repealed.

CHAPTER 1052

An act to amend Sections 14000 and 14001 of the Fish and Game Code, relating to the Pacific Marine Fisheries Compact.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 14000 of the Fish and Game Code is amended to read:

14000. The Governor is hereby authorized and directed to execute a compact on behalf of this State with one or both of the States of Oregon and Washington for the purpose of cooperating with such states in the formation of a Pacific Marine Fisheries Commission. Compact

SEC. 2. Section 14001 of said code is amended to read:

14001. The form and contents of such compact shall be substantially as provided in this section and the effect of its provisions shall be interpreted and administered in conformity with the provisions of this division: Form and content

PACIFIC MARINE FISHERIES COMPACT

The contracting states do hereby agree as follows:

Article I

The purposes of this compact are and shall be to promote the better utilization of fisheries, marine, shell and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean over which the States of California, Oregon, and Washington jointly or separately now have or may hereafter acquire jurisdiction. Purposes

Nothing herein contained shall be construed so as to authorize the aforesaid states or any of them to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof or creating and perpetuating a monopoly.

Article II

This agreement shall become operative immediately as to those states executing it whenever two or more of the States of California, Oregon and Washington have executed it in the form that is in accordance with the laws of the executing state and the Congress has given its consent. Operative date of compact

Article III

Each state joining herein shall appoint, as determined by state statutes, one or more representatives to a commission hereby constituted and designated as the Pacific Marine Fisheries Commission, of whom one shall be the administrative or other officer of the agency of such state charged with the conservation of the fisheries resources to which this compact pertains. This commission shall be invested with the powers and duties set forth herein. Representatives to commission

The term of each commissioner of the Pacific Marine Fisheries Commission shall be four years. A commissioner shall hold office until his successor shall be appointed and qualified but such successor's term shall expire four years from legal Term of commissioner

date of expiration of the term of his predecessor. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled for the unexpired term, or a commissioner may be removed from office, as provided by the statutes of the state concerned. Each commissioner may delegate in writing from time to time, to a deputy, the power to be present and participate, including voting as his representative or substitute, at any meeting of or hearing by or other proceeding of the commission.

Voting powers under this compact shall be limited to one vote for each state regardless of the number of representatives.

Article IV

Duty of commissioner

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell, and anadromous in all of those areas of the Pacific Ocean over which the States of California, Oregon and Washington jointly or separately now have or may hereafter acquire jurisdiction. The commission shall have power to recommend the co-ordination of the exercise of the police powers of the several states within their respective jurisdictions and said conservation zones to promote the preservation of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the signatory parties hereto.

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislative branches of the various signatory states hereto legislation dealing with the conservation of the marine, shell, and anadromous fisheries in all of those areas of the Pacific Ocean over which the States of California, Oregon and Washington jointly or separately now have or may hereafter acquire jurisdiction. The commission shall, more than one month prior to any regular meeting of the legislative branch in any state signatory hereto, present to the governor of such state its recommendations relating to enactments by the legislative branch of that state in furthering the intents and purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable and which lie within the jurisdiction of such agencies.

The commission shall have power to recommend to the states signatory hereto the stocking of the waters of such states with marine, shell or anadromous fish and fish eggs or joint stocking by some or all of such states and when two or more of the said states shall jointly stock waters the commission shall act as the co-ordinating agency for such stocking.

Article V

Election of chairman

The commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place within the territorial limits of the signatory states but must meet at least once a year.

Article VI

Commission action

No action shall be taken by the commission except by the affirmative vote of a majority of the whole number of compacting states represented at any meeting. No recommendation shall be made by the commission in regard to any species of fish except by the vote of a majority of the compacting states which have an interest in such species.

Article VII

Fisheries research agencies

The fisheries research agencies of the signatory states shall act in collaboration as the official research agency of the Pacific Marine Fisheries Commission.

An advisory committee to be representative of the commercial fishermen, commercial fishing industry and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make.

Article VIII

States' powers

Nothing in this compact shall be construed to limit the powers of any state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any state imposing additional conditions and restrictions to conserve its fisheries.

Article IX

Continued absence

Continued absence of representation or of any representative on the commission from any state party hereto, shall be brought to the attention of the governor thereof.

Article X

Annual funds

The states agree to make available annual funds for the support of the commission in proportion to the primary market value of the products of their fisheries as recorded in the latest

published reports (five-year average); provided, no state shall contribute less than two thousand dollars ($2,000) per annum and the annual contribution of each state above the minimum shall be figured to the nearest one hundred dollars ($100).

The compacting states agree to make available initially the annual amounts scheduled below, which amounts are calculated in the manner set forth herein, on the basis of the latest five year catch records. Subsequent budgets shall be recommended by a majority of the commission and the total amount thereof allocated equitably among the states in accordance with the above formula.

Schedule of Initial Annual State Contributions

California	$11,000
Oregon	2,000
Washington	2,000
Total	$15,000

Article XI

Duration of compact

This compact shall continue in force and remain binding upon each state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other parties hereto.

Article XII

Other states may become part of agreement

The States of Alaska or Hawaii or any state having rivers or streams tributary to the Pacific Ocean may become a contracting state by enactment of the Pacific Marine Fisheries Compact. Upon admission of any new state to the compact, the purposes of the compact and the duties of the commission shall extend to the development of joint programs for the conservation, protection and prevention of physical waste of fisheries in which the contracting states are mutually concerned and to all waters of the newly admitted state necessary to develop such programs.

When effective

This article shall become effective upon its enactment by the States of California, Oregon and Washington and upon ratification by Congress by virtue of the authority vested in it under Article 1, Section 10, of the Constitution of the United States.

CHAPTER 1053

An act to amend Section 35710 of the Health and Safety Code, relating to discrimination in public housing.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 35710 of the Health and Safety Code is amended to read:

35710. When used in this part:

1. The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers or other fiduciaries.

2. The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, but shall not include any accommodations operated by a religious, fraternal, or charitable association or corporation not organized or operated for private profit; provided, that such accommodations are being used in furtherance of the primary purpose or purposes for which the association or corporation was formed.

3. The term "publicly assisted housing accommodation" includes any housing accommodation within the State:

(a) Which at the time of any alleged unlawful discrimination under Section 35720 is granted exemption in whole or in part from taxes levied by the State or any of its political subdivisions; provided, that nothing herein contained shall apply to any housing accommodations solely because the owner thereof enjoys any type of tax exemption by virtue of his veteran status.

(b) Which is constructed on land sold below cost by the State or any of its political subdivisions or any agency thereof, pursuant to the Federal Housing Act of 1949.

(c) Which is constructed in whole or in part on property acquired or assembled by the State or any of its political subdivisions or any agency thereof through the power of condemnation or otherwise for the purpose of such construction.

(d) Which is located in a multiple dwelling and the acquisition, construction, rehabilitation, repair or maintenance of which is financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the State or any of its political subdivisions or any agency thereof

(e) Which is offered for sale by a person who owns or otherwise controls the sale of five or more housing accommodations located on land that is contiguous (exclusive of public streets),

if (1) the acquisition, construction, rehabilitation, repair or maintenance of such housing accommodations is financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the State or any of its political subdivisions or any agency thereof, or (2) a commitment, issued by a government agency is outstanding that acquisition of such housing accommodations may be financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the State or any of its political subdivisions or any agency thereof.

4. The term "owner" includes the lessee, sublessee, assignee, managing agent, or other person having the right of ownership or possession or the right to rent or lease housing accommodations and includes the State and any of its political subdivisions and any agency thereof.

5. The term "discriminate" includes to segregate or separate.

6. The term "multiple dwelling" means a dwelling which is occupied, as a rule, for permanent residence purposes and which is either rented, leased, let or hired out, to be occupied as the residence or home of three or more families living independently of each other. A "multiple dwelling" shall not be deemed to include a hospital, convent, monastery, public institution, or a fireproof building used wholly for commercial purposes except for not more than one janitor's apartment and not more than one penthouse occupied by not more than two families. The term "family" means either a person occupying a dwelling and maintaining a household, with not more than four boarders, roomers or lodgers, or two or more persons occupying a dwelling, living together and maintaining a common household, with not more than four boarders, roomers or lodgers A "boarder," "roomer" or "lodger" residing with a family means a person living within the household who pays a consideration for such residence and does not occupy such space within the household as an incident of employment therein.

CHAPTER 1054

An act dissolving the Stanislaus Public Utility District (formed pursuant to Chapter 531 of the Statutes of 1915, which was repealed by Chapter 1231 of the Statutes of 1951) and transferring its funds to the County of Stanislaus.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

Dissolution

SECTION 1. The Stanislaus Public Utility District (formed pursuant to Chapter 531 of the Statutes of 1915, which was

repealed by Chapter 1231 of the Statutes of 1951) is hereby dissolved and its funds are transferred to the County of Stanislaus for apportionment pursuant to Section 25366.5 of the Government Code.

Special facts, circumstances

SEC. 2. The special law contained in Section 1 of this act is hereby found to be necessary because of the special facts and circumstances existing in Stanislaus County. The special facts and circumstances are that funds amounting to approximately eight thousand dollars ($8,000), which were raised by the Stanislaus Public Utility District in the 1922-23 fiscal year, are presently held by the treasurer of the district and cannot be used for any beneficial purposes in the territory which formerly constituted the Stanislaus Public Utility District, because Chapter 531 of the Statutes of 1915, under which the district was formed, was repealed by Chapter 1231 of the Statutes of 1951. Moreover, the district does not have any outstanding indebtedness and has not been active or exercised any functions for many years.

Removal of uncertainty

SEC. 3. The purpose of this act is to remove any uncertainty about the existence of the Stanislaus Public Utility District and to authorize the beneficial use of its funds in substantially the same area from which the funds were raised by vesting the funds in the County of Stanislaus for expenditure pursuant to Section 25366.5 of the Government Code.

CHAPTER 1055

An act to repeal Section 14219 of, and to add Section 14219 to, the Health and Safety Code, relating to local fire districts.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 14219 of the Health and Safety Code is repealed.

SEC. 2. Section 14219 is added to said code, to read:

Withdrawal of territory by inclusion in city. Disposition of assets, etc.

14219. Upon the withdrawal of any territory of a district, by inclusion within a city:

(a) If the assessed value of the real property within the area withdrawn represents one-half of 1 percent, or less, of the total assessed value of the real property within the district prior to the withdrawal, as determined from the last equalized assessment roll of the property within the district, all of the property and assets of the district shall be retained by the district.

(b) If the assessed value of the real property in the area withdrawn exceeds the amount prescribed by subdivision (a), the city and the district shall have six months from the effective date of the withdrawal in which, after giving consideration to all factors involved, including population, assessed

valuation, the effect of the annexation or change of boundaries on the remaining portion of the district, the length of time the portion being withdrawn has paid taxes and the total amount of such taxes paid, and such other matters as should be considered in arriving at an equitable distribution, they may establish a mutually agreeable basis for the distribution of the property and assets of the district between the city and the remaining district. If, within such period a mutually agreeable basis is reached, the property and assets of the district shall be distributed between the city and the remaining district upon such basis.

(c) If, under the provisions of subdivision (b), no mutually agreeable basis for the distribution of the property and assets of the district is reached within the six month period, on the date the district ceases to furnish fire protection service to the area withdrawn or upon the end of the six month period, whichever is the last to occur, all of the property and unencumbered funds of the district shall be divided between the city and the remaining district in proportion to the average assessed value of the real property within the area withdrawn to the average assessed value of the real property within the entire district during the five year period prior to the effective date of the withdrawal, as determined from the equalized assessment rolls for such period.

All funds and property received by the city shall be used exclusively and directly for the prevention and extinguishment of fires; provided, that nothing herein shall prevent the sale of property not needed for such purposes for its fair market value if the funds derived from such sale are used solely for such purposes.

For the purpose of this section, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected amounts in excess of an amount sufficient to pay all claims and accounts against the district, but shall not include funds necessary for the maintenance and operation of the district for any period for which the district has the duty to provide fire protection services within the area withdrawn.

CHAPTER 1056

An act to amend Sections 18405, 18406, 18655, 18660, 18661, 18668 and 18669 of, to add Sections 18406.2, 18668.3 and 18672.2 to, and to repeal Section 18656 of, the Financial Code, relating to industrial loan companies.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 18405 of the Financial Code is amended to read:

18405. An industrial loan company may purchase, sell or discount bona fide trust receipts, secured or unsecured choses in action, chattel mortgages or conditional sales contracts, which have a maturity within three years from the date of purchase. Types of obligations

Such obligations may have a maturity within five years from the date of purchase if: Five-year maturity

(a) The obligation at the time of purchase has an unpaid balance of two thousand dollars ($2,000) or more; and

(b) The obligation is secured; and

(c) The property or collateral securing the obligation, for the purpose of this provision relating to a five-year maturity, is of a kind or class that has been declared eligible by a regulation of the commissioner; and

(d) The obligation is not secured by a real property mortgage or a trust deed; and

(e) The obligation is amortized over its life by equal periodic payments.

SEC. 2. Section 18406 of said code is amended to read:

18406. An industrial loan company may make loans, purchase or discount notes, mortgages, contracts or other commercial paper insured by the Federal Housing Administrator, Veterans Administration, other federal agency or an agency of the State. Loans so insured may be made for a term up to but not to exceed 30 years. Loans, etc

SEC. 3. Section 18406.2 is added to said code, to read:

18406.2. Any loan or other obligation made or acquired pursuant to Section 18406.1 which has an outstanding principal balance of five thousand dollars ($5,000) or more shall be secured by real property having a fair market value at the time the loan or other obligation is made or acquired of at least one hundred fifteen percent (115%) of the principal amount owing on the loan or obligation and on prior encumbrances, except nondelinquent tax liens, secured by the same real property. Fair market value for the purposes of this section shall be determined by an authenticated appraisal made by a qualified real property appraiser, approved in writing by the commissioner. Security

SEC. 4. Section 18655 of said code is amended to read:

18655. The charges by an industrial loan company, broker, and all other persons on any loan, forbearance of money, credit, goods, or things in action under this division, shall not exceed in the aggregate: Charges

(a) Two and one-half percent (2½%) per month on that part of the unpaid principal balance of any loan up to, including, but not in excess of two hundred dollars ($200).

(b) One and one-half percent (1½%) per month on that portion of the unpaid principal balance in excess of two hundred dollars ($200) up to, including, but not in excess of seven hundred dollars ($700).

(c) Five-sixths of one percent (⅚%) per month on any remainder of such unpaid principal balance in excess of seven hundred dollars ($700).

Repeal

SEC. 5. Section 18656 of said code is repealed.

SEC. 6. Section 18660 of said code is amended to read:

Fees and costs

18660. An industrial loan company may contract for, collect, and receive at the time of making the loan or at any time thereafter, any cost of publication as required by law and the statutory fee paid by it to any public officer for acknowledging, filing, recording, or releasing in any public office any instrument securing the loan or executed in connection with a loan. Such fees are not included in computing the maximum charges which may be made under this division

SEC. 7. Section 18661 of said code is amended to read:

Costs for credit life insurance

18661. An industrial loan company may provide and collect the costs for credit life insurance on the life of one or more of the borrowers with his or her consent, the form to be approved by the commissioner and in an amount not in excess of the amount of the indebtedness. The amount charged to the borrower for such insurance shall not exceed the amount provided in (1) or (2) following, whichever is less:

Premium rate

(1) The premium rate filed with the Commissioner of Insurance for the coverage provided pursuant to Article 5 9 (commencing with Section 779.1), Chapter 1, Part 2, Division 1 of the Insurance Code and which has not been disapproved by him, or

(2) Fifty cents ($0.50) per year per one hundred dollars ($100) of indebtedness (and in the same proportion for longer or shorter maturities and larger or smaller amounts) or such different maximum as is fixed by the Commissioner of Insurance by a valid and effective regulation hereafter adopted.

Costs of property insurance

An industrial loan company may collect the costs for insurance of tangible personal or real property offered as security for a loan, reasonably insured against loss for a reasonable term considering the circumstances of the loan, when the policy of insurance is made payable to the borrower or any member of his family, even though the customary mortgagee clause is attached, and if the insurance is sold at standard rates through duly licensed insurance agents except that if title insurance is obtained in connection with a loan, the costs for such insurance may only be collected if: (a) the loan is in an amount of at least one thousand dollars ($1,000) and is secured by the lien of a deed of trust or mortgage on real property which is the subject of such policy of title insurance; (b) the policy of title insurance is made payable to the lender or jointly to such lender and the borrower as their interests may appear; (c) the amount of such insurance does not exceed the amount of the loan; (d) such insurance is placed at standard rates through a title insurance company authorized to do business in the State of California; and (e) the provisions of the loan require payment in not less than 12 months. A policy of title insurance may not be required in

connection with the renewal or extension of a loan with an unpaid principal balance of less than one thousand dollars ($1,000). Such costs as herein authorized are not included in computing the maximum charges which may be made under this division.

SEC. 8. Section 18668 of said code is amended to read:

Limit on unsecured loans, etc

18668. A company may not make unsecured loans to or hold the unsecured obligations of any one person as primary obligor in an aggregate amount in excess of 5 percent of the unimpaired capital and surplus of the company not available for dividends as provided in Section 18614; provided, however, all unsecured loans or obligations which exceed ten thousand dollars ($10,000) in face amount shall in no event exceed in the aggregate 20 percent of the company's outstanding loans and obligations Secured loans or obligations must be secured by collateral of a market value of at least 115 percent of the amount owing on the loans or obligations and secured loans or obligations of any person as primary obligor made or held by a company may not, in any event, exceed in the aggregate 20 percent of the unimpaired capital and surplus of the company not available for dividends as provided in Section 18614. The secured loans and obligations which exceed ten thousand dollars ($10,000) in face amount shall in no event exceed in the aggregate 20 percent of the company's outstanding loans and obligations. Loans secured by unimproved real property shall not in the aggregate exceed 2 percent of the company's unimpaired capital and surplus not available for dividends as provided in Section 18614 unless the commissioner consents to the taking of collateral to protect an existing jeopardized obligation.

SEC. 9. Section 18668.3 is added to said code, to read:

Loans on real property

18668 3. No industrial loan company issuing investment certificates shall make any loan secured by real property in an amount in excess of twenty-five thousand dollars ($25,000) or 10 percent of the company's unimpaired capital and surplus not available for dividends as provided in Section 18614, whichever is the lesser, without the consent of the commissioner.

SEC. 10. Section 18669 of said code is amended to read:

Two-year limitation

18669. No industrial loan company shall make any loan for a longer period than two years from the date of making the loan, except as provided in Sections 18406 and 18406.1. A loan of a face amount of two thousand dollars ($2,000) or more may be made for a period not exceeding three years from the date of making the loan if the loan is amortized over its life by equal periodic payments.

SEC. 11 Section 18672 2 is added to said code, to read:

Contingent guarantor

18672 2. (a) An amount due from a contingent guarantor on his obligations purchased under the provisions of Section 18405 shall not be subject to Sections 18650, 18652, 18653, 18655, 18657, 18658, 18667, 18670, 18671, and 18672.

Loans on pledged accounts

(b) A loan to a primary borrower who has pledged accounts receivable or installment accounts to secure loans which taken in the aggregate amount to ten thousand dollars ($10,000) or more shall not be subject to Sections 18650, 18652 18653, 18655, 18657, 18658, 18667, 18670, 18671, and 18672

CHAPTER 1057

An act to amend Section 22408 of the Vehicle Code, relating to vehicle speeds.

In effect September 15, 1961

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 22408 of the Vehicle Code is amended to read:

22408. Whenever a passenger vehicle regardless of weight or commercial motor vehicle weighing less than 4,000 pounds is drawing any vehicle the maximum speed shall not at any time exceed 50 miles per hour subject to other and more restrictive limits set forth in this code.

CHAPTER 1058

An act to add Section 43072 to the Government Code, relating to municipal corporations.

In effect September 15, 1961

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 43072 is added to the Government Code, to read:

43072. For the fiscal year in which a city avails itself of the general laws relative to the assessment and collection of city taxes by county officials, and for each succeeding fiscal year, the city council may levy a rate of tax for any purpose for which a maximum rate is specified by law up to an amount that exceeds such maximum rate in the proportion that the total assessed valuation on the entire city roll used in the fiscal year immediately preceding the year for which the city availed itself of the county tax assessing and collecting services exceeded the total assessed valuation of the property within the city on the entire county roll for the same year.

CHAPTER 1059

An act to amend Sections 399 and 963 of, and to add Section 400 to, the Code of Civil Procedure, relating to place of trial.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 399 of the Code of Civil Procedure is amended to read:

Transfer of action or proceeding

399. When an order is made transferring an action or proceeding under any of the provisions of this title, the clerk, or the judge where there is no clerk, must, after expiration of the time within which a petition for writ of mandate could have been filed pursuant to Section 400 of this code, or if such petition is filed after judgment denying the writ becomes final, and upon payment of the costs and fees, transmit the pleadings and papers therein (or if the pleadings be oral a transcript of the same) to the clerk (or to the judge where there is no clerk) of the court to which the same is transferred. When the transfer is sought on any ground specified in subdivisions 2, 3, 4 and 5 of Section 397 of this code, the costs and fees thereof, and of filing the papers in the court to which the transfer is ordered, shall be paid at the time the notice of motion is filed, by the party making the motion for the transfer. When the transfer is sought solely, or is ordered, because the action or proceeding was commenced in a court other than that designated as proper by the provisions of this title, such costs and fees must be paid by the plaintiff before such transfer is made; and if, in any such case, the defendant has paid such costs and fees at the time of filing his notice of motion, the same shall be repaid to him, upon the making of such order. If such costs and fees have not been so paid by the plaintiff within five days after service of notice of such order, then any other party interested therein, whether named in the complaint as a party or not, may pay such costs and fees, and the clerk shall thereupon transmit the papers and pleadings therein as if such costs and fees had been originally paid by the plaintiff, and the same shall be a proper item of costs of the party so paying the same, recoverable by such party in the event he prevails in the action; otherwise, the same shall be offset against and deducted from the amount, if any, awarded the plaintiff in the event the plaintiff prevails against such party in such action. The court to which an action or proceeding is transferred under the provisions of this title shall have and exercise over the same the like jurisdiction as if it had been originally commenced therein, all prior proceedings being saved, and said court may require such amendment of the pleadings, the filing and service of such amended, additional or supplemental pleadings, and the giving of such notice, as may be necessary for the proper presentation and determination of the action or proceeding in said court.

SEC. 2. Section 963 of said code is amended to read:

Appeal from superior court

963. An appeal may be taken from a superior court in the following cases:

1. From a final judgment entered in an action, or special proceeding, commenced in a superior court, or brought into a superior court from another court;

2. From an order granting a new trial or denying a motion for judgment notwithstanding the verdict, or granting or dissolving an injunction, or refusing to grant or dissolve an injunction, or appointing a receiver, or dissolving or refusing to dissolve an attachment, from any special order made after final judgment, from any interlocutory judgment, order, or decree, hereafter made or entered in actions to redeem real or personal property from a mortgage thereof, or a lien thereon, determining such right to redeem and directing an accounting; and from such interlocutory judgment in actions for partition as determines the rights and interests of the respective parties and directs partition to be made, and interlocutory decrees of divorce;

3. From such probate orders and decrees as are made appealable by the provisions of the Probate Code.

4. From an order granting a motion to quash service of summons.

SEC. 3. Section 400 is added to said code, to read:

Power of district court of appeal

400. When an order is made by the superior court granting or denying a motion to change the place of trial, the party aggrieved by such order may, within 10 days after service of a written notice of the order, or within such additional time not exceeding 20 days as the court may within the original 10 days allow, petition the district court of appeal for the district in which the court granting or denying the motion is situated for a writ of mandate requiring trial of the case in the proper court. The district court of appeal may stay all proceedings in the case, pending judgment on the petition becoming final.

CHAPTER 1060

An act to amend Section 683 of the Financial Code, relating to meetings of bank and trust company directors.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 683 of the Financial Code is amended to read:

683. The board of directors of each bank and of each trust company shall hold a meeting at least once each calendar month. Regular meetings of the board shall be held at any place within the State which has been designated by the by-laws or from time to time by resolution of the board or by

written consent of all members of the board. In the absence of such designation regular meetings shall be held at the head office of the bank or trust company or at one of its branch offices. Special meetings of the board may be held either at a place so designated or at the principal office. Any regular or special meeting is valid wherever held if held upon written consent of all members of the board given either before or after the meeting and filed with the secretary of the corporation.

CHAPTER 1061

An act to add Section 5652 to the Fish and Game Code, relating to pollution.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 5652 is added to the Fish and Game Code, to read:

5652. It is unlawful to deposit, permit to pass into, or place where it can pass into the inland waters of the State, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the inland waters of the State, any cans, bottles, garbage, rubbish, or the viscera or carcass of any dead mammal, or the carcass of any dead bird. This section does not apply to the depositing of such materials in a container or refuse disposal dump maintained for disposal of such materials by any federal, state or local government agency, or the property owner.

The provisions of this section shall be enforced by all law enforcement officers of this State.

CHAPTER 1062

An act to amend Section 426b of the Code of Civil Procedure, relating to pleadings in civil actions.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 426b of the Code of Civil Procedure is amended to read:

426b. In an action for a divorce or for separate maintenance, it is not necessary to plead specific acts constituting cruelty in order to plead a cause of action, unless the adverse party serves and files a demand therefor within the time allowed to answer. If such demand is made, the plaintiff or cross-complainant must amend his pleading accordingly

within 10 days after service of the demand, or be precluded from giving evidence of any specific acts constituting cruelty. Such demand shall be in lieu of, and not an alternative to, a demurrer for uncertainty, and the serving and filing of such demand shall constitute an appearance on the part of the party making the demand and shall extend his time to answer to 10 days after service of the amended pleading.

CHAPTER 1063

An act to amend Section 11554 of the Business and Professions Code, relating to subdivision maps.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 11554 of the Business and Professions Code is amended to read:

11554. Within one year after approval or conditional approval of the tentative map or maps, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final map to be prepared in accordance with the tentative map as approved. Upon application of the subdivider an extension of not exceeding one year may be granted by the governing body or by an advisory agency that is authorized to report its action directly to the subdivider. In the event the advisory agency denies a subdivider's application for extension, the subdivider may appeal to the governing body.

CHAPTER 1064

An act to amend Section 5008 of the Government Code, relating to fee for registering bonds.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 5008 of said code is amended to read:

5008. The treasurer, or officer performing the duties of treasurer, of any county, district, municipal corporation, or other public corporation in the State shall be entitled for registering a bond to charge and collect a fee of one dollar ($1) for every one thousand dollars ($1,000) of the par value thereof for the purposes of providing the additional supplies and clerical help necessary in complying with this chapter. The fee to be charged the holder of a state bond for registering or reconverting shall be the fee fixed by the State Treasurer, but shall not exceed one dollar ($1) for every one thousand dollars ($1,000) of par value thereof.

CHAPTER 1065

An act to amend Section 25734 of the Health and Safety Code, relating to atomic energy development and radiation protection.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 25734 of the Health and Safety Code is amended to read:

25734. No rule or regulation applying to atomic energy development or radiation protection or amendment thereto or repeal thereof which any state agency may propose to adopt, unless it be an emergency regulation, shall be noticed under the provisions of Section 11423 of the Government Code prior to 30 days after it has been submitted to the co-ordinator, unless the co-ordinator in writing waives all or a portion of the 30-day period.

CHAPTER 1066

An act to amend Section 4400 of, and to add Section 4403.5 to, the Health and Safety Code, relating to pollution of waters.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 4400 of the Health and Safety Code is amended to read:

4400. For the purpose of this article the term "garbage" includes any or all of the following: "Garbage"

(a) Garbage.
(b) Swill.
(c) Refuse.
(d) Cans.
(e) Bottles.
(f) Paper.
(g) Vegetable matter.
(h) Carcass of any dead animal.
(i) Offal from any slaughter pen or butcher shop.
(j) Trash.
(k) Rubbish.
(*l*) Radioactive waste materials.

SEC. 2. Section 4403.5 is added to said code, to read:

4403.5. Every person in charge of a vessel which is to dump or deposit radioactive waste materials upon any of the waters of the ocean where permitted by this article shall notify the Dumping of radioactive waste material

department in writing at least five days in advance of such dumping or depositing, specifying the intended date of departure and giving such other information as may be required by the department. The department may permit the vessel to leave without the inspector required by Section 4403 if it determines that the public health and welfare will not be endangered thereby. If such permission is granted, the department may require the person in charge of the vessel to submit a certified statement to it, at such time as the department determines, setting forth the time, location, and manner of the dumping or disposal and such other information as the department may require.

CHAPTER 1067

An act to amend Section 1 of Chapter 800, Statutes of 1957, relating to tide and submerged lands within the Bolinas Harbor District.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 800 of the Statutes of 1957 is amended to read:

Section 1. There is hereby granted to the Bolinas Harbor District, hereinafter called "district," a political subdivision of the State of California, and to its successors, all the right, title, and interest now held by the State of California by virtue of its sovereignty, in and to all lands, salt marsh, tidelands, submerged lands, and swamp and overflowed lands in Bolinas Bay situated and lying within the boundaries of the Bolinas Harbor District as such boundaries exist on the effective date of this act.

To be forever held by said district, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said district, and its successors, for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, and for the construction, maintenance and operation thereon of public buildings and public parks and playgrounds, and for public recreational purposes, and said district, or its successors, shall not at any time, grant, convey, give or alien said lands, or any part thereof, except dredged or other materials, such as earth, clay, sand, gravel, mud and silt, removed in connection with the creation, main-

tenance or operation of the harbor and other objects herein contemplated, to any individual, firm or corporation for any purposes whatsoever; provided, that said district, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for such public uses and purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases, franchises and privileges. Any revenue derived by the district from the sale of dredged or other materials removed in connection with the creation, maintenance or operation of the harbor and other objects herein contemplated shall be used by the district in furtherance of the trust uses and purposes.

(b) That said lands shall be substantially improved by said district within 10 years of the effective date of this act without expense to the State, and shall always remain available for public use for all purposes consistent with the trust under which the State holds sovereign lands, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other watercraft or aircraft, or railroad, owned or operated by the State of California. If the State Lands Commission determines that the district has failed during said 10-year period to improve said lands as herein required, all right, title, and interest of said district in and to all lands granted by this act shall cease and said lands shall revert and vest in the State.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said district or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes together with the right of navigation.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land, but this exception and reservation shall not apply to dredged or other materials, such as earth, clay, sand, gravel, mud and silt removed in connection with the creation, maintenance or operation of the harbor and other objects herein contemplated.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes, without compensation to the district, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

CHAPTER 1068

An act to add Section 987.25 to the Military and Veterans Code, relating to farm and home purchases.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 987.25 is added to the Military and Veterans Code, to read:

987.25. In the event the department enters into a master agreement with one or more insurance companies to provide life insurance coverage for the purchasers of farms and homes from the department, the master agreement shall provide that the life insurance coverage offered under the master agreement will be offered by the insurance company or companies to disabled and nondisabled veterans on an equal basis and that no veteran shall be denied coverage because that veteran is disabled at the time of application.

CHAPTER 1069

An act creating the Desert Water Agency, and prescribing its boundaries, organization, operation, management, financing and other powers and duties.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961]

The people of the State of California do enact as follows:

Short title

SECTION 1. This act is designated, and may be cited and referred to as, the "Desert Water Agency Law."

Management, powers, etc.

SEC. 2. The Desert Water Agency is hereby created, organized and incorporated and shall be managed as herein expressly provided and may exercise the powers herein expressly granted or necessarily implied, and may include contiguous or noncontiguous parcels of both unincorporated and incorporated

territory, other than territory included in any public district having identity of purpose or substantial identity of purpose, without the prior consent of such public district, evidenced by a resolution duly adopted by the governing board thereof, and shall include all territory lying within the following described boundaries:

All that real property situate in the County of Riverside, State of California, more particularly described as follows:

Boundary

Beginning at the southwest corner of Section 29, Township 3 South, Range 4 East, San Bernardino Base & Meridian, said point being an angle point in the boundary line of that certain parcel of land excluded from the Coachella Valley County Water District under Ordinance No. 689, recorded as Instrument No. 1641, March 25, 1941, in Book 494 of Official Records of Riverside County, California, at Page 408 thereof;

(1) Thence easterly along the south line of said Section 29 to the north quarter section corner of Section 32, said last mentioned township and range;

(2) Thence southerly along the north-south quarter section line of said Section 32 to the center quarter section corner thereof;

(3) Thence easterly along the east-west quarter section line of said Section 32 to the east quarter section corner thereof;

(4) Thence southerly along the east line of said Section 32 to the southeast corner thereof;

(5) Thence easterly along the township line between Township 3 South and Township 4 South in Range 4 East, San Bernardino Base & Meridian, to the northwest corner of Section 2, Township 4 South, Range 4 East;

(6) Thence southerly along the west line of said Section 2 to the southwest corner thereof;

(7) Thence easterly along the south line of said Section 2 to the northwest corner of Section 12, said last mentioned township and range;

(8) Thence southerly along the west line of said Section 12 to the southwest corner thereof;

(9) Thence easterly along the south line of said Section 12 to the southeast corner thereof;

(10) Thence along the range line between Range 4 East and Range 5 East, in Township 4 South, San Bernardino Base & Meridian, to the southwest corner of Section 7, Township 4 South, Range 5 East, San Bernardino Base & Meridian;

(11) Thence easterly along the south line of said Section 7 to the northwest corner of Section 17, said last mentioned township and range;

(12) Thence southerly along the west line of said Section 17 and the west line of Sections 20 and 29, said last mentioned township and range, to the southwest corner of said Section 29;

(13) Thence easterly along the south line of said Section 29 to the southeast corner thereof;

The last 13 courses and distances follow said boundary line of said excluded parcel as described hereinabove, said last

mentioned point being the northwest corner of that certain parcel of land excluded from the Coachella Valley County Water District as Ordinance No. 765, recorded as Instrument No. 2473, January 19, 1946, in Book 723 of Official Records of Riverside County, California, at Page 416 thereof;

(14) Thence easterly along the north line of Section 33, said last mentioned township and range, to the northwest corner of the northeast quarter of the northeast quarter of said Section 33;

(15) Thence southerly along the west line of said northeast quarter of the northeast quarter to the southwest corner thereof;

(16) Thence easterly along the south line of said northeast quarter of the northeast quarter to the southeast corner thereof;

(17) Thence southerly along the east line of said Section 33 to the southeast corner thereof;

The last four courses and distances follow the boundary line of said last mentioned excluded parcel, said point being on the boundary line of said excluded parcel first mentioned hereinabove;

(18) Thence easterly along the south line of Section 34, said last mentioned township and range, to the north quarter section corner of Section 3, Township 5 South, Range 5 East, San Bernardino Base & Meridian;

(19) Thence southerly along the north-south quarter section line of said Section 3 to the south quarter section corner thereof;

The last two courses and distances follow the boundary line of said excluded parcel first mentioned hereinabove;

(20) Thence, leaving said boundary line, westerly along the south line of said Section 3 and the south line of Sections 4, 5 and 6 of said last mentioned township and range, to the south quarter section corner of said Section 6;

(21) Thence northerly along the north-south quarter section line of said Section 6 to the north quarter section corner thereof;

(22) Thence westerly along the north line of said Section 6 to the northwest corner thereof;

(23) Thence along the range line between Range 5 East and Range 4 East, San Bernardino Base & Meridian, to the northeast corner of Section 1, Township 5 South, Range 4 East, San Bernardino Base & Meridian;

(24) Thence westerly along the township line between Township 4 South, and Township 5 South, in Range 4 East, San Bernardino Base & Meridian, to the southwest corner of Section 33, Township 4 South, Range 4 East, San Bernardino Base & Meridian;

(25) Thence northerly along the west line of said Section 33 and the west line of Sections 28 and 21, said last mentioned township and range, to the northwest corner of said Section 21;

(26) Thence westerly along the south line of Sections 17 and 18, said last mentioned township and range to the southwest corner of said Section 18;

(27) Thence along the range line between Range 3 East and Range 4 East, in Township 4 South, San Bernardino Base & Meridian, to the southeast corner of Section 13, Township 4 South, Range 3 East, San Bernardino Base & Meridian;

(28) Thence westerly along the south line of said Section 13, to the southwest corner thereof;

(29) Thence northerly along the west line of said Section 13 and the west line of Sections 12 and 1, said last mentioned township and range, to the east quarter section corner of Section 2, said last mentioned township and range;

(30) Thence westerly along the east-west quarter section line of said Section 2 and the east-west quarter section line of Sections 3, 4 and 5, said last mentioned township and range, to the center quarter section corner of said Section 5;

(31) Thence northerly along the north-south quarter section line of said Section 5, to the north quarter section corner thereof;

(32) Thence along the township line between Township 3 South, and Township 4 South, in Range 3 East, San Bernardino Base & Meridian, to the south quarter section corner of Section 32, Township 3 South, Range 3 East, San Bernardino Base & Meridian;

(33) Thence northerly along the north-south quarter section line of said Section 32, to the north quarter section corner thereof;

(34) Thence westerly along the north line of said Section 32 and the north line of Section 31, said last mentioned township and range, to the northwest corner of said Section 31;

(35) Thence northerly along the range line between Range 2 East and Range 3 East in Township 3 South, San Bernardino Base & Meridian, to the northwest corner of Section 6, Township 3 South, Range 3 East, San Bernardino Base & Meridian;

(36) Thence easterly along the township line between Township 2 South and Township 3 South in Range 3 East, San Bernardino Base & Meridian, to the northeast corner of Section 2, Township 3 South, Range 3 East, San Bernardino Base & Meridian;

(37) Thence southerly along the east line of Sections 2, 11, 14, 23 and 26, said last mentioned township and range, to the southeast corner of Section 26;

(38) Thence easterly along the south line of Section 25, said last mentioned township and range, to the southeast corner of said Section 25;

(39) Thence along the range line between Range 3 East and Range 4 East, San Bernardino Base & Meridian to the southwest corner of Section 30, Township 3 South, Range 4 East;

(40) Thence easterly along the south line of said section to the point of beginning.

Agency divisions

SEC. 3. The board of directors shall, at its first meeting, or as soon thereafter as practicable, divide the agency into five divisions, according to and based upon the population as estimated by the board of directors from the registrar of voters used at the last general election, in such manner as to equalize, as nearly as practicable, the population in the respective divisions. Such divisions shall be numbered first, second, third, fourth and fifth, and one director, who shall be a resident thereof, shall be elected for each division by the voters thereof at the next general Desert Water Agency election following the organization of this agency, and shall take office as hereinafter provided.

Relocation of division boundaries

SEC. 4. Whenever a sufficient change in the population occurs in a division after its organization which makes it desirable in the opinion of the board of directors of the Desert Water Agency to relocate the boundary or boundaries of any division or divisions, or whenever any territory is added to or excluded from any division, the board of directors shall, by resolution, relocate the boundary lines of the division or divisions so as to equalize, as nearly as may be practicable, the population in the respective divisions. For this purpose, the board of directors may estimate the population by reference to the register of voters used at the last general elections, and may relocate the boundary lines of the respective divisions without regard to the places of residence of the directors then in office. No such change in the division lines shall be made within the four (4) months immediately preceding the election of any director nor shall such change in division lines work a forfeiture of office of any director Whenever such change is made in the division lines, each director then in office, and until his office becomes vacant by expiration of his term or otherwise, shall continue to be the director for the respective division bearing the number of his division as formerly located even though such director is not a resident of the relocated division. His successor shall be a resident and voter of the relocated division.

Board of directors

SEC. 5. The board of directors of the Desert Water Agency organized under this act shall consist of five members. The Board of Supervisors of Riverside County shall appoint the first board of directors, each of whom shall be a resident of the agency, and shall hold office until his successor is elected. Following the creation of the five divisions of the agency by the first board of directors, and at the first Desert Water Agency election thereafter, all successors of the first board shall be elected or chosen at the time and in the manner hereinafter provided.

(a) Only one director shall be a resident of a division of the agency.

(b) Each director elected or appointed at the first general Desert Water Agency election shall hold office for the term of

four (4) years from and after the date of his taking office as herein provided, and until the election and qualification of his successor; except that the five directors elected or appointed at the first general Desert Water Agency election shall classify themselves by lot, so that two of them shall hold office until the qualification of and taking office by their successors elected at an election held the next succeeding even-numbered year, and so that three shall hold office until the qualification of and taking office by their successors at an election held in the second successive even-numbered year.

Election of directors

(c) The elections of directors shall be held at the time of the direct primary election and shall be consolidated therewith. Each candidate for director who at such election receives votes on a majority of all the ballots cast for candidates for the office for which he seeks nomination shall be elected to such office. If at such primary election, as to any such office, none of the candidates receives such majority, the two candidates who receive the highest number of votes cast on all the ballots cast for candidates for such office, shall be the candidates for such office at the ensuing agency election, which latter election shall be held at the same time as the next succeeding general election and shall be consolidated therewith. Candidates shall declare their candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuance of certificates of election for county officers are made, declared, held, and conducted, and issued, so far as consistent with the provisions of this act and except as otherwise herein expressly provided. Directors elected hereunder, except the first board of directors, shall take office at the same time provided by the Government Code for county officers. Said election held at the same time of the direct primary election and consolidated therewith shall be known as the general Desert Water Agency election and each other election which may be held by authority of this act or the Elections Code or other law applicable thereto shall be known as a special Desert Water Agency election.

Order that election shall not be held

SEC. 6. If, on the 65th day prior to the day fixed for the agency general election, only one person has been nominated for each office or member of the board of directors to be filed at that election, or if no person has been nominated for any one or more of said offices, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the agency or a greater portion thereof is situated, at a regular or special meeting held prior to the day of election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons who have been nominated, or if no person or persons have been nominated, any qualified person or persons. The

person appointed shall qualify and take office and serve exactly as if elected at an agency general election.

In such case the publication provided for in Article 6 (commencing at Sec. 2699), Chapter 2, Division 5 of the Elections Code shall, instead of calling an election, state that no election is to be held but that the board of supervisors will either appoint those nominated for the positions of directors or appoint a qualified person or persons to the office or offices for which no one has been nominated, as the circumstances may warrant.

Voters

SEC. 7. No person shall vote at any Desert Water Agency election held under the provisions of this act who is not a voter within the meaning of the Elections Code, residing in the division of the Desert Water Agency in which he casts his vote. For the purpose of registering voters who shall be entitled to vote at Desert Water Agency elections, the county clerk or registrar of voters is authorized, in any county in which there is the Desert Water Agency to indicate upon the affidavit of registration whether the voter is a voter of the Desert Water Agency.

In case the boundary line of the Desert Water Agency crosses the boundary line of a county election precinct only those voters within such Desert Water Agency and within such precinct who are registered as being voters within the Desert Water Agency shall be permitted to vote, and for that purpose the county clerk or registrar of voters is hereby empowered to provide two sets of ballots within such precincts, one containing the names of candidates for office in said Desert Water Agency, and the other not containing such names, and it shall be the duty of the election officers in such precincts to furnish only those persons registered as voters within such Desert Water Agency with the ballots upon which are printed the names of the candidates for office in the Desert Water Agency.

Elections Code governs

SEC. 8. The provisions of the Elections Code so far as they may be applicable shall govern all general Desert Water Agency elections and all special Desert Water Agency elections, except as in this act otherwise provided.

Ballot heading

In counties in which the Desert Water Agency is located the county clerk or registrar of voters is hereby given authority, and he hereby is authorized to have printed upon the official ballots provided for voters at elections for directors a heading in the same form as that provided by the Elections Code for nonpartisan officers, which heading shall be marked "Desert Water Agency," with a subheading "For a Member of the Board of Directors, Division _____ (here inserting the number of the division)—Vote for One," and beneath which shall appear the names of the candidates for the office of member of the board of directors for such division of the Desert Water Agency, with the appropriate blank space for the writing in of the name of a candidate if desired by the voters, and with a voting square place opposite the space. The ballots thus provided shall be furnished by the precinct officers

only to those voters within their respective precincts who shall appear on the register as duly registered voters, within that division of the Desert Water Agency, and in precincts which lie partly within such Desert Water Agency and partly without the precinct board shall be supplied with two kinds of ballots by said county clerk or registrar of voters, one of which shall contain the matters hereinabove set forth for the use of voters of the Desert Water Agency, and the other of which shall be without such heading containing the names of candidates for the office of members of the board of directors, and which shall be furnished to those voters who are not voters of the Desert Water Agency and who are voters of the precinct.

Election procedures

SEC 9. The board of directors of Desert Water Agency shall call and canvass all elections involving matters of initiative, recall and referendum and shall call all other elections which it is authorized to canvass.

The governing body calling or conducting any election under the provisions of this act shall fix the compensation to be paid the officers of the election and shall designate the precincts and polling places for each division of the agency and shall designate the precincts and polling places for each division of the agency and shall appoint the officers of such election, who shall consist of one inspector, one judge, and two clerks, unless in case of consolidated elections, other officers of election are required by law.

Voting precincts

The voting precincts for any such election may be established and the boundaries thereof fixed and described by such governing body, or such voting precincts may consist of either the regular election precincts or portions thereof within the agency established for holding state or county elections, or a consolidation of any or all of such regular election precincts or portions thereof last established. If any Desert Water Agency election is consolidated with any state or county election, then the voting precincts, polling places, and election officers for the agency election shall be the same as those established for such state or county election.

Recall

SEC. 10. Every incumbent of an elective office, whether elected by popular vote for a full term, or chosen by the board of directors to fill a vacancy, is subject to recall by the voters of the Desert Water Agency organized under the provisions of this act in accordance with the recall provisions of the Elections Code of the State with reference to cities.

Board of directors

SEC. 11. The board of directors shall be the governing body of the Desert Water Agency. It shall hold its first meeting as soon as possible after the appointment and certification of the first board of directors; it shall choose one of its members president, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative sessions of the board of directors whether regular or special shall be open to the public. A majority of the board of directors shall con-

stitute a quorum for the transaction of business. At its first meeting in the month of January of each odd-numbered year, the board of directors shall choose one of its members president.

Action by ordinance, etc

SEC. 12. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Desert Water Agency as follows." Each of the members of the board of directors shall receive for each attendance at the meetings of the board twenty dollars ($20). No directors, however, shall receive pay for more than three meetings in any calendar month. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the person so chosen shall be a resident of and otherwise qualified to be a director from the division in which the vacancy shall occur and shall hold office for the remainder of the unexpired term.

Informality

SEC. 13. No informality in any proceeding not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the legal existence of said Desert Water Agency and all proceedings in respect thereto shall be held to be valid and in every respect legal and incontestable.

Appointment of officers

SEC. 14. The board of directors shall at its first meeting, or as soon thereafter as practicable, appoint by a majority vote a secretary, treasurer, attorney, chief engineer, general manager and auditor, define their duties and fix their compensation, and each shall serve at the pleasure of the board, and may employ such additional assistants and employees as they may deem necessary to efficiently maintain and operate said agency. Said board may consolidate the office of secretary and treasurer, and the offices of chief engineer and general manager.

Powers of agency

SEC. 15. The Desert Water Agency incorporated as herein provided, shall have the power:

Succession

1. To have perpetual succession;

Sue, be sued, etc.

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

Seal

3. To adopt a seal and alter it at pleasure;

Properties

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the Desert Water Agency,

5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful

or necessary to store, convey, supply or otherwise make use of water for a water works plant or system for the benefit of the agency, and to complete, extend, add to, repair or otherwise improve any waterworks or waterworks system acquired by it as herein authorized.

Construction, etc

6. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the Desert Water Agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor

Lease

7. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference; also to sell water under the control of the agency to any city, or any company or public agency serving a city, which city is located wholly or partially within the agency, for distribution only within such city; and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers;

Supply, deliver, water

8. To supply and deliver agency water to publicly owned and operated golf courses and other publicly owned and operated recreational facilities and to public schools, school districts and public school properties, and to fix and establish special rates, terms and conditions for the use and sale of water for each of these purposes; provided, however, that this provision shall not be construed to indicate legislative intent either for or against the existence of any power of the agency to furnish water to other persons, firms or corporations at just and reasonable rates;

Eminent domain

9. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the agency or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to the exercise of such right, the agency shall have all of the rights, powers and privileges of a city; provided, the agency

in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. In no event shall the agency have or exercise the power of eminent domain with respect to property situated outside the boundaries of the agency;

Bonds, etc. 10. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

Notes 11. To issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of said agency; and provided further that the maturity shall not be later than three years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in the Desert Water Agency but shall not otherwise exceed the lesser of either one million dollars ($1,000,000) or 2 percent of the assessed valuation of the taxable property in the Desert Water Agency, or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate;

Levy taxes 12. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor;

Restrict water use 13 To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of such water during such periods for specific uses which the agency may from time to time find to be nonessential;

Ordinances 14 To prescribe and define by ordinance, the restrictions, prohibitions and exclusions referred to in subdivision 13 hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of gen-

eral circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the agency;

15. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers; Contracts

16. In case of condemnation proceedings the board shall proceed in the name of the agency;

17. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them; Pensions

18. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein; provided, however, that all waters of the Whitewater River System are excluded from the provisions hereof, except such waters of said system as may be lawfully acquired by the Desert Water Agency. Water

19. Subject to the limitations in subdivision 9 of this section, to join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern Cali- Contracts with public agencies "Public agency"

fornia, or other public district of this State. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the Desert Water Agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

Form of contract

Legal proceedings

20. To commence, maintain, intervene in, compromise and assume the costs of any action or proceeding, in the name of the agency, involving or affecting the ownership or use of water or water rights within the agency, used or useful for any purpose of the agency, or a common benefit to the lands within the agency or its inhabitants.

Water distribution

21. Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end an agency may become a party to such contract and pay from the agency funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited by the resulting replenishment.

Bond issuance

22. To issue bonds under Section 28 of this act for the purpose of providing money required to be paid by this agency as all or part of the terms and conditions under which the corporate area of the Desert Water Agency may be annexed to and become a part of any metropolitan water district organized under the Metropolitan Water District Act. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

23. To issue revenue bonds for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to agencies formed under this act.

Improvement Act of 1911

24 To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed under the provisions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the Desert Water Agency. In the application of said Improvement Act of 1911 to proceedings instituted by the Desert Water Agency, the terms used in said Improvement Act of 1911 shall have the following meanings:

Definitions

(a) "City council" and "council" shall mean the board of directors of the Desert Water Agency.

(b) "Municipality" and "city" shall mean the Desert Water Agency.

(c) "Clerk" and "city clerk" shall mean the secretary.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean the chief engineer of the agency.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the treasurer of the Desert Water Agency.

(g) "Mayor" shall mean the president of the board of directors of the Desert Water Agency.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the Desert Water Agency.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the Secretary of the Desert Water Agency.

Hydroelectric energy

SEC. 15.1. The agency shall have the power to construct, operate and maintain works to develop hydroelectric energy, for use by the agency in the operation of its works or as a means of assisting in financing the construction, operation and maintenance of its projects for the control, conservation, diversion and transmission of water and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale to any public agency or private entity, or both, or the federal or state government.

Contract for use of falling water

SEC. 15.2. In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.

Exercisable powers

SEC. 16. All powers, privileges and duties vested in or imposed upon the Desert Water Agency incorporated hereunder shall be exercised and performed by and through the board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the officers created hereby and by the board of directors acting hereunder.

Powers of board of directors

The board of directors shall have the power:

(1) To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings.

(2) To fix the location of the principal place of business of the agency and the location of all offices and departments maintained hereunder.

(3) To prescribe by ordinance a system of business administration and to create any and all necessary offices and to establish and re-establish the powers and duties and compensation of all officers and employees and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the agency.

(4) To prescribe by ordinance a system of civil service.

(5) To delegate and redelegate by ordinance to officers of the agency power to employ clerical, legal and engineering assistants and labor, and under such conditions and restrictions as shall be fixed by the directors, power to bind the agency by contract.

(6) To prescribe a method of auditing and allowing or rejecting claims and demands.

(7) All contracts for any improvement or unit of work, when the cost according to the estimate of the engineer will exceed ten thousand dollars ($10,000), shall be let to the lowest responsible bidder or bidders as provided in this section. The board shall first determine whether the contract shall be let as a single unit for the whole of the work, or divided into severable convenient parts. The board shall advertise for bids by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in the agency, inviting sealed proposals for the construction or performance of the improvement or work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as stated in such call. The board shall require the successful bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material. The bonds shall comply with Chapter 3 (commencing with Section 4200) of Division 5 of Title 1 of the Government Code. The board may reject any and all bids. In the event all proposals are rejected or no proposals are received, or the estimated cost

of the work does not exceed ten thousand dollars ($10,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board may have the work done by force account without advertising for bids The agency may purchase in the open market without advertising for bids, materials and supplies for use in any work, either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds ten thousand dollars ($10,000), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

(8) To fix the rates at which water should be sold, and to establish different rates for different classes or conditions of service; provided, that rates shall be uniform for like classes or conditions of service throughout the agency, but any special water rate fixed in accordance with terms and conditions of annexation fixed by the board under the provisions of Section 36 or 37 hereof, shall be deemed to be a rate for a different class or condition of service.

Emergency, water shortage

SEC 17. A finding by the board of directors upon the existence, threat, or duration of an emergency or shortage of water or upon the matter of necessity or any other matter or condition referred to in subdivisions 13 or 14 of Section 15 of this act, shall be made by resolution or ordinance, and shall be prima facie evidence of the fact or matter so found, and such fact or matter shall be presumed to continue unchanged unless and until a contrary finding shall have been made by the board by resolution or ordinance. Such finding shall be received in evidence in any civil or criminal proceeding in which it may be offered, and shall be proof and evidence of the fact or matter found until rebutted or overcome by other sufficient evidence received in such proceeding. Copy of any resolution or ordinance setting forth such finding shall, when certified by the secretary of the agency, be evidence that the finding was made by the agency as shown by the resolution or ordinance and certification.

Violations of ordinances

SEC. 18. From and after the publication or posting of any ordinance as provided in subdivision 14 of Section 15 of this act, it is hereby declared to be and it shall be a misdemeanor for any person, firm or corporation to use or apply water received from the agency contrary to or in violation of such restriction or prohibition, until such ordinance shall have been repealed or such emergency or threatened emergency shall have ceased, and upon conviction thereof such person, firm or corporation shall be punished by being imprisoned in the county jail for not more than 30 days or by fine of not more than three hundred dollars ($300), or by both such fine and imprisonment.

Validation proceedings

SEC. 19. The Desert Water Agency may at any time after execution of any contract authorized by paragraph 19 of Section 15 bring an action in the superior court in the county where the greater part of the land of the agency is situated to determine the validity of the contract. The action is in rem. Jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in a newspaper of general circulation published in the county where the action is pending and designated by the court in which the action is pending. Jurisdiction is complete 10 days after the completion of the publication of summons Before the expiration of the 30 days after jurisdiction is acquired any person interested may appear and contest the validity of the contract. If no action has been brought by the agency pursuant to this section the agency taxpayer may at any time within 30 days after the execution of such contract, or within 30 days after the effective date of this act, whichever is later, bring an action in such superior court to determine the validity of the contract. The agency shall be the defendant. If more than one action is pending at the same time concerning similar contests provided for by this section, they shall be consolidated and tried together. The rules of pleading and practice not inconsistent with the provisions of this section are applicable to all actions provided for by this section In an action provided for by this section, the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties. The action shall be speedily tried. The judgment shall declare the contract either valid or invalid. The motion for a new trial of any action provided by this section shall be heard and determined within 10 days from the filing of the notice of intention. The costs of any hearing or contest may be allowed and apportioned between the parties or taxed to the losing party. Any party may appeal at any time within 30 days after the entry of the judgment The appeal shall be heard and determined within three months from the taking of the appeal. No contest of any thing or matter herein provided shall be made other than in the time and manner herein specified.

Validation action

SEC. 19.5. An action to determine the validity of any contract authorized by paragraph 19 of Section 15 may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. This section shall become operative only if Assembly Bill No. 1412 is enacted by the Legislature at its 1961 Regular Session, in which case it shall supersede Section 19 of this act.

Effect: Stats. 1961, Ch. 1479

Prohibited interests

SEC. 20. Except as herein provided, no director of the Desert Water Agency shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, and no officer or employee of any agency shall in any manner be interested, directly or indirectly, in any contract made by such officer or employee pursuant to discretionary authority vested in him, or in the

benefits to be derived therefrom. For any violation of this section, such director or other officer or employee of the Desert Water Agency shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Neither this section nor any other law shall, however, be deemed to invalidate any contract or instrument, nor to establish or define any misdemeanor or other crime, merely because such director or other officer or employee shall have any interest in such contract or instrument, or shall derive any benefit therefrom.

(a) If such director or other officer or employee shall own or control, directly or indirectly, not more than 5 per centum of the outstanding stock or securities of the contracting corporation; or

(b) If such contract or instrument shall be entered into pursuant to the provisions of any ordinance or regulation of the agency of uniform application, and which ordinance or regulation shall have become effective prior to the making or execution of such contract or instrument.

President, secretary

SEC. 21. The president and secretary in addition to the respective duties imposed on them by law shall perform such duties as may be imposed on them by the board of directors. The treasurer, or such other person or persons as may be authorized by the board of directors, shall draw checks or warrants to pay demands when such demands shall have been audited and approved in the manner prescribed by the board of directors.

Chief engineer

The chief engineer shall have full charge and control of the maintenance, operation and construction of the waterworks or waterworks system of the agency with full power and authority to employ and discharge all employees and assistants at pleasure, prescribe their duties, fix their compensation, subject to the approval of the board of directors.

The chief engineer shall perform such duties as may be imposed on him by the board of directors. The chief engineer shall report to the board of directors in accordance with such rules and regulations as they may direct.

Attorney

The attorney shall be the legal adviser of the agency and shall perform such other duties as may be prescribed by the board of directors.

Custody of funds

The board of directors shall designate a depository or depositories to have the custody of the funds of the agency, all of which depositories shall give security sufficient to secure the agency against possible loss, and who shall pay the warrants drawn by the treasurer for demands against the agency under such rules as the directors may prescribe.

Bonds

The chief engineer, secretary and treasurer, and all other employees or assistants of said agency who may be required so to do by the board of directors, shall give such bonds to the agency conditioned for the faithful performance of their duties

as the board of directors from time to time may provide. The premiums on such bonds shall be paid by the agency.

Construction affecting rights-of-way

SEC. 22. The board of directors shall have power to construct works along and across any stream of water, watercourse, street, avenue, highway, canal, ditch or flume, or across any railway which the route of said works may intersect or cross; provided, such works are constructed in such manner as to afford security for life and property, and said board of directors shall restore the crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every company whose right-of-way shall be intersected or crossed by said works shall unite with said board of directors in forming said intersections and crossings and grant the rights therefor. The right-of-way is hereby given, dedicated and set apart to locate, construct and maintain such works along and across any street or public highway and over and through any of the lands which are now or may be the property of this State, and to have the same rights and privileges appertaining thereto as have been or may be granted to cities within the State. Any use, under this section, of a public highway now or hereafter constituted a state highway shall be subject to the provisions of Chapter 3 of Division 1 of the Streets and Highway Code.

Claims against agency

SEC. 23. All claims for money or damages against this agency are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein, or by other statutes or regulations expressly applicable thereto.

Personal liability

SEC 24 No director or other officer, agent, or employee of the agency shall be liable for any act or omission of any officer, agent or employee appointed or employed by him unless he had actual notice that the person appointed or employed was inefficient or incompetent to perform the service for which such person was appointed or employed or unless he retains the inefficient or incompetent person after notice of the inefficiency or incompetency.

Employment of counsel

The agency may employ counsel to defend any litigation brought against any director or other officer, agent, or employee thereof, on account of his official action, and the fees and expenses involved therein shall be a lawful charge against the agency.

Agency liability

If any director or other officer, agent, or employee of the agency is held liable for any act or omission in his official capacity, and any judgment is rendered thereon, the agency, except in case of his actual fraud or actual malice, shall pay the judgment without obligation for repayment by such director or other officer, agent or employee.

Water rates

SEC. 25. The board of directors, so far as practicable, shall fix such rate or rates for water in the agency and in each improvement district therein as will result in revenues which will pay the operating expenses of the agency, and the improvement district, provide for repairs and depreciation of

works, provide a reasonable surplus for improvements, extensions, and enlargements, pay the interest on any bonded debt, and provide a sinking or other fund for the payment of the principal of such debt as it may become due. Said rates for water in each improvement district may vary from the rates of the agency and from other improvement districts therein.

Tax

SEC. 26. If the revenues of the agency, or any improvement district therein, will be inadequate for any cause to pay the operating expenses of the agency, provide for repairs and depreciation of works owned or operated by it, and to meet all obligations of the agency, including principal of or interest on any bonded debt of the agency, or any improvement district thereof, as it becomes due, then the board of directors of this agency must provide for the levy and collection of a tax sufficient to raise the amount of money determined by such board of directors to be necessary for the purpose of paying such charges and expenses, as well as providing the funds required under Section 25 of this act.

Tax rates

SEC. 27. The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the agency, and within a reasonable time previous to the time when the board of supervisors is required by law to fix its tax rate, the board of directors shall certify to the board of supervisors the rate or rates so fixed and shall furnish to the board of supervisors a statement in writing containing the following: (a) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of an interest on any bonded debt of the agency or of an improvement district thereof as will become due before the proceeds of a tax levied at the next general tax levy will be available; (b) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the agency. The board of directors shall direct that at the time and in the manner required by law for the levying of taxes for county purposes, such board of supervisors shall levy, in addition to such other tax as may be levied by such board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the agency, or improvement district thereof benefited by the bonded debt, as the case may be, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required. Taxes for the payment of the interest on or principal of any bonded debts shall be levied on the property within the agency, or improvement district thereof, benefited by the bonded debt, as determined by the board of directors in the resolution declaring the necessity to incur the debt. Taxes for other purposes of the agency shall be levied on all property in the district or portion thereof subject to the particular tax. And it shall be the duty of all county officers charged with the duty

of collecting taxes to collect such tax in time, form, and manner as county taxes are collected, and when collected to pay the same to the agency. Taxes for the payment of a bonded debt and the interest thereon shall be a lien on all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt. All taxes for other purposes of the agency shall be a lien on all the property in the agency subject to the respective tax. Agency taxes, whether for payment of a bonded indebtedness and the interest thereon or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

Bonded indebtedness

SEC. 28. Whenever the board of directors deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in said agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said agency. Said resolution shall state: (a) the purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed 5 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year; (e) the measure to be submitted to the voters; (f) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in such agency, then such resolution shall be posted in three public places in such agency not less than two weeks prior to the date of the proposed election. No other notice of such election need be given. The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be

applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Limitation on actions

Any action or proceeding, wherein the validity of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

Resolution re bonded indebtedness

SEC. 29. Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, so declare and state: (a) the purpose for which the proposed debt is to be incurred; (b) the amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance and the sale of the bonds; (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district; (e) that a general description of the proposed improvement, together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary of the agency and is available for inspection by any person or persons interested; (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the Desert Water Agency, if there is a newspaper printed and published in such agency. Such notice shall also be given by

Publication of notice of hearing

posting a copy of said resolution in six public places within the proposed improvement district at least two weeks before the time fixed for said hearing.

Hearing

At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or within the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have the power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said proposed improvement district, or one or all of said matters; provided, however, that said board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement.

The purpose, amount of bonded debt or boundaries shall not be changed by said board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in said Desert Water Agency, if there is a newspaper printed and published in such agency, and by posting in six public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of said notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map shall thereupon constitute and be known as "Improvement District No. ___ of Desert Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the Desert Water Agency pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement dis-

trict, and taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

Special election called by resolution

After the board has made its determination of the matters required to be determined by said last mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of said improvement district is on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in said improvement district; (f) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not exceed 5 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the said year; (h) the measure to be submitted to the voters; (i) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (j) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the Desert Water Agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

Notice of holding election

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the

result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Limitation on actions

Any action or proceeding, wherein the validity of the formation of the improvement district or of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

Annexation

SEC. 30. Any portion of the Desert Water Agency whether contiguous or not to an improvement district thereof may be annexed to said improvement district in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by holders of title to sixty percent (60%) or more of the land in the portion proposed to be annexed, which land as so represented in said petition shall have an assessed valuation of not less than fifty percent (50%) of the land so proposed to be annexed. The petition shall contain the following: (a) a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the area proposed to be annexed, or in any other definite manner; (b) the terms and conditions upon which said proposed area may be annexed as theretofore determined by resolution adopted by the board of directors of the agency; and (c) a prayer that the board of directors declare such area to be annexed to the improvement district. Said petition shall be accompanied by a certified check payable to the order of the agency in sufficient sum to reimburse said agency for expenses of processing and publishing the petition and preparing and making the filings required by law.

Petition

Within 10 days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the required number of property owners; and, if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of property owners, or is not so signed, he shall certify that the same is sufficient, or insufficient, as the case may be.

Amendment of insufficient petition

If by the certificate of the secretary of the agency the petition is found to be insufficient, said petition may be amended by filing a supplemental petition or petitions within 10 days

of the date of such certificate. The secretary of the agency shall within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If by the certificate of the secretary such petition or petition as amended, is shown to be sufficient the secretary shall cause notice of hearing on the petition to be published and posted without delay.

Publication of petition

The text of said petition shall be published pursuant to Section 6066 of the Government Code prior to the time at which the same is to be presented to the board of directors of the agency in at least one newspaper printed and published in the Desert Water Agency, if there is a newspaper printed and published in such agency; together with a notice stating the time and place of the meeting at which the same will be presented. When contained upon one or more instruments one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated. Said notice and petition shall also be posted in three public places in the improvement district and three public places in the area proposed to be annexed, at least two weeks prior to the hearing.

Hearing on petition

The board of directors of the agency shall proceed to hear the petition at the time and place fixed therefor and any person residing within the agency or improvement district or owning taxable property in said agency or improvement district shall be entitled to appear and be heard at such hearing. Such hearing may be continued from time to time by the board of directors of the agency. At the conclusion of the hearing, and if the board of directors finds and determines from the evidence presented at said hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which said area proposed to be annexed will also be benefited thereby and will not be injured thereby, then and in such case the board of directors of the agency may, by resolution, approve such annexation, describing the territory so annexed, which may be by reference to a map on file with the secretary of the agency shall govern for all details as to the extent of the annexed area, or in any other definite manner, and the terms and conditions of annexation as theretofore determined by resolution of the board of directors.

Adoption of resolution

From and after the date of the adoption of such resolution the area named therein shall be deemed added to and shall form a part of said improvement district and the taxable property therein shall be subject to taxation thereafter for the purposes of said improvement district, including the payment of the principal of and interest on bonds and other obligations of such improvement district at the time authorized and outstanding at the time of said annexation as if said annexed

property had always been a part of said improvement district, and the board of directors of the Desert Water Agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Limitation on actions

Any action or proceeding wherein the validity of any such annexation is contested, questioned or denied must be commenced within three months after the date of issuance by the Secretary of State of his certificate; otherwise said annexation shall be held to be valid and in every respect legal and incontestable.

Issuance of bonds

SEC. 31. If from such returns it appears that more than two-thirds of the votes cast in such election held pursuant to the provisions of Section 28 or of Section 29 of this act, were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates fixed for each of the series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively.

Form of bond and of coupons

The board of directors shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively. The bonds shall bear interest at a rate or rates not to exceed five percent (5%) per annum, payable semiannually, except that interest for the first year may be payable at the end of said year. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

Denomination

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars ($100). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

Date and numbering

The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of

the agency attached. The interest coupons of such bonds shall be signed by the treasurer of said agency. All such signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

If the bond election proceedings have been limited to and have applied only to an improvement district within said agency, said bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the Desert Water Agency for Improvement District No. ___" and each bond and all interest coupons thereof shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said improvement district.

Sealed bids

Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if said board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Proceeds from sale of bonds

The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when said purpose has been accomplished any moneys remaining in said special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds. Said remaining moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. Such moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district. Said moneys may not be used for said other agency purpose or improvement district purpose until two-thirds of the qualified voters of said agency or improvement district have consented thereto at a special election called in said agency or improvement district by the board of directors. Notice of said election shall be given in the manner provided for bond elections in said agency or improvement district, as the case may be, and in other respects the election shall be conducted as are other agency elections.

Force and value of bonds

SEC. 32. Any bonds issued by the Desert Water Agency are hereby given the same force, value and use as bonds issued by any city and shall be exempt from all taxation within the State of California.

Improvement district

SEC. 33. Whenever the board of directors deems it necessary to form an improvement district of a portion of the agency for a purpose other than the incurring of bonded indebtedness under Section 29 of this act it shall by resolution so declare and state: (a) the purpose for which the proposed improvement district is to be formed, (b) the estimated ex-

pense of carrying out said purpose, (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, (d) that taxes for carrying out said purpose shall be levied exclusively upon the taxable property in said proposed improvement district, (e) that a map showing the exterior boundaries of said proposed improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary of the agency and is available for inspection by any person or persons interested, (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the purpose for which it is to be formed, and the estimated expense of carrying out said purpose and (g) that at said time and place any person interested, including all persons owning property in the agency or in the proposed improvement district will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the Desert Water Agency, if there is a newspaper circulated therein. Said notice shall also be given by posting a copy of said resolution in three public places within the proposed improvement district for at least two weeks before the time fixed for said hearing.

Notice of hearing

At the time and place so fixed, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing at which hearing any person interested, including all persons owning property in the agency, or in the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution. At the conclusion of the hearing the board shall by resolution determine whether it is necessary to form said improvement district, and, if so, the resolution shall also state the purpose for which the proposed improvement district is to be formed, estimated expense of carrying out said purpose, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map, shall thereupon constitute and be known as "Improvement District (A, B, C, or other letter designation) of the Desert Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the Desert Water Agency pursuant to this section all taxes levied for the carrying out of said purpose shall be levied exclusively upon the taxable property in the improvement district.

Resolution of determination

A copy of the resolution forming the improvement district shall be published pursuant to Section 6066 of the Govern-

Publication of resolution

ment Code in a newspaper printed and published in the agency, if there is a newspaper printed and published in the agency, and a copy of said resolution shall also be posted in three public places within the proposed improvement district for at least two weeks. Said resolution shall not be effective until the 31st day after completion of said publication and/or posting. If before said effective date a petition signed by not less than 10 percent of the voters of the improvement district requesting that an election be held on the formation thereof is presented to the board of directors, said board shall call a special election in the improvement district for the purpose of submitting the question of the formation of the improvement district to the voters of said improvement district.

Petition for election

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code prior to the date of the proposed election, in at least one newspaper printed and published in the Desert Water Agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

Special election

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the elections shall have otherwise been fairly conducted.

If from such returns it appears that a majority of the votes cast at such election were in favor of the formation of such improvement district, the formation of such improvement district shall be complete

Formation

Any action or proceeding wherein the validity of the formation of the improvement district or of any of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the effective date of the resolution forming such district, or if an election is held, within three months from the date of such election, otherwise the formation of the improvement district and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

SEC. 34. The board of directors may advance general funds of the agency to accomplish the purposes of an improvement district formed in accordance with Sections 29 or 33 and, if

Advance of funds

the improvement district is formed under Section 29, may repay the agency from the proceeds of the sale of bonds authorized for such purpose, or if the improvement district is formed under Section 33 may, in the formation of such improvement district, provide that the agency shall be repaid with interest at not to exceed 5 percent of the special taxes levied exclusively upon the taxable property in said improvement district.

Interest on bonds

SEC. 35. Interest on any bonds issued by the agency coming due before the proceeds of a tax levied at the next general tax levy after the sale of said bonds are available, may be paid from the proceeds of the sale of such bonds; provided, that not more than five percent (5%) of the proceeds of any sale of the bonds shall be used for said purpose.

Inclusion of other lands

SEC. 36. Land not a part of the agency whether or not contiguous to it or to other portions added to the agency, and consisting of any portion of the county wherein the agency was formed or of any municipality therein, or of land in any county contiguous to the county wherein the agency was formed or of any municipality therein, may be included within the agency, other than land included in any public district having identity of purpose or substantial identity of purpose, without the prior written consent of such public district, evidenced by a resolution duly adopted by the governing board thereof. Such annexation shall occur in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by voters residing within the boundaries of the area proposed to be annexed equal in number to at least 10 per centum of the number of such voters voting for all candidates for the office of Governor of this State at the last general election prior to the filing of such petition. Such petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to such Desert Water Agency.

Petition

Publishing of petition

The text of such petition shall be published once a week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time at which the same is to be presented to the board of directors of the agency in at least one, but not to exceed three, newspapers printed and published in such county, together with a notice stating the time of the meeting at which the same will be presented. When contained upon one or more instruments, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated.

Examination of petition

Within 10 days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters; and if requested by the secretary of the agency, the board of directors shall authorize him to employ

persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of voters or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

Insufficient petition

If, by the certificate of the secretary of the agency, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate. The secretary of the agency shall, within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

Amendment of petition

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of directors of the agency and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the secretary, such petition, or petition as amended, is shown to be sufficient, the secretary shall present the same to the board of directors, without delay.

Sufficient petition

If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

After an election for the annexation of such area to the agency the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Petition granted by ordinance

Such petition may be granted by ordinance of the board of directors of such agency. In granting such petition, such board of directors may fix in said ordinance the terms and conditions upon which such annexation may occur, and such terms and conditions may provide, among other things, for the levy by such Desert Water Agency of special taxes upon taxable property which such annexed area or areas in addition to the taxes elsewhere in this act authorized to be levied by such Desert Water Agency, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors, in fixing such terms and conditions, shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. Such terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board of directors for the area or areas proposed to be annexed. Such

terms and conditions also may further provide that the taxable property in the annexed area be subject to taxation to the extent set forth in such terms and conditions for the purpose of the payment of bonds and other obligations of such agency at the time authorized or outstanding. If such petition is granted, the proposition of such annexation subject to the terms and conditions so fixed, shall be submitted to the vote of the voters in the proposed addition, at an election called by the board of directors and held, as herein provided, within 70 days after the effective date of such ordinance. Notice of such election shall be given by publication in a newspaper of general circulation published in the county once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week prior to the date fixed for such election. Such notice shall describe the boundaries of the area or areas so proposed to be annexed and shall designate such territory by some appropriate name, or other words of identification, by which such territory may be referred to and indicated upon the ballot to be used at any election at which the question of such annexation is submitted, as in this act provided. Such notice also shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided. The measure so submitted at such election shall be stated on the ballot substantially as follows: "Shall _____ (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to the Desert Water Agency, subject to the terms and conditions fixed by the board of directors of said agency?" At the right of such proposition there shall be printed the words "Yes" and "No" with voting squares The board of directors shall canvass the votes cast at such election and if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State and to the county recorder of the county in which such agency is located. Upon receipt of such last-mentioned certificate, the Secretary of State shall within 10 days, issue his certificate, reciting the passage of said ordinance and the addition of said area or areas to said agency. A copy of said certificate shall be transmitted to, and filed with the county clerk of the county in which such Desert Water Agency is situated From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of, said Desert Water Agency, and the taxable property therein shall be subject to taxation thereafter for the purposes of said Desert Water Agency, and the board of directors of such Desert Water Agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Annexation proposition election

Notice by publication

Ballot

Uninhabited territory

SEC. 37. Uninhabited territory within a county in which the Desert Water Agency is situated, other than territory included in any public district having identity of purpose or

substantial identity of purpose, without the prior written consent of such public district, evidenced by a resolution duly adopted by the governing board thereof, may be added to such agency pursuant to the provisions of this section. For the purposes hereof, territory shall be deemed uninhabited if less than 12 voters reside therein at the time of the filing of the petition for annexation or the initiation of proceedings by resolution of the board. Such uninhabited territory, whether consisting of unincorporated territory or of incorporated territory or of both such unincorporated and incorporated territory, may consist of one or more parcels, which need not be contiguous one with the other or with the agency.

Proceedings initiated by petition

Proceedings for the annexation of uninhabited territory to the agency may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by the owners of not less than one-fourth of the land in such territory by area and by assessed value as shown on the last equalized assessment roll of the county in which such territory is situated. A guardian, executor, administrator, or other person holding property in a trust capacity under appointment of court, may sign any petition or protest provided for in this section, when authorized by the proper court, which authorization may be made without notice. The last equalized assessment roll of said county is prima facie evidence of the ownership of the land or lands lying within such territory proposed to be annexed Such petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to such Desert Water Agency pursuant to the provisions of this section.

Resolution of proposed annexation

The secretary shall present such petition to the board of directors of the agency at its next meeting, and said board, without delay, shall pass a resolution giving notice of the proposed annexation. Said resolution shall state that such petition has been filed, shall set forth and describe the boundaries of the territory proposed to be annexed, shall contain the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the annexation of such territory, or to the annexation of such territory upon such terms and conditions, as the case may be, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

Proceedings initiated by resolution

The board of directors of the agency by resolution may initiate proceedings for the annexation of uninhabited territory to such agency. Such resolution shall declare that proceedings have been initiated by the board of directors under the provisions of this section, shall state the reason for proposing such

annexation, shall set forth and describe the boundaries of the territory proposed to be annexed, shall contain the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the annexation of such territory, or the annexation of such territory upon such terms and conditions, as the case may be, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

Hearing

Said hearing shall be commenced not less than 20 nor more than 40 days after the passage of the resolution of the board of directors. The secretary of the agency shall cause the text of the resolution to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers printed and published in the agency.

After the date of issuance by the Secretary of State of his certificate reciting the passage of the ordinance approving the annexation and the addition of the uninhabited territory to the agency, the sufficiency of the petition or resolution shall not be subject to judicial review or be otherwise questioned.

Protests

At any time prior to the hour set for the hearing of protests, any owner of property within the territory proposed to be annexed may file with the secretary of the agency written protest against the annexation, or against the annexation upon the terms and conditions specified in the resolution, as the case may be. The protest shall state the name of the owner of the property affected, and the description and area of such property in general terms. At the hearing, which may be adjourned from time to time, the board of directors shall hear and pass upon all protests so filed. If such protests are so filed by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. If such protest is not made, the ordinance approving such annexation shall set forth and describe the boundaries of the territory so annexed and the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized. If the board of directors disapproves the annexation, or the annexation subject to such terms and conditions, as the case may be, a new proceeding to annex any of the same territory shall not be initiated under this section for a period of 12 months from the effective date of the ordinance.

Approval of annexation

The board of directors may approve the annexation of such territory upon terms and conditions fixed by the board in the manner hereinafter provided. Such terms and conditions may provide, among other things, for the levy by such Desert Water Agency of special taxes upon taxable property within such

annexed area or areas in addition to the taxes elsewhere in this act authorized to be levied by such Desert Water Agency, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors, in fixing such terms and conditions, shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. Such terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board of directors for the area or areas proposed to be annexed. Such terms and conditions also may further provide that the taxable property in the annexed area be subject to taxation to the extent set forth in such terms and conditions for the purpose of the payment of bonds and other obligations of such agency at the time authorized or outstanding. The board shall propose such terms and conditions either in the resolution adopted subsequent to the filing of a petition for annexation or in the resolution initiating the proceedings, as the case may be, or in a resolution adopted by the board at the hearing. Terms and conditions proposed in a prior resolution may be amended and the amended terms and conditions proposed in a resolution adopted by the board at the hearing. If such terms and conditions or amended terms and conditions, are proposed by the board in a resolution adopted at the hearing, the board shall adjourn the hearing for not less than 20 nor more than 40 days, to a time and place to be fixed in such resolution, and said resolution shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the adjourned hearing, written protest to the annexation of such territory upon such terms and conditions. The secretary of the agency shall cause the text of the resolution to be published for the time and in the manner required for publication of the resolution giving notice of the original hearing. If prior to the hour set for the adjourned hearing, written protests, in the form hereinabove prescribed, to the annexation of such territory subject to such terms and conditions, are filed with the secretary of the agency by the owners of one-half of the value of said territory as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. If such protest is not made the board of directors shall by ordinance approve or disapprove the annexation. If approved, such annexation shall be subject to the terms and conditions, or amended terms and conditions, so proposed by resolution of the board, which terms and conditions shall be set forth in the ordinance.

Terms and conditions

Publication of resolution

Protests

When an ordinance approving annexation of uninhabited territory becomes effective, the president and secretary of the board of directors shall file with the Secretary of State a certified copy of the ordinance. Upon receipt of the certified copy

Ordinance of approval

of the ordinance, the Secretary of State shall, within 10 days issue his certificate reciting the passage of said ordinance and the addition of said area or areas to said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county in which such Desert Water Agency is situated. From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of said Desert Water Agency, and the taxable property therein shall be subject to taxation thereafter for the purposes of said Desert Water Agency, and the board of directors of such Desert Water Agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Notwithstanding the eligibility of any territory for annexation to the agency pursuant to the provisions of this section, the procedure herein prescribed shall not be deemed exclusive and such territory may be annexed to such agency as a separate parcel, or as part of a larger parcel, of territory annexed under the provisions of Section 36 of this act.

Exclusion of territory

SEC. 38. Territory included within the Desert Water Agency may be excluded from such agency; provided, that where any part of the corporate area of any city is included in the territory proposed to be excluded from the agency, the whole of the corporate area of such city, or part thereof, then included within such agency shall be included in the territory so proposed to be excluded from such agency. Such territory may consist of one or more parcels, which need not be contiguous one with the other.

Proceedings initiated by petition

Proceedings for the exclusion of territory from the agency may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by voters residing within the boundaries of the area proposed to be excluded equal in number to at least ten (10) per centum of the number of such voters voting for all candidates for the office of Governor of this State at the last general election prior to the filing of such petition; provided, that where one or more cities, or parts thereof, are included in the areas so proposed to be excluded, such petition must be signed by at least ten (10) per centum of the voters of each such city, or part thereof, so voting at such election. Such petition shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion and shall contain a prayer that such area be excluded from the agency.

Petition

Examination of petition

Within ten (10) days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters; and if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons

regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of voters, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

Insufficient petition

If, by the certificate of the secretary of the agency, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within ten (10) days of the date of such certificate. The secretary of the agency shall, within ten (10) days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided

Amendment of petition

If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of directors of the agency and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect But if, by the certificate of the secretary, such petition, or petition as amended is shown to be sufficient, the secretary shall present the same to the board of directors without delay.

Publication of petition

The text of such petition shall be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks, before the time at which the same is to be presented to the board of directors of the agency in at least one, but not to exceed three, newspapers printed and published in such agency, together with a notice stating the time of the meeting at which the same will be presented. When contained upon more than one instrument, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated.

After an election for the exclusion of such area from the agency the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Proceedings initiated by resolution

The board of directors of the agency, by resolution, may initiate proceedings for the exclusion of territory from such agency. Such resolution shall describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, shall require all persons interested in the proposed exclusion to appear before the board and be heard as to why said area should not be so excluded, shall fix

the time of the meeting of the board at which persons so interested will be heard, and shall direct the secretary of the agency to give notice thereof. The secretary whereupon shall cause the text of said resolution and a notice of the time and place of said hearing to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks, before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers printed and published in the agency.

Publication of notice of hearing

After an election for the exclusion of such area from the agency the sufficiency of such resolution shall not be subject to judicial review or be otherwise questioned.

Ordinance

If the proceedings for exclusion have been initiated by petition, such petition may be granted by ordinance of the board of directors of such agency. If such proceedings have been initiated by resolution, the board of directors shall hear all persons interested in the proposed exclusion who appear at the hearing, which may be adjourned from time to time, and after the conclusion of the hearing, the board may determine by ordinance that such area should be excluded from the agency. If such petition is granted or if such determination is made, the proposition of such exclusion shall be submitted to the vote of the voters within the area proposed to be excluded, at an election called by the board of directors and held, as herein provided, within 70 days after the effective date of such ordinance. Notice of such election shall be given by publication in a newspaper of general circulation published in the agency once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week, prior to the date fixed for such election. Such notice shall describe the boundaries of the area so proposed to be excluded and shall designate such area by some appropriate name, or other words of identification, by which such area may be referred to and indicated upon the ballot to be used at any election at which the question of such exclusion is submitted, as in this act provided. The measure so submitted at such election shall be stated on the ballot substantially as follows:

Notice of election

Ballot

"Shall _____ (giving the name or other designation of the area proposed to be excluded, as stated in the notice of the election) be excluded from the Desert Water Agency?"

At the right of such proposition there shall be printed the words "Yes" and "No" with voting squares. The board of directors shall canvass the votes cast at such election and if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State. Upon receipt of such last-mentioned certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the exclusion of said area from said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county

or counties in which the Desert Water Agency is situated. From and after the date of such certificate, the area named therein shall be deemed excluded from, and shall no longer form a part of, said Desert Water Agency, but the taxable property within such excluded area shall continue taxable by the Desert Water Agency for the purpose of paying the bonded or other indebtedness of the Desert Water Agency outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the same extent that such property would be taxable for such purpose if such exclusion had not occurred.

Exclusion of uninhabited territory

SEC. 39. Uninhabited territory included within the Desert Water Agency may be excluded from such agency pursuant to the provisions of this section. For the purposes hereof, territory shall be deemed uninhabited if less than 12 voters reside therein at the time of the filing of the petition for exclusion or the initiation of proceedings by resolution of the board. Where any part of the corporate area of any city is included in the territory proposed to be excluded from the agency, the whole of the corporate area of such city, or a part thereof, then included within such agency shall be included in the territory so proposed to be excluded from such agency. Such uninhabited territory may consist of one or more parcels, which need not be contiguous one with the other.

Proceedings initiated by petition

Proceedings for the exclusion of uninhabited territory from the agency may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by the owners of not less than one-fourth of the land in such territory by area and by assessed value as shown on the last equalized assessment roll of the county or counties in which such territory is situated. A guardian, executor, administrator, or any person holding property in a trust capacity under appointment of court, may sign any petition or protest provided for in this section, when authorized by the proper court, which authorization may be made without notice. The last equalized assessment roll of said county is prima facie evidence of the ownership of the land or lands lying within such territory proposed to be excluded. Such petition shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, and shall contain a prayer that such area be excluded from the Desert Water Agency pursuant to the provisions of this section.

Resolution of proposed exclusion

The secretary shall present such petition to the board of directors of the agency at its next meeting, and said board, without delay, shall pass a resolution giving notice of the proposed exclusion Said resolution shall state that said petition has been filed, shall set forth and describe the boundaries of the territory proposed to be excluded, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for

the hearing thereof, written protest to the exclusion of such territory, and shall fix the time and place of the meeting of the board at which the board will hear such protests

Proceedings initiated by resolution

The board of directors of the agency by resolution may initiate proceedings for the exclusion of uninhabited territory from such agency. Such resolution shall declare that proceedings have been initiated by the board of directors under the provisions of this section, shall state the reason for proposing such exclusion, shall set forth and describe the boundaries of the territory proposed to be excluded, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the exclusion of such territory, and shall fix the time and place of the meeting of the board at which the board will hear such protests

Hearings

Said hearings shall be commenced not less than 20 nor more than 40 days after the passage of the resolution of the board

Publication of resolution

of directors. The secretary of the agency shall cause the text of the resolution to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers published in the agency

After the date of issuance by the Secretary of State of his certificate reciting the passage of the ordinance approving the exclusion and the exclusion of the uninhabited territory from the agency, the sufficiency of the petition or resolution shall not be subject to judicial review or be otherwise questioned

Hearing of protests

At any time prior to the hour set for the hearing of protests, any owner of property within the territory proposed to be excluded may file with the secretary of the agency written protest against the exclusion. The protest shall state the name of the owner of the property affected, and the description and area of such property in general terms. At the hearing, which may be adjourned from time to time, the board of directors shall hear and pass upon all protests so filed If such protests are so filed by the owners of one-half of the value of the territory proposed to be excluded as shown by the last equalized assessment roll of the county or counties, further proceedings shall not be taken. If such protest is not made, the board of

Ordinance approving or disapproving

directors shall approve or disapprove the exclusion by ordinance Any ordinance approving such exclusion shall set forth and describe the boundaries of the territory so excluded. If the board of directors disapproves the exclusion, a new proceeding to exclude any of the same territory shall not be initiated under this section for a period of 12 months from the effective date of the ordinance.

Filing with Secretary of State

When an ordinance approving exclusion of uninhabited territory becomes effective, the president and secretary of the board of directors shall file with the Secretary of State a certified copy of the ordinance. Upon receipt of the certified

copy of the ordinance, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the exclusion of said area or areas from said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerks of the counties in which the Desert Water Agency is situated. From and after the date of such certificate, the area or areas named therein shall be deemed excluded from, and shall no longer form a part of, said Desert Water Agency, but the taxable property within such excluded area or areas shall continue taxable by such Desert Water Agency for the purpose of paying the bonded or other indebtedness of the Desert Water Agency outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the same extent that such property would be taxable for such purpose if such exclusion had not occurred.

Notwithstanding the eligibility of any territory for exclusion from the Desert Water Agency pursuant to the provisions of this section, the procedure herein prescribed shall not be deemed exclusive and such territory may be excluded from such agency as a separate parcel, or as part of a larger parcel, of territory excluded under the provisions of Section 38 of this act.

Ordinances passed by voters

SEC 40 Ordinances may be passed by the voters of the Desert Water Agency organized under the provisions of this act in accordance with the methods provided by the Elections Code for direct legislation in cities.

SEC 41 Ordinances may be disapproved and thereby vetoed by the voters of this agency by proceeding in accordance with the methods provided by the Elections Code for protesting against legislation in cities.

Disorganization and disincorporation

SEC. 42. The Desert Water Agency organized under the terms of this act may be disorganized or disincorporated in the following manner:

A petition shall be filed with the county clerk of the principal county in which such agency is located, signed by at least 25 percent of the voters of the area included in the district who voted at the last gubernatorial election, praying for the disorganization and disincorporation of such agency and briefly stating the reasons therefor. Upon the filing of such petition the county clerk shall examine the same within 10 days and ascertain whether or not said petition is signed by the requisite number of voters When the said county clerk has completed his examination of the petition he shall attach to the same his certificate properly dated, showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of voters residing within the boundaries of the Desert Water Agency, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be. If the same is found to be insufficient by him, supplemental petitions may be filed at the time

and in the manner and for the same purpose as supplemental petitions to the original petition for the incorporation of the agency. After an election for the disincorporation of the agency hereunder the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

If by the certificate of the county clerk such petition, or such petition as amended or supplemented, is shown to be sufficient, the county clerk shall present the same to the board of supervisors without delay. When such petition is presented by the county clerk as aforesaid, the board of supervisors shall give notice of an election to be held in said agency for the purpose of determining whether or not the same shall be disincorporated and dissolved; provided, however, that in the event the said agency shall have issued bonds, the board of supervisors shall not consider said petition or take any action hereunder until evidence shall be furnished showing said bonds to have been fully satisfied. Said notice of election shall be published in a newspaper published in said agency and determined by said board most likely to give notice to those interested in said hearing, at least once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week prior to the date fixed for the election; said notice shall state that the question of disincorporating said corporation shall be submitted to the voters of said agency at the time appointed for such election, and voters shall be invited thereby to vote upon such proposition by placing upon their ballots the cross as provided by law after the words "For Disincorporation" or "Against Disincorporation." The board of supervisors shall cause a copy of said notice to be mailed by the clerk of said board to each of the directors of said Desert Water Agency, within five days after the date of the first publication thereof, and no election shall be had until proof of such mailing is furnished by affidavit of the clerk of said board. Such election shall be held and conducted in the same manner as the election on the organization of said agency, as nearly as practicable. Within seven days after the date of said election, the board of supervisors shall proceed to canvass the vote cast thereat; if it be found by the canvass of said votes that less than a majority of the votes cast were in favor of disincorporation, said board of supervisors shall declare the petition for disincorporation is denied. In case it shall appear from said canvass that a majority of all the votes cast were in favor of disincorporation, said board of supervisors shall make and cause to be entered upon the records of their proceedings an order that the petition for such disincorporation be granted, and declaring that the Desert Water Agency be disincorporated; said order to take effect at the time hereinafter provided. Said board of supervisors shall in case said Desert Water Agency is so disincorporated, forthwith cause its clerk, or other officer performing the duties of clerk, to make and transmit to the Secretary of State a certified copy of the notice of election

hereinbefore provided for, and a statement of the number of voters voting for said disincorporation and the number of voters voting against said disincorporation. Twenty days from and after the holding of the election, in case a majority of said votes were cast in favor of said disincorporation, said Desert Water Agency shall be forever disincorporated.

Proceedings upon disincorporation

SEC. 43. Upon disincorporation of the agency in the manner hereinbefore provided for, the board of supervisors of the principal county shall forthwith, after ascertaining by said canvass that the disincorporation has been carried, determine the amount of the indebtedness of said agency, the amount of money in the treasury thereof and all indebtedness due or coming due the said agency, and the directors of said agency shall furnish the said board of supervisors with a statement showing said amount of indebtedness, the same amount of money in the treasury and all indebtedness due or coming due said agency, and said Desert Water Agency shall before the expiration of 30 days turn over to the treasury of said county all moneys of said agency in his possession, and said county treasurer shall place said money in a special fund to be drawn upon as hereinafter provided for. Upon the disincorporation of said agency every public officer of said agency shall immediately turn over to the board of supervisors of the principal county in which said agency is situated, all public property of every nature and description in their possession, and including all public records and data of every nature and description Nothing contained in this act shall be held to relieve said Desert Water Agency, or the territory included within it, from any liability or any debt contracted by said agency prior to its disincorporation. All warrants for said indebtedness shall be drawn on order of said board of supervisors of the county, on the fund hereinabove provided for in the county treasury of the principal county. All moneys paid into the county treasury under the provisions of this act shall be placed in the special fund hereinbefore provided for. If at any time after the disincorporation of said agency it shall be found that there is not sufficient money in the treasury to the credit of the fund hereinbefore provided, with which to pay any indebtedness of said agency, said board of supervisors shall have the power, and it shall be their duty, to levy upon, and there shall be collected from, the property within the territory formerly included within said agency subject to taxation for the indebtedness, a tax or taxes sufficient in amount to pay the said indebtedness as the same shall become due; such tax or taxes, assessments and collections shall be made in the same manner and at the same time that other taxes of the county are levied and collected, and they shall be an additional tax within said territory for the payment of said debts. If after payment of all debts of said agency there shall remain any surplus in the hands of said county treasurer to the credit of the fund hereinbefore mentioned, the board of supervisors shall appropriate

Indebtedness

Moneys

Surplus

said surplus and declare a dividend pro rata to the taxpayers of said agency duly paid, and said taxpayers shall have the right to have the amount of such pro rata dividends refunded to them on demand, and the said board of supervisors shall refund such pro rata to said taxpayers and each thereof. The board of supervisors of the principal county in which said agency has been disincorporated, shall have the power and it shall be the duty of said board, if the board of directors of such agency shall fail or refuse to return to said board the statement of said amounts as hereinbefore in this act provided, to ascertain the indebtedness, other than the bonded indebtedness, of said agency at the time of its disincorporation, the amount of money in its treasury and the amount due it at the said time; said board of supervisors shall make provision for the collection of the amounts due to said agency for the closing up of its affairs, and any act or acts necessary for said purposes not otherwise herein provided for, shall upon the order of said board of supervisors directing the same, be as fully done and performed and with as full effect as if the same had been performed by the proper officers of said agency before disincorporation, and said county shall succeed to and possess all the right of said agency in and to said indebtedness, and shall have the power to sue for or otherwise collect any such debts in the name of said county, and all costs and expenses of ascertaining the facts hereinbefore mentioned, and all other costs and expenses incurred by the board of supervisors in the execution of the orders and duties of said board of supervisors provided for in this act, shall be paid out of the special fund in this act provided for.

Indebtedness

It is the intention that the Desert Water Agency shall not be disincorporated until all bonded indebtedness shall have been fully paid, and by the word "indebtedness" as used herein is meant all indebtedness other than said bonded indebtedness unless the latter is expressly used.

Validity

SEC 44. No informality in any proceeding or informality in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the annexation of territory to, or exclusion of territory from, or the disincorporation of, the Desert Water Agency. Any action or proceeding, wherein the validity of such annexation or exclusion or disincorporation is denied or questioned, shall be commenced within three months from the date of the certificate of annexation or of exclusion issued by the Secretary of State, or from the date of the order of the board of supervisors declaring the disincorporation, as the case may be; otherwise, said annexation or exclusion or disincorporation, and all proceedings in respect thereto, shall be held to be valid and in every respect legal and incontestable.

SEC. 45. Nothing in this act shall be so construed as repealing or in anywise modifying the provisions of any other act relating to water or the supply of water to, or the acquisi-

tion thereof, by cities within this State. The term "city," as used in this act, shall mean and include any city or incorporated town, whether organized or functioning under a freeholders' charter or under the provisions of general laws. The word "agency" shall apply, unless otherwise expressed or used, to the Desert Water Agency formed under the provisions of this act, and the word "board" and the words "board of directors" shall apply to the board of directors of such agency. The meaning of the term "voter," as used in this act, shall be ascertained by reference to Section 21 of the Elections Code. "City" Definitions

SEC. 46. If there shall be a registrar of voters, other than the county clerk, in the principal county in which the Desert Water Agency is hereby incorporated, or incorporated, under the provisions of this act, is situated, the duties required by this act to be performed by the county clerk respecting the nomination of candidates for offices of such water agency and the holding of elections in such agency, shall be performed by such registrar of voters. Registrar of voters

SEC. 47. The agency formed hereunder may contain lands situate in more than one county and this agency may annex lands situate in another county or counties. In either such case the lands need not be contiguous. The procedure relating to formation, annexation, disorganization, disincorporation, exclusion, fiscal matters and taxation shall conform as near as may be to such provisions with respect to agencies containing lands located in one county, subject to the following provisions: Annexation of land

(a) The secretary of the board of directors of the Desert Water Agency containing land in more than one county shall perform all duties prescribed by law to be performed by county clerks or registrars of voters, as the case may be, in connection with agency elections and such duties of county clerks as are required by this act which relate to annexation, disorganization, disincorporation and exclusion, and, where necessary such secretary is authorized to procure from the proper county officials all requisite registration books and copies of indexes thereof; all papers required by this act to be filed with a county clerk shall be filed with said secretary and the board of directors shall perform all duties prescribed by law to be performed by boards of supervisors in connection with agency elections and such duties as are required by this act which relate to annexation, disorganization, disincorporation and exclusion of territory. Duties of secretary

(b) Immediately after equalization and not later than the 15th day of August of each year, it shall be the duty of the auditor of each county wherein such agency or any part thereof shall lie, to prepare and deliver to the secretary of the agency or such other officer thereof as may be designated by the board of directors therefor a certificate showing the assessed valuation of all property within the agency lying within the Duties of auditor

county. Thereafter, the board of directors shall make the certification and statement, and issue the directions, as required by Section 27 of this act After collection of taxes by the proper county officers at the rate specified, such officers shall pay the moneys received therefrom to the agency.

Method of apportionment

Whenever an improvement district within the Desert Water Agency is itself located in two or more counties, the method and procedure for the apportionment of agency taxes between counties shall apply to such improvement district.

(c) Whenever provision is made in this act for notice within a county, it shall be construed to require notice within each county in which agency lands are located.

"Principal county"

(d) "Principal county" as used in this section means the county in which the greater portion of land of the Desert Water Agency is located.

Conflicts, severability, etc

SEC. 48. All acts and parts of acts in conflict herewith are hereby repealed. If any section, subsection, sentence, clause or phrase of this act or the application thereof to any person or circumstance is for any reason held invalid the validity of the remainder of the act or the application of such provision to other persons or circumstances shall not be affected thereby. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

Identity and legal existence

SEC. 49. The inclusion in, or annexation or addition to this agency, of the corporate area of any public corporation or public agency shall not destroy the identity or legal existence or impair the powers of any such public corporation or public agency, notwithstanding the identity of purpose, or substantial identity of purpose of this agency. No public corporation or public agency having identity of purpose or substantial identity of purpose shall be formed partly or entirely within this agency, whether by incorporation or annexation, without the consent of the board of directors of this agency.

CHAPTER 1070

An act to add Section 13584 to the Education Code, relating to school district employment.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 13584 is added to the Education Code, to read:

13584. Any division, uniting, unionization, annexation, merger, or change of school district boundaries shall not affect

the rights of persons employed in positions not requiring certification qualifications to continue in employment for not less than one year and to retain the salary, leaves and other benefits which they would have had had the reorganization not occurred, and in the manner provided in this article:

(a) All employees of every school district which is included in any other district, or all districts included in a new district, shall become employees of the new district.

(b) When a portion of the territory of any district becomes part of another district employees regularly assigned to perform their duties in the territory affected shall become employees of the acquiring district Employees whose assignments pertained to the affected territory, but whose employment situs was not in such territory, may elect to remain with the original district or become employees of the acquiring district.

(c) When the territory of any district is divided between or among two or more districts and the original district ceases to exist, employees of the original district regularly assigned to perform their duties in any specific territory of such district shall become employees of the district acquiring the territory Employees not assigned to specific territory within the original district shall become employees of any acquiring district at their election.

(d) Employees regularly assigned by the original district to any school in said district shall be an employee of the district in which said school is located Except as herein provided, nothing herein shall deprive the governing board of the acquiring district from making reasonable reassignments of duties.

CHAPTER 1071

An act to add Section 13338.1 to the Education Code, relating to school employees.

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows

SECTION 1. Section 13338 1 is added to the Education Code, to read:

13338 1. Except as provided in Sections 13406 and 13448, any contract or agreement, express or implied, made by any employee to waive the benefits of this chapter or any part thereof is null and void.

Notwithstanding provisions of this or any other section of this code, governing boards of school districts may employ persons in positions requiring certification qualifications on less than a full-time basis.

CHAPTER 1072

An act to amend Section 1432.1 of the Penal Code, relating to judges.

In effect September 15 1961

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 1432 1 of the Penal Code is amended to read:

1432.1. When a complaint is filed in a justice court against a judge thereof, a certificate of that fact must be transmitted by the clerk of the court, or, if there be no clerk of the court, then by the district attorney of the county, to the Chairman of the Judicial Council, who shall thereupon assign a judge to preside at the trial of said complaint and to hear and determine all pleas and motions affecting the defendant thereunder before and after judgment.

CHAPTER 1073

An act to amend Sections 72640, 72645, 72646, 72647 and 72650 of the Government Code, relating to municipal courts.

In effect September 15, 1961

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961]

The people of the State of California do enact as follows

SECTION 1. Section 72640 of the Government Code is amended to read:

Marshals

72640. There shall be one marshal for all municipal courts established in judicial districts in Los Angeles County, who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 57, set forth in Section 72649.

SEC. 2. Section 72645 of said code is amended to read.

Marshal's appointees

72645. The marshal shall appoint:

(a) One assistant marshal who shall receive the monthly compensation specified in Schedule 55, set forth in Section 72649.

(b) One chief deputy inspector who shall receive the monthly compensation specified in Schedule 53, set forth in Section 72649. Upon the occurrence of a vacancy, this position shall cease to exist.

(c) One chief deputy marshal.

SEC. 3. Section 72646 of said code is amended to read. Same

72646 The marshal shall appoint:

(a) Three inspectors, each of whom shall receive monthly compensation as provided in Schedule 52, set forth in Section 72649 One of the positions shall be classified as inspector, technical research, and an incumbent inspector on the effective date of this act shall be assigned to the position without examination. The position of inspector, technical research, shall cease to exist upon the occurrence of a vacancy.

(b) Eleven captains, each of whom shall receive monthly compensation as provided in Schedule 49, set forth in Section 72649. The first vacancy occurring in this position shall cause a corresponding reduction in the number of captains hereby authorized; provided, however, that such vacancy shall increase by one the basic number of positions of lieutenant authorized in paragraph (c) of this section

(c) Twenty lieutenants, plus one additional such position to which an appointment shall be made as and when the first vacancy mentioned in paragraph (b) shall occur, each of whom shall receive monthly compensation as provided in Schedule 46, set forth in Section 72649.

(d) Twenty-six sergeants, each of whom shall receive monthly compensation as provided in Schedule 43, set forth in Section 72649.

(e) Two hundred thirty deputies, each of whom shall receive monthly compensation as provided in Schedule 41, set forth in Section 72649 Appointments to such positions shall be at step B of said schedule.

SEC. 4. Section 72647 of said code is amended to read:

72647. The marshal shall appoint:

(a) One senior stenographic secretary, who shall receive monthly compensation as provided in Schedule 38, set forth in Section 72649

(b) Two intermediate stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 37, set forth in Section 72649.

(c) One stenographer-secretary who shall receive monthly compensation as provided in Schedule 35, set forth in Section 72649.

(d) One senior property clerk who shall receive monthly compensation as provided in Schedule 37, set forth in Section 72649, or alternatively one property clerk who shall receive monthly compensation as provided in Schedule 35, set forth in Section 72649.

(e) Forty-two deputy clerks, grade III, each of whom shall receive monthly compensation as provided in Schedule 36, set forth in Section 72649.

(f) Seventy deputy clerks, grade II, each of whom shall receive monthly compensation as provided in Schedule 33, set forth in Section 72649

(g) Twenty-five deputy clerks, grade I, each of whom shall receive monthly compensation as provided in Schedule 30, set forth in Section 72649. Appointments to said positions shall be at step D of said schedule.

(h) Four administrative clerks, each of whom shall receive monthly compensation as provided in Schedule 38, set forth in Section 72649.

(i) Such deputies who shall be keepers as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

(j) One business manager, who shall receive monthly compensation as provided in Schedule 45, set forth in Section 72649.

(k) One payroll clerk who shall receive monthly compensation as provided in Schedule 35, set forth in Section 72649.

(*l*) One principal clerk who shall receive monthly compensation as provided in Schedule 39, set forth in Section 72649.

One occupant of a position listed in this section may be assigned to additional duties as matron and during the period of such assignment shall receive compensation at the step rate of a higher numbered schedule which will increase her basic compensation by two steps.

SEC. 5 Section 72650 of said code is amended to read:

Salary increase

72650. Effective July 1, 1962, each respective salary schedule number attached to a position mentioned in Section 72647 shall be increased by one number and the basic compensation of each such position shall become that specified for such higher schedule number in the salary schedule set forth in Section 72649.

Operative date

SEC. 6. This act shall become operative on October 1, 1961.

CHAPTER 1074

An act to amend Sections 226, 226b, and 226c of the Civil Code, relating to adoption proceedings.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 226 of the Civil Code is amended to read:

Petition for adoption

226. Any person desiring to adopt a child may for that purpose petition the superior court of the county in which the petitioner resides and the clerk of the court shall immediately

Notification of department

notify the State Department of Social Welfare at Sacramento in writing of the pendency of the action and of any subsequent action taken. In all cases in which consent is required, except in the case of an adoption by a stepparent where one natural

or adoptive parent retains his or her custody and control of the child, unless an agency licensed by the State Department of Social Welfare to find homes for children and place children in homes for adoption joins in the petition for adoption, the petition shall contain an allegation that the petitioners will file promptly with the department or the county adoption agency information required by the department in the investigation of the proposed adoption. The department or county adoption agency shall interview the parties to the adoption as soon as possible and in any event within 45 days after the filing of the adoption petition. The consent of the natural parent or parents to the adoption by the petitioners must be signed in the presence of an agent of the State Department of Social Welfare or of a licensed county adoption agency on a form prescribed by such department and filed with the clerk of the superior court, in the county of the petitioner's residence.

Interview

Consent of parents

Such consent, when reciting that the person giving it is entitled to the sole custody of the minor child, shall, when duly acknowledged before such agent, be prima facie evidence of the right of the person making it to the sole custody of the child and such person's sole right to consent.

In all cases of adoption in which no agency licensed to place children for adoption is a party, except in the case of an adoption by a stepparent where one natural or adoptive parent retains his or her custody and control of the said child, it shall be the duty of the Department of Social Welfare or of the licensed county adoption agency to accept the consent of the natural parents to the adoption of the child by the petitioners and to ascertain whether the child is a proper subject for adoption and whether the proposed home is suitable for the child, prior to filing its report with the court.

In all cases in which the consent of the natural parent or parents is not necessary and an agency licensed to place children for adoption is not a party to the petition, the State Department of Social Welfare or the licensed county adoption agency shall, prior to the hearing of the petition, file its consent to the adoption with the clerk of the superior court of the county in which the petition is filed. Such consent shall not be given by the Department of Social Welfare or the licensed county adoption agency unless the child's welfare will be promoted by the adoption.

Report of inquiry facts

Except in the case of the adoption of a child by a stepparent where one natural or adoptive parent retains his or her custody and control of the child, it shall be the duty of the Department of Social Welfare or of the licensed county adoption agency to submit to the court a full report of the facts disclosed by its inquiry with a recommendation regarding the granting of the petition within 180 days after the filing of the petition. In those cases in which the investigation establishes that there is a serious question concerning the suitability of the petitioners or the care provided the child or the availability of the consent to adoption the report shall be filed imme-

diately. The court may allow such additional time for the filing of said reports as in its discretion it may see fit, after at least five days' notice to the petitioner or petitioners and opportunity for such petitioner or petitioners to be heard with respect to the request for additional time. The report required of the Department of Social Welfare or of the licensed county adoption agency may be waived by the department in all cases in which an agency, licensed by the Department of Social Welfare to place children in homes for adoption, is a party or joins in the petition for adoption. Such waiver may be issued by the department at any time, either before or after the filing of the petition for adoption.

Copy of report to petitioner's attorney

Whenever any report or findings are submitted to the court by the Department of Social Welfare or by a licensed county adoption agency under any provision of this section, a copy of such report or findings, whether favorable or unfavorable, shall be given to the attorney for the petitioner in the proceedings, if the petitioner has an attorney of record, or to the petitioner.

If the findings of the State Department of Social Welfare or the county adoption agency are that the home of the petitioners is not suitable for the child or that the required consents are not available and it recommends that the petition be denied, or if the petitioners desire to withdraw the petition, and it recommends that the petition be denied, the county clerk upon receipt of the report of the State Department of Social Welfare or the county adoption agency shall immediately refer it to the superior court for review

Hearing and notice

Upon receipt of such reports the court shall set a date for a hearing of the petition and shall give reasonable notice of such hearing to the agency, the petitioners, and the natural parents, as provided in Section 1200 of the Probate Code.

The department or county agency shall appear to represent the child.

In case of an adoption of a child by a stepparent where one natural or adoptive parent retains his or her custody and control of said child, the consent of either or both parents must be signed in the presence of a county clerk or probation officer of any county of this State on a form prescribed by the State Department of Social Welfare and the county clerk or probation officer before whom such consent is signed shall immediately file said consent with the clerk of the superior court of the county where the petition is filed and said clerk shall immediately file a certified copy of such consent to adoption with the State Department of Social Welfare.

Parent outside of State

If the father or mother of a child to be adopted is outside the State of California at the time of signing consent, his or her consent may be signed before a notary or other person authorized to perform notarial acts, and in such case the consent of the Department of Social Welfare or of a licensed county adoption agency will also be necessary, but such consent shall not be necessary where the adoption is by a stepparent and one natural parent retains custody and control of the child.

A parent who is a minor shall have the right to sign a consent for the adoption of his or her child and such consent shall not be subject to revocation by reason of such minority. Parent who is a minor

If for a period of 180 days from the date of filing the petition, or upon the expiration of any extension of said period granted by the court, the Department of Social Welfare or the licensed county adoption agency fails or refuses to accept the consent of the natural parent or parents to the adoption, or if said department or agency fails or refuses to file or to give its consent to an adoption in those cases where its consent is required by this chapter, either the natural parent or parents or the petitioner may appeal from such failure or refusal to the superior court of the county in which the petition is filed, in which event the clerk shall immediately notify the Department of Social Welfare of such appeal and the department or agency shall within 10 days file a report of its findings and the reasons for its failure or refusal or consent to the adoption or to accept the consent of the natural parent. After the filing of said findings, the court may, if it deems that the welfare of the child will be promoted by said adoption, allow the signing of the consent by the natural parent or parents in open court, or if the appeal be from the refusal of said department or agency to consent thereto, grant the petition without such consent.

SEC. 2. Section 226b of said code is amended to read:

226b. Whenever, in any adoption proceeding, the petitioners desire to withdraw the petition for the adoption or to dismiss the proceeding, the clerk of the court in which the proceeding is pending shall immediately notify the State Department of Social Welfare of such action The State Department of Social Welfare or the licensed county adoption agency shall file a full report with the court recommending a suitable plan for the child in every such case where the petitioners desire to withdraw the petition for the adoption or where the department or county agency recommends that the petition for adoption be denied and shall appear before the court for the purpose of representing the child. Notwithstanding such withdrawal or dismissal by the petitioners, the court may retain jurisdiction over the child for the purpose of making such order or orders for its custody as the court may deem to be in the best interests of the child. Withdrawal of petition

In any adoption proceeding in which the parent has refused to give the required consent or in which the reason or cause for the withdrawal of the petition or dismissal of the proceeding is the withdrawal of the consent of the natural parent or parents, the court shall order at the hearing the child restored to the care and custody of the natural parent

SEC. 3. Section 226c of said code is amended to read:

226c. At the hearing, if the court sustains the recommendation that the child be removed from the home of petitioners because the agency has recommended denial or the petitioners Removal of child from petitioners home

desire to withdraw the petition or the court dismisses the petition and does not return him to his parents, the court shall commit the child to the care of the State Department of Social Welfare or the licensed county adoption agency, whichever agency made the recommendation, for that agency to arrange adoptive placement or to make a suitable plan. In those counties not covered by a licensed county adoption agency, the county welfare department shall act as the agent of the State Department of Social Welfare and shall provide care for the child in accordance with rules and regulations established by the department.

CHAPTER 1075

An act to amend Section 11391 of the Health and Safety Code, relating to narcotic addiction.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 11391 of the Health and Safety Code is amended to read:

11391. No person shall treat an addict for addiction except in one of the following:

(a) An institution approved by the Board of Medical Examiners, and where the patient is at all times kept under restraint and control.

(b) A city or county jail.

(c) A state prison.

(d) A state narcotic hospital.

(e) A state hospital.

(f) A county hospital.

This section does not apply during emergency treatment or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury, or the infirmities of old age.

Neither this section nor any other provision of this division shall be construed to prohibit the maintenance of a place in which persons seeking to recover from narcotic addiction reside and endeavor to aid one another and receive aid from others in recovering from such addiction, nor does this section or such division prohibit such aid, provided that no person is treated for addiction in such place by means of administering, furnishing, or prescribing of narcotics. The preceding sentence is declaratory of pre-existing law. Every such place shall register with and be approved by the Board of Medical Examiners. The board may inspect such places at reasonable times and, if it concludes that the conditions necessary for approval no longer exist, it may withdraw approval. Every person admitted to such a place shall register with the police department of the city in which it is located or, if it is outside

of the city limits, with the sheriff's office. The place shall maintain its own register of all residents. It shall require all its residents to register with said police department or sheriff's office and, upon termination of the residence of any person in said place, it shall report the name of the person terminating residence to said police department or sheriff's office.

CHAPTER 1076

An act to amend Section 408 of the Revenue and Taxation Code, relating to tax assessments.

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 408 of the Revenue and Taxation Code is amended to read:

408. (a) Except as otherwise provided in subdivision (b) any information and records in the assessor's office which are not required by law to be kept or prepared by the assessor are not public documents and shall not be open to public inspection.

(b) The assessor shall permit an assessee of property to inspect at the assessor's office any information and records, whether or not required to be kept or prepared by the assessor, relating to the appraisal and the assessment of his property, except information and records which also relate to the property or business affairs of a person other than the assessee.

CHAPTER 1077

An act to add Article 1.5 (commencing with Section 2581) to Chapter 7 of Division 5 of the Education Code, relating to junior colleges.

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows

SECTION 1. Article 1.5 (commencing with Section 2581) is added to Chapter 7, Division 5 of the Education Code, to read:

Article 1.5. Junior College District Organization

2581. The Legislature hereby declares as its policy that the territory of all high school districts and unified districts shall be included in districts maintaining a junior college. In order to permit school districts to conform voluntarily to this policy, the provisions of this article shall not become operative until February 1, 1964.

Legislative policy

Plans and recommendations for the formation of districts

2582. The county committee on school district organization of each county shall prepare plans and recommendations for the formation of one or more junior college districts in the county. Whenever it is proposed to include territory of more than one county in a junior college district the county committee on school district organization shall consist of the members of the county committee on school district organization of each county affected and shall be augmented as provided in Section 3113.

Chairman and secretary

2583. The chairman and the secretary of the county committee on school district organization which initiates a study that includes the territory of more than one county shall act as the chairman and secretary respectively of the county committee formed under Section 2582.

Procedures

2584. The procedures contained in Chapter 9 (commencing with Section 3001) of this division shall be used in the development of plans and recommendations for the formation of junior college districts. Nothing in this article shall prohibit a county committee from making plans and recommendations for the formation of junior college districts as provided by Chapter 9 (commencing with Section 3001) of this division prior to the date upon which this article shall become operative.

Exclusive district

2585. On and after February 1, 1963, no district, except a junior college district, shall be formed to maintain a junior college.

CHAPTER 1078

An act to add Section 782 to the Civil Code, relating to racial restrictions in deeds.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 782 is added to the Civil Code, to read:

782. Any provision in any deed of real property in California, whether executed before or after the effective date of this section, which purports to restrict the right of any persons to sell, lease, rent, use or occupy the property to persons of a particular racial or ethnic group, by providing for payment of a penalty, forfeiture, reverter, or otherwise, is void.

CHAPTER 1079

An act to add Section 118 to the Business and Professions Code, relating to the Department of Professional and Vocational Standards.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 118 is added to the Business and Professions Code, to read:

118. (a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

(c) As used in this section, "board" includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and "license" includes "certificate," "registration," and "permit."

CHAPTER 1080

An act to amend Section 1194.8 of the Insurance Code, relating to real estate investment by life insurers.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1194.8 of the Insurance Code is amended to read:

1194.8. Excess fund investments may be made by a life insurer in real estate and leases thereof and in making improvements thereon for business or residential purposes as an investment for the production of income. The phrase "business

or residential purposes" shall not include real estate or leases primarily intended for use or valued as agricultural, horticultural, farm, ranch or mineral property. Any such investment may be made only by admitted insurers having admitted assets aggregating in value not less than twenty-five million dollars ($25,000,000). Real estate and leases acquired and improvements made thereon under this section shall not exceed in the aggregate an amount equal to 10 percent of the insurer's admitted assets. Real estate and leases acquired under this section shall be in addition to that which is authorized to be acquired under the provisions of paragraphs (a) to (h), inclusive, of Section 1150. Except upon the prior approval in writing of the commissioner, an investment may not be made under the authority of this section if at the time of the making of such investment it would result in the insurer then owning real estate and leases thereof, other than of the kind and for the purposes described in paragraphs (a), (b) and (f) of Section 1150, in an amount exceeding 10 percent of the insurer's admitted assets. Any investment in a single parcel of real estate or in a single leasehold including improvements thereon made under the authority of this section shall not be made in an amount in excess of 1 percent of the insurer's admitted assets or 10 percent of the aggregate of the insurer's capital paid-up and unassigned surplus, whichever amount is larger. A lease eligible for purchase hereunder shall be for a term which at the date of purchase shall not expire for at least 24 years. Percentage or dollar value of assets and capital paid-up and unassigned surplus as provided herein shall be determined by the insurer's last preceding annual statement of conditions and affairs made as of the December 31st last preceding and which has been filed with the commissioner pursuant to law.

CHAPTER 1081

An act to add Section 14694.5 to the Education Code, relating to school district retirement plans

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 14694.5 is added to the Education Code, to read:

14694.5. Any school district or districts governed by the same governing board in which the average daily attendance of all districts combined is in excess of 400,000, shall develop a plan or plans for the discontinuance of the district retirement salary plan or plans established under Section 14694. Any such plan or plans for discontinuance must be assented

to by the majority of the active members of the salary plan or plans, expressing their desires with respect to the discontinuance of the plan in the manner, and evidenced in the form, prescribed by the governing board of the district. The governing board of the district or districts shall, following such assent to the plan or plans for discontinuance, request the Legislature to authorize the expenditure of the balance of the assets of the district retirement salary plan or plans pursuant to the provisions of Section 14695 of this code, at the first session of the Legislature commencing after January 1, 1962, at which such authorization may be considered by the Legislature.

CHAPTER 1082

An act to amend Section 1204 of the Code of Civil Procedure, relating to claims and liens for labor.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1204 of the Code of Civil Procedure is amended to read:

1204. When any assignment, whether voluntary or involuntary, and whether formal or informal, is made for the benefit of creditors of the assignor, or results from any proceeding in insolvency or receivership commenced against him, or when any property is turned over to the creditors of a person, firm, association or corporation, or to a receiver or trustee for the benefit of creditors, the wages and salaries of miners, mechanics, salesmen, servants, clerks, laborers, and other persons, for personal services rendered such assignor, person, firm, association or corporation, within 90 days prior to such assignment, or the taking over of such property, or to the commencement of the proceeding when a court action is involved, and not exceeding nine hundred dollars ($900) each, constitute preferred claims and liens as between creditors of the debtor, and must be paid by the trustee, assignee or receiver before the claim of any other creditor of the assignor, insolvent, or debtor whose property is so turned over, and must be paid as soon as the money with which to pay same becomes available. If there is insufficient money with which to pay all such labor claims in full the money available must be distributed among the claimants in proportion to the amount of their respective claims. The trustee, receiver or assignee for the benefit of creditors shall have the right to require sworn claims to be presented and shall have the right to refuse to pay any such preferred claim, either in whole or in part, if he has reasonable cause to believe that such claim is not valid but must pay any part thereof that is not disputed, without prejudice to the

claimant's rights, as to the balance of his claim, and withhold sufficient money to cover the disputed portion until the claimant in question has a reasonable opportunity to establish the validity of his claim by court action, either in his own name or through an assignee.

This section is binding upon all the courts of this State and in all receivership actions the court must order the receiver to pay promptly out of the first receipts and earnings of the receivership, after paying the current operating expenses, such preferred labor claims and such liens.

CHAPTER 1083

An act to add Section 1205 to the Code of Civil Procedure, relating to liens for salary and wages.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1205 is added to the Code of Civil Procedure, to read:

1205. Upon the sale or transfer of any business or the stock in trade, in bulk, or a substantial part thereof, not in the ordinary and regular course of business or trade, unpaid wages of employees of the seller or transferor earned within ninety (90) days prior to the sale, transfer, or opening of an escrow for the sale thereof, shall constitute preferred claims and liens thereon as between creditors of the seller or transferor and must be paid first from the proceeds of the sale or transfer.

CHAPTER 1084

An act to amend Section 950 of the Probate Code, relating to estates of decedents.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 950 of the Probate Code is amended to read:

950. The debts of the decedent, the expenses of administration and the charges against the estate shall be paid in the following order:

(1) Expenses of administration;

(2) Funeral expenses;

(3) Expenses of last illness;

(4) Family allowance;

(5) Debts having preference by the laws of the United States;

(6) Wages, to the extent of nine hundred dollars ($900), of each employee of the decedent, for work done or personal services rendered within 90 days prior to the death of the employer. If there is not sufficient money with which to pay all such labor claims in full the money available shall be distributed among the claimants in accordance with the amount of their respective claims;

(7) Mortgages, judgments that are liens, and other liens, in the order of their priority, so far as they may be paid out of the proceeds of the encumbered property. If such proceeds are insufficient for that purpose, the part of the debt remaining unsatisfied shall be classed with the general demands against the estate;

(8) Judgments that are not liens rendered against the decedent in his lifetime and all other demands against the estate, without preference or priority one over another.

CHAPTER 1085

An act to amend Section 1206 of, the Code of Civil Procedure, relating to claims for labor.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1206 of the Code of Civil Procedure is amended to read:

1206. Upon the levy of any attachment, garnishment, or execution, not founded upon a claim for labor, any miner, mechanic, salesman, servant, clerk, laborer or other person who has performed work or rendered personal services for the defendant within 90 days prior to the levy, may file a verified statement of his claim therefor with the officer executing the writ, file a copy thereof with the court which issued the writ, and give copies thereof, containing his address, to the plaintiff and the defendant, or any attorney, clerk or agent representing them, or mail copies to them by registered mail at their last known address, return of which by the post office undelivered shall be deemed a sufficient service if no better address is available, and such claim, not exceeding nine hundred dollars ($900), unless disputed, must be paid by such officer, immediately upon the expiration of the time for dispute of the claim as prescribed in Section 1207, from the proceeds of such levy remaining in his hands at the time of the filing of such statement or collectible by him on the basis of the writ.

The court issuing the writ must make a notation on its docket of every preferred labor claim of which it receives a copy and must endorse on any execution or abstract of judgment issued subsequently in the case that it is issued subject to the rights of a perferred labor claimant or claimants thereunder and giving the names and amounts of all such preferred labor claims of which it has notice. In levying any execution the officer making the levy shall include in the amount due under the execution any and all preferred labor claims that have been filed in the action and of which he has notice, except any claims which may have been finally disallowed by the court under the procedure provided for herein and of which disallowance he has actual notice. The amount due on preferred labor claims that have not been finally disallowed by the court shall be considered a part of the sum due under any attachment, garnishment or execution in augmentation of the amount thereof and it shall be the duty of any person, firm, association or corporation on whom a writ of attachment, garnishment or execution is levied to immediately pay to the levying officer the amount of such preferred labor claims, out of any money belonging to the defendant in the action, before paying the principal sum called for in the writ.

If any claim is disputed within the time, and in the manner prescribed in Section 1207, and a copy of the dispute is mailed by registered mail to the claimant or his attorney at the address given in his statement of claim and the registry receipt is attached to the original of the dispute when it is filed with the levying officer, or is handed to the claimant or his attorney, the claimant, or his assignee, must within 10 days after such copy is deposited in the mail or is handed to the claimant or his attorney petition the court having jurisdiction of the action on which the writ is based, for a hearing before it to determine his claim for priority, or the claim to priority is barred. If more than one attachment, garnishment or execution is involved the petition shall be filed in the court having jurisdiction over the senior attachment, garnishment or execution. The hearing shall be held within 20 days from the filing of the petition unless the court continues it for good cause. Ten days' notice of the hearing shall be given by the petitioner to the plaintiff and the defendant, and to all parties claiming an interest in the property, or their attorneys. The notice may be informal and need specify merely the name of the court, names of the principal parties to the senior attachment, garnishment or execution and name of the wage claimant or claimants on whose behalf it is filed but shall specify that the hearing is for the purpose of determining the claim for priority. The plaintiff or the defendant, or any other party claiming an interest may contest the amount or validity of the claim in spite of any confession of judgment or failure to appear or to contest the claim on the part of any other person.

There shall be no cost for filing or hearing the petition and the hearing on same shall be informal but all parties testifying must be sworn. Any claimant may appear on his own behalf at the hearing and may call and examine witnesses to substantiate his claim. An appeal may be taken from a judgment in a proceeding under this section in the manner provided for appeals from judgments of the court where the proceeding is had.

The officer must retain in his possession until the determination of the claim for priority so much of the proceeds of the writ as may be necessary to satisfy the claim, and if the claim for priority is allowed, the officer must pay the amount due, including the claimant's cost of suit, from such proceeds, immediately after the order allowing the claim becomes final.

CHAPTER 1086

An act to amend Sections 5850, 5851 and 5852 of the Streets and Highways Code, relating to dissolution of county maintenance districts.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 5850 of the Streets and Highways Code is amended to read:

Funds paid to the credit of district

5850. Upon the inclusion of all of the territory of a maintenance district within one or more cities, either by reason of annexation proceedings or by reason of the incorporation of one or more cities, and upon dissolution of such district, all funds paid into the county treasury to the credit of such district shall be paid over by the board of supervisors of such district as prescribed in this chapter.

SEC. 2. Section 5851 of said code is amended to read:

Whole district included within one city

5851. If the whole district is so included within one city, the district shall continue in existence for all purposes until a copy of a resolution adopted by the city requesting dissolution of the district is filed with the board of supervisors whereupon the district shall be dissolved and such funds shall be paid to the treasurer of that city and administered by the legislative body of the city for the benefit of the district.

SEC. 3. Section 5852 of said code is amended to read:

Part of district when included within one city

5852. If a part only of the district is so included within one city and the remaining part of the district is so included within one or more other cities, so that no portion of the district remains within unincorporated territory of the county, the district shall continue in existence for all purposes until a copy of a joint resolution adopted by all of the cities requesting dissolution of the district is filed with the board of super-

visors whereupon the district shall be dissolved. The proportionate part of such funds shall be paid to the treasurer of each such city as the assessed valuation of the real property of the portion of the district included therein bore, before being so included, to the total assessed valuation of the real property of the district, and such funds shall be administered by the legislative bodies of such cities for the benefit of the district. Any one city may withdraw its territory from the district in the manner provided by Section 5853.

CHAPTER 1087

An act to add Section 7506 1 to the Education Code, relating to meetings of the State Curriculum Commission.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 7506.1 is added to the Education Code, to read:

7506.1. All meetings of the State Curriculum Commission shall be open to the public.

CHAPTER 1088

An act to add Article 4.5 (commencing at Section 1240) to Chapter 1 of Division 6 of the Military and Veterans Code, relating to memorial districts.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961]

The people of the State of California do enact as follows:

SECTION 1. Article 4.5 (commencing with Section 1240) is added to Chapter 1 of Division 6 of the Military and Veterans Code, to read:

Article 4.5. Exclusion of Territory

1240. Upon the annexation of territory situated in the district to a city which provides services which duplicate any of the services provided by the district, the board may, and at the request of the city council of that city shall, declare, by resolution, that the territory is excluded from the district. Upon the adoption of the resolution, the territory shall no longer constitute a part of the district and the district boundaries shall be altered accordingly.

Territory excluded from a district pursuant to this section shall remain liable for its proportionate share of any indebtedness of the district incurred prior to the exclusion of the territory from the district.

CHAPTER 1089

An act to amend Section 106.1 of, and to amend and renumber Sections 106.2, 106.3, and 106.4 of, and to add Section 106.2 to, the Agricultural Code, relating to enforcement of plant quarantine inspection requirements.

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 106.1 of the Agricultural Code is amended to read:

Inspection of vehicle

106.1. It shall be unlawful for the operator of any vehicle to fail to stop such vehicle at an inspection station or upon demand of a uniformed plant quarantine officer for the purpose of determining whether any quarantine established pursuant to the provisions of this chapter is being violated. The director shall cause conspicuous signs to be erected at or near each inspection station which signs shall disclose the existence of such station.

SEC. 2. Section 106.2 of said code is amended and renumbered to read:

Concealment etc.

106.3. It shall be unlawful for any person to conceal from plant quarantine officers any plants or to fail to present the same or any quarantined article for inspection at the request of such officer.

SEC. 3. Section 106.2 is added to said code, to read:

Operation of vehicle in violation

106.2. It shall be unlawful for any person to operate upon any highway in this State any vehicle which, in violation of Section 106.1, was not stopped as required therein, if the person operating such vehicle knows of such violation of Section 106.1. The violation of this Section 106.2 shall continue unless and until either of the following occurs:

(a) A period of 24 hours has elapsed following the violation of Section 106.1.

(b) The operator who violated Section 106.1 has been apprehended and the vehicle involved has been inspected and released from quarantine by any authorized state plant quarantine officer. An operator so apprehended shall not be in violation of this section by reason of operating the vehicle en route to the closest inspection station immediately following apprehension for violation of Section 106 1, nor shall any other person, operating the vehicle for such purpose, be in violation of this section.

Warning tag or notice

SEC. 4. Section 106.3 is amended and renumbered to read:

106.4. It shall be unlawful for any person, except under written permission from a plant quarantine officer or under his specific direction, to move any lot or shipment of plants or other things to which a warning tag or notice has been affixed by authority of any provision of this chapter, or to remove, alter, destroy, deface, or mutilate any such warning tag or notice.

Meat and meat products

SEC. 5. Section 106.4 is amended and renumbered to read:

106.5. Plant quarantine officers at plant quarantine inspection stations may ascertain the origin, quantity, and kinds of meat and meat products transported into this State through such stations.

CHAPTER 1090

An act to add Sections 6520.1 and 6520.2 to the Health and Safety Code, relating to sanitary districts.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 6520.1 is added to the Health and Safety Code, to read:

Connecting of sewers

6520.1. It may prohibit any resident or property owner in the district from connecting any house, habitation, or structure requiring sewerage or drainage disposal service to any privately owned sewer or storm drain in the district.

SEC. 2. Section 6520.2 is added to said code, to read:

Paying proportionate costs

6520.2. It may require any resident or property owner in the district who desires to have any house, habitation, or structure connected to a sewer or drainage disposal line owned by the district to pay his proportionate share of the cost of the line, either by an increased installation charge or by other arrangement with the district, if he did not contribute to the cost of the acquisition, construction, or installation of the line by the district.

CHAPTER 1091

An act to amend Section 16602 of the Business and Professions Code, relating to restraints of trade.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 16602 of the Business and Professions Code is amended to read:

16602. Any partner may, upon or in anticipation of a dissolution of the partnership, agree that he will not carry on a similar business within a specified county or counties, city or cities, or a part thereof, where the partnership business has been transacted, so long as any other member of the partnership, or any person deriving title to the business or its goodwill from any such other member of the partnership, carries on a like business therein.

CHAPTER 1092

An act to add Section 15962 to the Education Code, relating to powers of school district governing boards.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 15962 is added to the Education Code, to read:

15962. The governing board by majority vote may adopt a rule, delegating to such officer or employee of the district as the board may designate, the authority to purchase supplies, materials, apparatus and equipment. No such rule shall authorize any officer or employee to make any purchases involving an expenditure by the district of ten thousand dollars ($10,000) or more. The rule shall prescribe the limits of the delegation as to time, money, and subject matter. All transactions entered into by such officer or employee shall be reviewed by the governing board every 60 days.

The school district officer or employee invested by the governing board with the power to contract shall be personally liable for any and all moneys of the district paid out on any contracts made in violation or disregard of any provisions of this section or rule adopted thereunder. He may insure himself against such liability with any insurance company authorized to do business in this State. The governing board may make the cost of such insurance in whole or in part a proper charge against school district funds.

This section shall apply only when the average daily attendance of any school district, or of two or more school districts governed by governing boards of identical personnel, is 400,000 or more, as shown by the annual report of the county superintendent of schools for the preceding year.

CHAPTER 1093

An act to amend Section 5512 of the Welfare and Institutions Code, relating to sexual psychopaths.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 5512 of the Welfare and Institutions Code is amended to read:

5512. If, after examination and hearing, it appears there is sufficient cause to believe that the person is a sexual psychopath within the meaning of this chapter, the judge may make and sign an order that the person be placed temporarily in a suitable psychiatric facility maintained by a county or in a state hospital of the Department of Mental Hygiene designated by the court for observation and diagnosis for a period not to exceed 90 days, with the further provision in said order that the superintendent of the hospital or person in charge of the county facility shall report to the court the diagnosis and recommendations concerning such person within the 90-day period. The court shall attach to the order for observation its findings and copies of the certification and statement from the other court, any affidavits filed, the written reports of the court-appointed psychiatrists, and the report of the probation officer, together with such social and other data that it has available bearing upon the case, and the same shall be delivered to the institution with such order.

The superintendent of the hospital or person in charge of the county facility shall within 90 days cause the person to be examined and forward to the committing court his opinion as to whether or not the person is a sexual psychopath, whether or not he is a menace to the health and safety of others, and whether or not he will benefit by care and treatment in a state hospital, including therein a report, diagnosis and recommendation concerning the person's future care, supervision and treatment.

If the superintendent of the hospital or person in charge of the county facility reports to the court that the person is not a sexual psychopath, the person shall be returned to the court for further disposition of his case. The court shall then cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

If the superintendent of the hospital or person in charge of the county facility reports to the committing court that the person is a sexual psychopath but will not benefit by care or treatment in a state hospital and is a menace to the health and safety of others, the court shall then cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

Such court shall resume the proceedings and shall impose sentence or make such other suitable disposition of the case as the court deems necessary. If, however, such court is satisfied that the person is a sexual psychopath but would not benefit by care or treatment in a state hospital and is a menace to the health and safety of others, it may recertify the person to the superior court of the county. If the superior court, after hearing, finds that the person is a sexual psychopath but would not benefit by care or treatment in a state hospital and is a menace to the health and safety of others, it may make an order committing the person for an indefinite period to the Department of Mental Hygiene for placement in a state institution or institutional unit for the care and treatment of sexual psychopaths designated by the court and provided pursuant to Section 5518. At such hearing or hearings, the person shall be entitled to present witnesses in his own behalf, to be represented by counsel and to cross-examine any witnesses who testify against him. The person shall remain in such institution or institutional unit until he is no longer a menace to the health and safety of others. Thereupon, the proceedings set forth in Section 5517 shall be followed with respect to the certifying of an opinion to the committing court and the release of the person thereby.

If the superintendent of the hospital or person in charge of the county facility reports to the court that the person is a sexual psychopath and that the person could benefit by treatment in a state hospital, the court shall make an order committing the person to the department for placement in a state hospital for an indeterminate period and a copy of such commitment shall be personally served upon said person within five days after the making of such order and such person may within 10 days demand a hearing in court as to the question of sexual psychopathy and upon such demand said court shall order the return of said person to said court and fix a time and place for a hearing. Upon such hearing the court may accept the report of the superintendent of the hospital or person in charge of the county facility, if verified, in lieu of the examination by and testimony of court-appointed psychiatrists, or may consider the report as additional evidence. Upon such further hearing the court may make an order committing the person to the department for placement in a state hospital designated by the court for an indeterminate period, or may make other suitable disposition of the case.

No person shall be committed for an indeterminate period as a sexual psychopath unless an observation placement has been made and reported, diagnosed and recommended upon as provided by this section.

CHAPTER 1094

An act to amend Section 1461.3 of the Probate Code, relating to notice of hearing.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1461.3 of the Probate Code is amended to read:

1461.3. If the alleged insane or incompetent person is a patient in or on leave of absence from a state institution under the jurisdiction of the Department of Mental Hygiene and such fact is known to the petitioner, the petitioner shall name the institution in the petition, and shall give notice of the filing of the petition for appointment of a guardian and of the time and place of the hearing by mailing such notice and a copy of the petition to the Director of Mental Hygiene at his office in Sacramento at least 15 days before the hearing unless the time is shortened by the court for good cause shown.

CHAPTER 1095

An act to amend Section 101 of the Business and Professions Code, relating to the Department of Professional and Vocational Standards.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of:

(a) The Board of Dental Examiners of California.

(b) The Board of Medical Examiners of the State of California.

(c) The State Board of Optometry.

(d) The California State Board of Pharmacy.

(e) The Board of Examiners in Veterinary Medicine.

(f) The State Board of Accountancy.

(g) The California State Board of Architectural Examiners.

(h) The State Board of Barber Examiners.

(i) The State Board of Registration for Civil and Professional Engineers.

(j) The Contractors' State License Board.

(k) The State Board of Cosmetology.

(*l*) The State Board of Funeral Directors and Embalmers.

(m) The Structural Pest Control Board.

(n) The Yacht and Ship Brokers Commission.
(o) The Bureau of Furniture and Bedding Inspection.
(p) The Board of Nurse Examiners of the State of California.
(q) The State Board of Dry Cleaners.
(r) The Board of Chiropractic Examiners.
(s) The Board of Social Work Examiners of the State of California.
(t) The State Athletic Commission.
(u) The Cemetery Board.
(v) The State Board of Guide Dogs for the Blind
(w) The Bureau of Private Investigators and Adjusters.
(x) The Certified Shorthand Reporters Board.
(y) The Board of Vocational Nurse Examiners of the State of California.
(z) The California State Board of Landscape Architects.
(aa) The Collection Agency Licensing Bureau.
(ab) Any other boards, offices, or officers subject to its jurisdiction by law.

CHAPTER 1096

An act to amend Sections 6150, 6153, 24351, 25303.1 and 25303.4 of the Government Code, relating to acceptance of negotiable paper.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 6150 of the Government Code is amended to read:

Acceptance of negotiable paper

6150. Any officer of a county, city and county or judicial district who is not specifically authorized by statute so to do may be authorized by the board of supervisors of the county, city and county or county within which the judicial district is located to accept negotiable paper in payment for any license, permit, fee or fine or in payment of any other obligation owing to such county, city and county or judicial district or in payment of any bail deposit or other trust deposit. Such authorization may be withdrawn at any time by the board of supervisors and may be given under such conditions as the board of supervisors by resolution shall establish. Any officer so authorized may, at his discretion, accept negotiable paper in payment for any license, permit, fee or fine or in payment of any other obligation owing to such county, city and county or judicial district or in payment of any bail deposit or other trust deposit.

SEC. 2. Section 6153 of said code is amended to read:

Bank deposits

6153. (a) If, pursuant to another provision of law, a bank account has been authorized for the use of the officer, he shall

deposit in that account as soon as practicable any negotiable paper accepted by him pursuant to this chapter.

(b) If a bank account has not been authorized for the use of such officer, he shall deposit negotiable paper accepted pursuant to this chapter as soon as practicable in the county treasury, and the county treasurer shall handle such negotiable paper like any other negotiable paper accepted by him.

SEC. 3. Section 24351 of said code is amended to read:

Deposit in county treasury

24351. Unless otherwise specifically provided for by law, each officer of a county or judicial district shall on the certificate of the auditor immediately deposit in the county treasury all trust money coming into his possession officially. Trust money so deposited shall be withdrawn only on a warrant issued by the county auditor drawn upon an order of the court into which the money was paid, or upon requisition of the officer depositing the money where no court proceedings are had.

SEC. 4. Section 25303.1 of said code is amended to read:

Authorization by board of supervisors

25303.1. The board of supervisors of any county or city and county may authorize any officer of a county or judicial district who is not specifically authorized by any other code section to accept negotiable paper in payment of any assessment, license, permit, fee, fine, or other money owing to any county or city and county or in payment of any bail deposit or other trust deposit. After authorization by the board of supervisors, any officer of the county or judicial district governed by provisions of this section may, at his discretion, accept negotiable paper in payment of any assessment, license, permit, fee, fine or other money owing to the county or to the city and county or in payment of any bail deposit or other trust deposit.

SEC. 5. Section 25303.4 of said code is amended to read:

Bank deposit

25303.4. (a) If, pursuant to another provision of law, a bank account has been authorized for the use of the officer, he shall deposit in that account as soon as practicable any negotiable paper accepted by him pursuant to this chapter.

(b) If a bank account has not been authorized for the use of such officer, he may deposit negotiable paper accepted pursuant to this chapter as soon as practicable with a bank for collection and receive from the bank cashier's checks in an amount equal to the total deposit. The cashier's checks shall be deposited in the county treasury like cash received for the same purpose. The officer accepting negotiable paper may at his option deposit such negotiable paper daily in the county treasury instead of in a bank; and the county treasurer shall handle such negotiable paper like any other negotiable paper accepted by him.

If any negotiable paper is returned unpaid to the bank with which it was deposited, the bank shall return it to the officer who deposited it and, if its amount has been included in any cashier's check given by the bank, the bank is entitled to a refund in the amount of the unpaid negotiable paper. Any

negotiable paper redeemed by or charged back to the county treasurer by reason of nonpayment shall be returned to the officer who deposited it with him. A memorandum charging the officer making the deposit and crediting the treasurer shall be issued by the county auditor on the fund into which the original deposit was made.

CHAPTER 1097

An act to amend Section 26909 of the Government Code, relating to the annual audit by county auditor.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 26909 of the Government Code is amended to read:

26909. (a) The county auditor shall either make or contract with a certified public accountant or public accountant to make an annual audit the scope and content of which shall be prescribed by the State Controller, of the books, accounts, records, papers, money and securities of every special purpose assessing or taxing district within the county for which an audit by a certified public accountant or public accountant is not otherwise provided.

(b) Where an audit of a district's books, accounts, records, papers, money and securities is made by a certified public accountant or public accountant, a report thereof shall be filed with the county auditor of the county in which the district is located. Such report shall be filed within 12 months of the end of the fiscal year under examination.

(c) Any costs incurred by the county auditor, including contracts with, or employment of, certified public accountants or public accountants, in making an audit of every special purpose district pursuant to this section shall be borne by the district and shall be a charge against any unencumbered funds of the district available for the purpose.

(d) For joint districts lying within two or more counties, the above provisions shall apply to the auditor of the county in which the treasury is located.

(e) The county controller, or ex officio county controller, shall effect the provisions of this section in those counties having such officer.

All special districts, whose annual budget does not exceed five hundred dollars ($500), may, by unanimous request of the governing board thereof, with unanimous approval of the board of supervisors, replace the annual special audit with an audit covering a two-year period.

CHAPTER 1098

An act to amend Section 1282 of the Insurance Code, relating to applicability to reciprocals or interinsurance exchanges.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1282 of the Insurance Code is amended to read:

1282. The provisions of the following sections, articles and chapters shall be applicable to reciprocal or interinsurance exchanges:

Chapter 1, Part 1, Division 1; Article 1, Chapter 4, Part 1, Division 1; Article 5, Chapter 1, Part 2, Division 1; Article 6, Chapter 1, Part 2, Division 1; Article 14, Chapter 1, Part 2, Division 1; Article 16, Chapter 1, Part 2, Division 1; Chapter 9, Part 2, Division 1; Sections 1101 to 1106, inclusive; Article 1, Chapter 1, Part 3, Division 2; Article 2, Chapter 1, Part 3, Division 2; Article 1, Chapter 2, Part 3, Division 2; Article 2, Chapter 2, Part 3, Division 2; Article 1, Chapter 3, Part 3, Division 2; Article 2, Chapter 3, Part 3, Division 2; Article 3, Chapter 3, Part 3, Division 2; all chapters of Part 6, Division 2 except Chapter 1.

CHAPTER 1099

An act to amend Sections 201a, 204b, and 204d of the Code of Civil Procedure, relating to juries.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 201a of the Code of Civil Procedure is amended to read:

Supplementing rules

201a. In any county or city and county the judge of the superior court or a majority of the judges thereof may adopt written rules and regulations supplementary to such rules as may be adopted by the Judicial Council establishing a procedure whereby the jury commissioner of said county or city and county may be empowered to grant excuses from jury service to such prospective jurors who in the opinion of the jury commissioner qualify for excuses under Section 201.

SEC. 2. Section 204b of said code is amended to read:

Jury lists

204b. Pursuant to written rules adopted by a majority of the judges of the superior court of the county, supplementary to such rules as may be adopted by the Judicial Council, the jury commissioner shall furnish the judges of the court annually a list of persons qualified to serve as trial

jurors during the ensuing year or until a new list of jurors is required. From time to time a majority of the judges of the superior court may adopt such rules supplementary to such rules as may be adopted by the Judicial Council as may be necessary for the guidance of the jury commissioner, who shall at all times be under the supervision and control of the judges of the court.

SEC. 3. Section 204d of said code is amended to read:

Selection from recommended jurors

204d. Pursuant to the rules adopted by a majority of the judges of the superior court, supplementary to such rules as may be adopted by the Judicial Council, the jury commissioner shall return to the judges the list of persons recommended by him for trial jury duty. The judges of the superior court shall examine the jury list so returned and from such list a majority of the judges may select, to serve as trial jurors in the superior court of the county during the ensuing year or until a new list of jurors is required, such persons as, in their opinion, should be selected for trial jury duty. The persons so selected shall, in the opinion of the judges selecting them, be persons suitable and competent to serve as jurors, as required by law. The judges are not required to select any names from the list returned by the jury commissioner, but may, if in their judgment the due administration of justice requires, make all or any selections from among the body of persons in the county suitable and competent to serve as trial jurors regardless of the list returned by the jury commissioner.

CHAPTER 1100

An act to amend Section 1871 of the Code of Civil Procedure, relating to the employment of court-appointed experts.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1871 of the Code of Civil Procedure is amended to read:

1871. Whenever it shall be made to appear to any court or judge thereof, either before or during the trial of any action or proceeding, civil, criminal, or juvenile court, pending before such court, that expert evidence is, or will be required by the court or any party to such action or proceeding, such court or judge may, on motion of any party, or on motion of such court or judge, appoint one or more experts to investigate, render a report as may be ordered by the court, and testify at the trial of such action or proceeding relative to the matter or matters as to which such expert evidence is, or will be required, and such court or judge may fix the compensation of such expert or experts for such services, if any, as such expert

or experts may have rendered, in addition to his or their services as a witness or witnesses, at such amount or amounts as to the court or judge may seem reasonable.

In all criminal and juvenile court actions and proceedings such compensation so fixed shall be a charge against the county in which such action or proceeding is pending and shall be paid out of the treasury of such county on order of the court or judge. In any county in which the procedure prescribed herein has been authorized by the board of supervisors, on order by the court or judge in any civil action or proceeding, the compensation so fixed of any medical expert or experts shall also be a charge against and paid out of the treasury of such county. Except as above otherwise provided, in all civil actions and proceedings such compensation shall, in the first instance, be apportioned and charged to the several parties in such proportion as the court or judge may determine and may thereafter be taxed and allowed in like manner as other costs.

Nothing contained in this section shall be deemed or construed so as to prevent any party to any action or proceeding from producing other expert evidence as to such matter or matters, but where other expert witnesses are called by a party to an action or proceeding they shall be entitled to the ordinary witness fees only and such witness fees shall be taxed and allowed in like manner as other witness fees.

Any expert so appointed by the court may be called and examined as a witness by any party to such action or proceeding or by the court itself; but, when called, shall be subject to examination and objection as to his competency and qualifications as an expert witness and as to his bias. Such expert though called and examined by the court, may be cross-examined by the several parties to an action or proceeding in such order as the court may direct. When such witness is called and examined by the court, the several parties shall have the same right to object to the questions asked and the evidence adduced as though such witness were called and examined by an adverse party.

The court or judge may at any time before the trial or during the trial, limit the number of expert witnesses to be called by any party.

CHAPTER 1101

An act to amend Section 10607 of the Education Code, relating to suspension of public school pupils.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 10607 of the Education Code is amended to read:

10607. No pupil shall be suspended from an elementary school for more than two consecutive weeks.

No pupil shall be suspended from a secondary school for more than the duration of the current semester. For secondary schools not operated on the basis of a school term regularly divided into semesters, the governing board shall select a date approximating the midpoint of the term for purposes of the preceding sentence. All summer school sessions maintained at a secondary school shall, for purposes of this paragraph, be deemed to constitute a single semester.

CHAPTER 1102

An act to amend Section 225 of the Code of Civil Procedure, relating to manner of service of jury notice.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 225 of the Code of Civil Procedure is amended to read:

225. The sheriff, marshal, or such attaché ordered by the court, as soon as he receives the list or lists of jurors drawn, shall summon the persons named therein to attend the court at the opening of the regular session thereof, or at such session or time as the court may order, by giving personal notice to that effect to each of them, or by leaving a written notice to that effect at his place of residence, with some person of proper age, or by mailing such notice by registered mail or certified mail, and shall return the list to the court at the opening of the regular session thereof, or at such session or time as the jurors may be ordered to attend, specifying the names of those who were summoned, and the manner in which each person was notified. Once a person has been so summoned, the specific time and place of his appearance may be modified or specified by order of the court and notification thereof given by either oral, written, telephonic, or telegraphic communication.

CHAPTER 1103

An act to amend Section 13336 of the Education Code, relating to employees of school districts.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 13336 of the Education Code is amended to read:

13336. Governing boards of school districts shall classify as substitute employees those persons employed in positions requiring certification qualifications, to fill positions of regularly employed persons absent from service.

Any employee so classified, who teaches during one school year for at least 75 percent of the number of days the regular schools of the district were maintained in such school year any class or classes which would have been taught by one person absent from service, shall be deemed to have been a probationary employee during the entire school year in which he so teaches, with the rights and duties of other probationary employees of the district, and shall be deemed to have served a complete school year as a probationary employee. No such employee shall be entitled to the benefits of this section unless he has also met the requirements, if any, including selection for probationary status from the appropriate eligibility list, established as a result of competitive examination, by the governing board; provided that no such requirements shall limit or affect the class teaching services or time periods prescribed by the preceding sentence.

CHAPTER 1104

An act to add Section 7162 to the Fish and Game Code, relating to sport fishing licenses.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 7162 is added to the Fish and Game Code, to read:

7162. Any person who is a ward of the State and who is a patient in, and resides in, a state institution shall be issued a fishing permit, on application therefor, by the department, in lieu of a fishing license and appropriate stamps, authorizing the taking of any fish and amphibia anywhere in this State for purposes other than profit, free of charge.

Such permit shall be valid only during the period of time such person is a ward of the State and residing in the state institution. Certification by the person in charge of the state institution shall be sufficient proof of the person's status as a ward and the period of time of residency in the institution.

CHAPTER 1105

An act to amend Section 1317 of the Financial Code, relating to loan limits.

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1 Section 1317 of the Financial Code is amended to read:

1317. A nondepartmental bank shall not lend in the aggregate an amount in excess of 60 percent of the amount of its savings and other time deposits upon the security of real property, in addition to:

(a) Loans guaranteed in whole or in part by the Administrator of Veterans' Affairs pursuant to the Servicemen's Readjustment Act of 1944 or any act of Congress supplementary or amendatory thereof or under the Veterans' Readjustment Act of 1952 or any act of Congress supplementary or amendatory thereof; or

(b) Loans insured by the Federal Housing Administration pursuant to Section 203 of the National Housing Act or any act of Congress supplementary or amendatory thereof.

CHAPTER 1106

An act to amend Section 34328 of the Health and Safety Code, relating to public housing.

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 34328 of the Health and Safety Code is amended to read:

34328. At least once a year, an authority shall file with the clerk of the respective city or county a report of its activities for the preceding year. An authority shall make either directly or through any national, regional or state housing association or organization of which it may be a member, recommendations with reference to additional legislation or other action which it deems necessary to carry out the purposes of this chapter, to the respective legislative bodies having jurisdiction thereof.

CHAPTER 1107

An act to amend Section 34327.6 of the Health and Safety Code, relating to audit of housing authority funds.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 34327.6 of the Health and Safety Code is amended to read:

34327.6. All funds of housing authorities not subject to audit by a federal agency shall be audited at least once each year at the expense of the housing authority by the State Department of Finance or, at the option of the housing authority, by a certified public accountant or public accountant, licensed by the State Board of Accountancy, and approved by the Director of Finance. If the audit is made by a certified public accountant, or a public accountant, a copy of the audit report shall be filed for record purposes with the Department of Finance.

CHAPTER 1108

An act to amend Section 34283 of the Health and Safety Code, relating to public housing.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 34283 of the Health and Safety Code is amended to read:

34283. The commissioners shall provide by resolution for the time and place of holding their regular meetings. Special meetings may be called by the chairman or by two commissioners, and notice thereof shall be mailed to each commissioner at least 48 hours before the meeting. All of the meetings of the commissioners, whether regular or special, shall be open to the public. Except as otherwise herein provided, all minutes, books of account, accounts and supporting vouchers and data, all plans and specifications, all contracts and changes and modifications thereof, all leases, all job classifications and salaries therefor, and all bids which have been opened and either accepted or rejected by the housing authority, shall constitute public records and shall be open to public inspection at all times during office hours. Tenant applications, personnel employment records, land appraisals, records and information in connection with the acquisition or disposition of real property until such acquisition or disposition of real property is completed, litigation files not a part of court records, shall be

confidential, and shall not be available for public inspection. An authority shall supply to the governing body of its respective city or county, such information relating to its activities as such governing body may request; provided, however, an authority may withhold only such information as is hereinabove declared to be confidential. Any person who willfully discloses or reveals confidential information, or any part thereof, is guilty of a misdemeanor.

CHAPTER 1109

An act to amend Section 34878 of the Government Code, relating to election of city legislative body members by districts.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 34878 of the Government Code is amended to read:

34878. If three-quarters of the qualified electors of the city, who vote, vote in favor of the ordinance, at the expiration of the terms of office of the members of the legislative body, or when a vacancy occurs, or as provided by ordinance, members of the legislative body shall be elected by (or from) the districts described and in the manner provided.

In cities incorporated prior to 1939 an amendatory ordinance shall become effective as provided in this section if approved by a majority of the voters.

CHAPTER 1110

An act to add Section 2732.05 to the Business and Professions Code, relating to the practice of nursing.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 2732.05 is added to the Business and Professions Code, to read:

2732.05. Every employer of a registered nurse shall ascertain that such employee is currently authorized to practice as a registered professional nurse within the provisions of this chapter.

Examination by an employer of a license or certificate issued by the board showing the nurse's current authority to practice under this chapter, prior to employment, shall constitute a determination of authority to so practice.

Nothing in this section shall apply to a patient, or other person acting for a specific patient, who engages the services of a registered nurse to provide nursing care to a single patient.

CHAPTER 1111

An act to amend Section 65800 of the Government Code, relating to zoning regulations.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 65800 of the Government Code is amended to read:

65800. Pursuant to the provisions of this chapter, the legislative body of any county or city by ordinance may:

(a) Regulate the use of buildings, structures, and land as between agriculture, industry, business, residence and other purposes.

(b) Regulate location, height, bulk, number of stories, and size of buildings and structures; the sizes of yards, courts and other open spaces; the percentage of a lot which may be occupied by a building or structure.

(c) Establish and maintain building setback lines along any street, highway, freeway, road, or alley, and establish and maintain building setback lines for residences and appurtenant buildings situated along the bank of any river, creek, stream or other waterway.

(d) Create civic districts around civic centers, public parks, and public buildings and grounds for the purpose of enabling a planning commission to review all plans for buildings or structures within the district prior to the issuance of a building permit in order to assure an orderly development in the vicinity of such public sites and buildings.

CHAPTER 1112

An act to amend Sections 7306, 7308, 7309.5, 7314, 7332, 7373, 7371, and 7420 of, and to add Section 7372.1 to, the Business and Professions Code, and to amend Sections 7373 and 7374 of the Business and Professions Code as proposed to be amended by Senate Bill No. 471, relating to cosmetology.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 7306 of the Business and Professions Code is amended to read:

7306. The board shall hold meetings at least four times a year, one of which may be held in each of the following cities: San Francisco, Sacramento, Los Angeles and San Diego. Board meetings

With the approval of the director, the board may hold other meetings for the transaction of such business as may be necessary.

SEC. 2. Section 7308 of said code is amended to read:

7308. The board shall: Duties of the board

(a) Provide for the examination of all applicants for registration, unless otherwise provided, whose applications have been submitted to it in proper form, such examinations to be held at least four times a year, one of which may be held in each of the following cities: San Francisco, Sacramento, Los Angeles, and San Diego.

(b) Issue certificates of registration and licenses to such applicants as may be entitled thereto.

(c) Register cosmetological establishments and schools of cosmetology.

(d) Report to the proper prosecuting officers all violations of this chapter coming within its knowledge.

SEC. 3. Section 7309.5 of said code is amended to read:

7309.5. All meetings of the board shall be open and public, except that the board may hold executive sessions to: Open and public meetings

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, or review examinations.

SEC. 4. Section 7314 of said code is amended to read:

7314. The director may, in accordance with the State Civil Service Act, whenever in his judgment it is necessary, employ examiners, inspectors, investigators, assistants, deputies and clerks and fix their compensation, which compensation and all reasonable expenses incurred by the board, shall not be paid from the general revenue funds of the State. Employment of certain persons

All inspectors shall have had at least three years' experience in the licensed practice of cosmetology at the time of their appointment. Inspectors

An examiner in any branch of cosmetology except electrology shall hold a current, valid license as a cosmetology instructor at the time of his appointment and an examiner in electrology shall hold a current valid license as an electrology instructor at the time of his appointment. Examiner

SEC. 5. Section 7332 of said code is amended to read:

7332. The board shall admit to examination for a certificate of registration and license as a cosmetologist any person who has made application to the board in proper form, paid the fee required by this chapter, and who is qualified as follows: Applicant's qualifications

(a) Who is not less than 18 years of age.

(b) Who is of good moral character and temperate habits.

(c) Who has completed the 10th grade in the public schools of this State or its equivalent.

(d) Who has had any one of the following:

(1) Training of at least 1,600 hours, extending over a school term of nine months in a school of cosmetology approved by the board.

(2) Practice of the occupation of a cosmetologist, for a period of four years outside of this State. Each three months of such practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1) of this subdivision.

(3) Service for at least two years as a licensed junior operator in a licensed cosmetological establishment in which all of the occupations of a cosmetologist are practiced.

SEC. 6. Section 7372.1 is added to said code, to read:

Examination preparation and administration

7372.1. All examinations shall be prepared by or under the direction of the board but shall be administered and graded by examiners employed pursuant to the provisions of Section 7314 of this code. The board shall establish standards and procedures governing such administration and grading and shall exercise such supervision as may be necessary to assure compliance therewith.

SEC. 7. Section 7373 of said code is amended to read:

License as cosmetologist

7373. Every applicant for a license as a cosmetologist satisfactorily passing the examination, required therefor shall receive from the board a certificate of registration and license as a cosmetologist.

This license, except for renewal fees, entitles the holder, without additional cost, to engage in the practice of the occupation of a cosmetologist upon the public in a licensed cosmetological establishment.

SEC. 8. Section 7374 of said code is amended to read:

Certificate for practice of electrolysis or manicuring

7374. Every applicant for registration to engage in the practice of electrolysis or manicuring satisfactorily passing the examination required therefor shall receive from the board a certificate of registration and license to engage in the practice of electrolysis or manicuring, as the case may be, without additional cost, up to and including the 30th day of September following the date of issue.

SEC. 9. Section 7420 of said code is amended to read:

Reciprocity and examination

7420. Upon application to the board in the form provided for the particular class of license applied for, accompanied by the required fee, a person registered as a cosmetologist, electrologist or manicurist under the laws of another state shall, if he satisfactorily passes the examination required therefor, be granted a certificate of registration and license to practice the occupation or occupations in this State not of greater scope than the occupation or occupations for which the applicant was previously registered in the other state, upon the following conditions:

(a) That he is not less than 18 years of age.

(b) That he is of good moral character and temperate habits.

(c) That the requirements for registration or licensing of cosmetologists, electrologists and manicurists, in the particular

state were, at the date of the previous registration or licensing, substantially equal to the requirements therefor then in force in this State.

Failure to qualify

Any person who fails to qualify for admission to the examination because his study or training does not fulfill the requirements of subdivision (c) shall receive credit for the number of hours of study and training successfully completed in the particular state where he is registered, and he shall be qualified for the examination upon completion of such supplementary study and training in a licensed school in this State as the board finds necessary to substantially equal the study and training of a qualified person who has studied and trained in a licensed school in this State only. For the purposes of this subdivision, each three months of practice of the occupation or occupations outside of this State shall be deemed the equivalent of 100 hours of study and training required in order to qualify for a license for that occupation or occupations.

SEC. 10. Section 7373 of the Business and Professions Code, as proposed to be amended by Senate Bill No. 471, is amended to read:

Certificate of registration and license as a cosmetologist

7373. Every applicant for a license as a cosmetologist satisfactorily passing the examination required therefor shall receive from the board a certificate of registration and license as a cosmetologist.

This license entitles the holder to engage in the practice of the occupation of a cosmetologist upon the public in a licensed cosmetological establishment.

An applicant to whom a license as a cosmetologist is issued after September 30, 1962, including a person applying under the provisions of Article 10, shall, as a condition precedent to issuance of the license, and in addition to any other fee which may be payable, pay the initial license fee prescribed by this chapter.

SEC. 11. Section 7374 of the Business and Professions Code, as proposed to be amended by Senate Bill No. 471, is amended to read:

License to practice

7374. Every applicant for registration to engage in the practice of electrolysis or manicuring satisfactorily passing the examination required therefor shall receive from the board a certificate of registration and license to engage in the practice of electrolysis or manicuring, as the case may be.

An applicant to whom a license to engage in the practice of electrolysis or manicuring is issued after September 30, 1962, including a person applying under the provisions of Article 10, shall, as a condition precedent to issuance of the license, and in addition to any other fee which may be payable, pay the initial license fee prescribed by this chapter.

Effect· Stats 1961, Ch 1635

SEC. 12. Sections 10 and 11 of this act shall become operative only if Senate Bill No. 471 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Senate Bill No. 471 takes effect; at which time Sections 7373

and 7374 of the Business and Professions Code as amended by Sections 7 and 8 of this act are repealed.

CHAPTER 1113

An act to amend Section 1157.3 of the Government Code, relating to payroll deductions.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1157.3 of the Government Code is amended to read:

1157.3. Employees of a public agency on approval of the governing body of such public agency in addition to any other purposes authorized in this article may also authorize deductions to be made from their salaries or wages for the payment of dues in any bona fide organization whose membership is comprised, in whole or in part, of employees of such agency and which has as one of its objectives improvements in the terms or conditions of employment for the advancement of the welfare of such employees, such deductions to be made in accordance with the provisions made by the governing body of the public agency.

CHAPTER 1114

An act to repeal Section 3404 of, and to add Section 13584.2 to, the Education Code, relating to school districts.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 3404 of the Education Code is repealed.

SEC. 2. Section 13584.2 is added to said code, to read:

Employment upon reorganization

13584.2. If all or any part of any district or districts which is unified with all or any part of a district, has, or have, the merit system prior to the date the reorganization election is called, all employees not legally requiring certification qualifications of the reorganized district shall be employed in accordance with Article 5 (commencing with Section 13701) of Chapter 3 of Division 10. If at the date such reorganization election is called, two or more of the said defined districts of such reorganized district have merit systems, the reorganized district shall adopt a single merit system which shall contain all provisions necessary to secure to all employees the rights guaranteed by Section 13584.3 of this code.

Seniority of the personnel of the reorganized district shall be established as of the date of original employment in the district or districts as defined above. Where there are more than a sufficient number of employees for a given classification under the provisions of Article 5 (commencing with Section 13701) of Chapter 3 of Division 10, such personnel shall be retained in employment for a period of not less than one year as if the reorganization had not occurred but without prejudice to the powers of the personnel commission and the governing board of the new unified district to reasonably reassign such persons. If at the expiration of such period, upon a finding made by the personnel commission that there are excess personnel in any given classification, such personnel shall, if the governing board so directs, be placed upon appropriate re-employment lists for 39 months, and shall, if so placed, be offered and may accept positions of lower rank in their line of promotion in the order of seniority as established by this section in accordance with rules drawn in compliance with the provisions of Article 5 (commencing with Section 13701) of Chapter 3 of Division 10. The acceptance of a position in lower rank in accordance herewith shall not be deemed to constitute a waiver of the right to re-employment at the original level should a vacancy at such level occur within the period mentioned in this section. Seniority

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CHAPTER 1115

An act to add Section 13584.1 to the Education Code, relating to school districts.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 13584.1 is added to the Education Code, to read:

13584.1. Whenever, by reason of any reorganization, other than the unification of districts, all or part of the territory of any school district which has adopted the merit system is included within any district, or in any new district, the governing board of the acquiring or new district shall adopt such merit system. In the event that any district simultaneously acquires all or part of the territory of two or more districts which have previously adopted the merit system, the governing board of the acquiring or new district shall adopt a merit system containing such provisions as are necessary to afford to all employees the rights guaranteed by this section. The employees of the reorganized or new district shall retain all rights and privileges as if they had been employed under the provisions of Article 5 (commencing with Section 13701) of Chapter

3 of Division 10, with seniority commencing as of the date of original employment in their original district. Where there are more than a sufficient number of employees for a given classification under the provisions of Article 5 (commencing with Section 13701) of Chapter 3 of Division 10, such personnel shall be retained in employment for a period of not less than one year as if the reorganization had not occurred but without prejudice to the powers of the personnel commission and governing board of the reorganized district to reasonably reassign such persons. If at the expiration of such period, upon a finding made by the personnel commission that there are excess personnel in any given classification, such personnel shall, if the governing board so directs, be placed upon appropriate re-employment lists for 39 months and, if so placed, shall be offered and may accept positions of lower rank in their line of promotion in the order of seniority as established by this section in accordance with rules drawn in compliance with the provisions of Article 5 (commencing with Section 13701) of Chapter 3 of Division 10. The acceptance of a position in lower rank in accordance herewith shall not be deemed to constitute a waiver of the right to re-employment at the original level should a vacancy at such level occur within the period mentioned in this section.

CHAPTER 1116

An act to amend Section 27517 of the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to recall of city officers.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 1117

An act to add Section 10494.2 to the Insurance Code, relating to insurance.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 10494.2 is added to the Insurance Code, to read:

10494.2. Any incorporated or unincorporated benefit and relief association, the membership and insurance in which are restricted to the ministers, priests, rabbis, rectors, vicars, pastors, or readers of any conference, presbytery, diocese, convention or synod or any other similar body of a religious organization (a portion of whose territory is located in the State of California) and the employees of such religious body may procure a certificate of exemption from the commissioner if it does not provide for a death benefit (life and/or accidental death insurance) greater than two thousand dollars ($2,000) or a disability benefit greater than two thousand dollars ($2,000), payable in any 12-month period; provided it complies with all applicable provisions of this article.

CHAPTER 1118

An act to amend Section 1705 of the Public Utilities Code, relating to orders and decisions of the Public Utilities Commission.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1705 of the Public Utilities Code is amended to read:

1705. At the time fixed for any hearing before the commission or a commissioner, or the time to which the hearing has been continued, the complainant and the corporation or person complained of, and such corporations or persons as the commission allows to intervene, shall be entitled to be heard and to introduce evidence. The commission shall issue process to enforce the attendance of all necessary witnesses. After the conclusion of the hearing, the commission shall make and file its order, containing its decision. The decision shall contain, separately stated, findings of fact and conclusions of law by the commission on all issues material to the order or decision. A copy of such order, certified under the seal of the commission, shall be served upon the corporation or person complained of, or his or its attorney. The order shall, of its own force, take effect and become operative 20 days after the service thereof, except as otherwise provided, and shall continue in force either for a period designated in it or until changed or abrogated by the commission. If the commission believes that an order cannot be complied with within 20 days, it may prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may on application and for good cause shown, extend the time for compliance fixed in its order.

CHAPTER 1119

An act to amend Section 6535 of the Business and Professions Code, relating to the practice of barbering.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 6535 of the Business and Professions Code is amended to read:

6535. No college of barbering shall be approved by the board unless it requires as a prerequisite to admission thereto, completion of the ninth grade, or the equivalent education as determined by an examination conducted by an examining agency prescribed by the board, and unless it requires as a prerequisite to graduation a course of instruction of not less than 1,248 hours to be completed within 12 months at the rate of not more than eight hours in any one working day.

The course of instruction shall consist of the fundamentals of the following subjects:

(a) Sanitation, antiseptics, sterilization, hygiene and bacteria. Instruction in these subjects shall be limited to their relation to barbering.

(b) Haircutting and shaving.

(c) Massaging of the scalp, face, and neck.

(d) Shampooing, and the applying of hair tonics, hairdressing preparations, and rinses.

(e) Facials and scalp massages or treatments with creams, lotions, oils or other cosmetic preparations either by hand or mechanical appliances, but such appliances shall not be galvanic nor faradic.

(f) Shop management, ethics, salesmanship, implements, and a brief study of the history of barbering.

(g) Laws and regulations governing the practice of barbering.

(h) Common skin and hair diseases of the scalp, face and neck.

(i) The structure and functions of the skin and hair of the scalp, face and neck.

(j) Cosmetic preparations used in the practice of barbering.

(k) Circulation, muscles, nerves and cells of the scalp, face and neck only as such subjects are related to massaging or other acts of barbering

(*l*) Introduction to coloring, bleaching, and waving of the hair, except that waving shall not include permanent waving.

CHAPTER 1120

An act to add Sections 31681.5 and 31739.3 to the Government Code, relating to County Employees Retirement Law of 1937.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 31681.5 is added to the Government Code, to read:

31681.5. Every retirement allowance payable for time commencing on the effective date of this section to, or on account of any member of this system or of a superseded system, who has been retired for service, is hereby increased as follows: Retirement allowance increase

Period during which retirement became effective	Percentage of increase in monthly retirement allowance
On or prior to June 30, 1956	10%
Twelve months ended June 30, 1957	8%
Twelve months ended June 30, 1958	6%
Twelve months ended June 30, 1959	4%
Twelve months ended June 30, 1960	2%

In no event shall any allowance be increased by an amount greater than fifty dollars ($50) a month nor less than ten dollars ($10) a month.

This section shall not be operative in any county until such time as the board of supervisors shall, by ordinance adopted by majority vote, make the provisions of this section applicable in such county.

SEC. 2. Section 31739.3 is added to said code, to read:

31739.3. Every retirement allowance payable for time commencing on the effective date of this section to or on account of any member of this system, or of a superseded system, who has been retired for disability, is increased as follows: Same

Period during which retirement became effective	Percentage of increase in monthly retirement allowance
On or prior to June 30, 1956	10%
Twelve months ended June 30, 1957	8%
Twelve months ended June 30, 1958	6%
Twelve months ended June 30, 1959	4%
Twelve months ended June 30, 1960	2%

In no event shall any allowance be increased by an amount greater than fifty dollars ($50) a month nor less than ten dollars ($10) a month.

This section shall not be operative in any county until such time as the board of supervisors shall by ordinance adopted by majority vote make the provisions of this section applicable in such county, providing further that an actuarial survey of the system has been made by the adopting county's system prior to the passage of said ordinance.

CHAPTER 1121

An act adding Section 2 to an act entitled "An act to repeal Sections 31734, 31735, and 31736 of the Government Code, relating to the County Employees' Retirement Law of 1937," approved June 24, 1959, being Chapter 1160, page 3251, Statutes of 1959, relating to the County Employees' Retirement Law of 1937.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 is added to the act cited in the title hereof, to read:

Sec. 2. The repeal of Sections 31734, 31735, and 31736 of the Government Code by Section 1 of this act shall apply to every installment of a disability retirement allowance payable after September 19, 1959, the effective date of this act, whether the retired member retired before or after said effective date. Section 31481 of the Government Code does not apply.

CHAPTER 1122

An act to amend Sections 24367 of, to repeal Sections 24367.11, 24367.12, and 24367.13 of, and to add Section 24367.11 to, and to add Article 13.5 (commencing with Section 24368) to Chapter 2.5, Division 20 of, the Health and Safety Code, relating to the Bay Area Air Pollution Control District.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 24367 of the Health and Safety Code is amended to read:

Application

24367. This article applies to all hearings which this chapter provides shall be held by the hearing board.

Repeal

SEC. 2. Section 24367.11 of said code is repealed.

SEC. 3. Section 24367.11 is added to said code, to read:

Rules for hearings

24367.11. The hearing board may adopt rules for the conduct of its hearings not inconsistent with this chapter. Such

rules shall so far as practicable conform to the rules for administrative adjudication by state agencies in Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

SEC. 4. Section 24367.12 of said code is repealed. Repeal

SEC. 5. Section 24367.13 of said code is repealed. Repeal

SEC. 6. Article 13.5 (commencing with Section 24368) is added to Chapter 2.5, Division 20 of said code, to read:

Article 13.5. Enforcement

24368. Whenever the hearing board finds that any person is in violation of Section 24360, Section 24362.4, or any order, rule or regulation of the board, and that no variance is justified and that a reasonable time has been allowed for compliance, the hearing board shall make a decision setting forth findings of fact and such conclusions of law as are required in view of the issues submitted. The decision shall contain an order for abatement. The order for abatement shall be framed in the manner of a writ of injunction requiring the respondent to refrain from a particular act. The order may be conditional and require a respondent to refrain from a particular act unless certain conditions are met. The order shall not have the effect of permitting a variance unless all the conditions for a variance, including limitation of time, are met. Findings of fact and conclusions of law

24368.1. The hearing board shall announce its decision in the form of a draft before filing. Copies of the draft shall be mailed to the parties or their attorneys. The hearing board may direct the prevailing party to prepare a form of decision. Any party may file objections to the draft with the hearing board within 10 days after mailing. Decision

24368.2. After objections, if any, have been considered by the hearing board or a hearing has been held thereon, if the hearing board finds it necessary, the hearing board shall file its decision with its clerk, who shall give notice of such filing to the parties or their attorneys. Notice of decision

24368.3. The decision shall become effective 30 days after it is filed unless: Effective date

(a) A rehearing is granted by the hearing board.

(b) The hearing board orders that it be made effective sooner.

24368.4. Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure. Except as otherwise provided in this section, any such petition shall be filed within 30 days after the last day on which reconsideration can be ordered. The right to petition shall not be affected by the failure to seek reconsideration before the hearing board. The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the hearing board and shall be delivered to the petitioner within 30 days after a request therefor by him, upon payment of the fee specified in Section 69950 Judicial review

of the Government Code, as now or hereinafter amended, for the transcript, the cost of preparation of other portions of the record, and for certification thereof. The complete record includes the pleadings, all notices and orders issued by the hearing board, any proposed decision by the hearing board, the final decision, a transcript of all proceedings, the exhibits admitted or rejected, the written evidence and any other papers in the case. Where petitioner, within 10 days after the last day on which reconsideration can be ordered, requests the hearing board to prepare all of any part of the record, the time within which a petition may be filed shall be extended until five days after its delivery to him. The hearing board may file with the court the original of any document in the record in lieu of a copy thereof.

Evidence

24368.5. In any proceeding pursuant to Section 24368.4, the court shall receive in evidence any order, rule or regulation of the board, any transcript of the proceedings before the hearing board, and such further evidence as the court in its discretion deems proper.

Injunction proceedings

24368.6. A proceeding for mandatory or prohibitory injunction shall be brought by the district in the name of the people of the State of California in the superior court of the county in which the violation occurs to enjoin any person to whom an order for abatement pursuant to Section 24368 has been directed and who violates such order.

Procedure requirements

24368.7. Proceedings under Section 24368.6 shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that it shall not be necessary to show lack of adequate remedy at law or to show irreparable damage or loss. In any such proceeding, if it shall be shown that an order for abatement has been made, that it has become final, and that its operation has not been stayed, it shall be sufficient proof to warrant the granting of a preliminary injunction. If in addition it shall be shown that the respondent continues or threatens to continue to violate such order for abatement, it shall be sufficient proof to warrant the immediate granting of a temporary restraining order.

CHAPTER 1123

An act to amend Section 55804 of the Water Code, relating to county waterworks districts.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 55804 of the Water Code is amended to read:

55804. The petition, which may consist of any number of separate instruments, shall set forth and describe the bound-

aries of the proposed addition, and pray that the land within the boundaries be added to the district. It shall also contain a general description of the improvements necessary for supplying the inhabitants of the territory with water.

If the petition be signed by all of the owners of property within the area proposed to be added to the district as such owners are shown upon the last equalized assessment roll, an election need not be held on the matter and the board, after the hearing has been held, may enter an order upon its minutes declaring the new territory added to the district.

CHAPTER 1124

An act to amend Section 61103 of the Government Code, relating to formation of community services districts.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 61103 of the Government Code is amended to read:

61103. The petition for formation shall be signed by at least 25 percent of the qualified signers, representing 25 percent of the value of the land included within the proposed district boundaries, as such value is shown on the last equalized assessment roll of the county. "Qualified signer," as used herein, means the owner in fee, or purchaser under written agreement to buy, of land situated within the limits of the district proposed to be formed.

CHAPTER 1125

An act to amend Section 7071.5 of the Business and Professions Code, relating to contractors.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 7071.5 of the Business and Professions Code is amended to read:

7071.5. If application for a license, or for restoration or renewal of a license, is made by any person whose license has been suspended or revoked as a result of disciplinary action for violation of this chapter, or is made by any copartnership, association or corporation whose license has been suspended or revoked as a result of disciplinary action for violation of this

chapter, or by any person who may have been associated with such copartnership, association or corporation, the board shall require as a condition precedent to the issuance of a license to such applicant, or removal of suspension, that such applicant file or have on file with the registrar a bond issued by an admitted surety insurer in a sum to be fixed by the board based upon the magnitude of the operations of the applicant, but which sum shall not be less than two thousand dollars ($2,000) nor more than ten thousand dollars ($10,000), running to the State of California and conditioned upon his compliance with all the provisions of this chapter, or in lieu thereof that such applicant or licensee post with the registrar a cash deposit in an amount based upon the magnitude of the operations of the applicant but of a sum of not less than two thousand dollars ($2,000) nor more than ten thousand dollars ($10,000).

Every person injured as a result of a violation of this chapter by such contractor may bring an action in a proper court on the bond required to be posted by the contractor under the preceding paragraph, or a claim against the cash deposit for the amount of the damage he suffered as a result thereof to the extent covered by the bond or the cash deposit.

The claim of any employee of the contractor for wages shall be a preferred claim against any bond or cash deposit required by rule of the board.

The determination of the validity and priority of any such claim for wages shall be based upon a finding of fact made by the registrar in accordance with the provisions of Article 7, Section 7090 to 7120 of the chapter.

If any bond or cash deposit which may be required is insufficient to pay all claims for wages in full, the sum recovered shall be distributed among all claimants for wages in proportion to the amount of their respective claims. The partial payment of such claims shall not be considered as full payment and claimants may file for the completion of payment of any unpaid balance as otherwise provided, and the registrar may continue suspension or revocation of any license involved until such time as such claim or claims are satisfied in full.

Such bond or cash deposit shall remain in force and with the registrar for a period of one year and during such additional time as there may be unsatisfied claims outstanding against the same.

The failure of a licensee to maintain in full force and effect the bond or cash deposit required by this section shall result in the automatic suspension of his license, which shall not be reinstated until a new bond has been filed.

Any reference by a contractor in his advertising, soliciting, or other presentments to the public to any bond required to be filed pursuant to this chapter is a ground for the suspension of the license of such contractor.

Each licensee shall be required to file only one bond of the type described in this section.

Any honored claim against the bond or cash deposit shall constitute grounds for disciplinary action against such contractor. The board shall require the contractor to file a new bond in an amount not to exceed ten thousand dollars ($10,000).

Nothing contained in this section shall apply to a person or firm whose license has been suspended or revoked pursuant to Section 7124.1 or for a failure to comply with Section 7083.

CHAPTER 1126

An act to add Section 61602 to the Government Code, relating to community services districts.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 61602 is added to the Government Code, to read:

61602. The district may divest itself of any power provided in Section 61600 in the same manner as it may acquire such a power pursuant to Section 61601.

CHAPTER 1127

An act to amend Section 1 of Chapter 2165 of the Statutes of 1957, relating to recreation and park districts.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 2165 of the Statutes of 1957 is amended to read:

Section 1. Articles 1 (commencing at Section 5400), 2 (commencing at Section 5431), 4 (commencing at Section 5630), and 5 (commencing at Section 5680) of Chapter 3, Division 5 of the Public Resources Code are repealed.

Notwithstanding the repeal of Articles 1, 2, 4 and 5 of Chapter 3 of Division 5 effectuated by this act, the organization, existence, or powers of any district heretofore created by, or organized pursuant to any of the provisions of the articles which are repealed shall remain unaffected by such repeal, and any such district shall continue to exist and may exercise any of the powers conferred upon it by the statute under which is was formed. No district shall be created or organized pursuant to said articles, after the effective date of this act.

At any time before January 1, 1962, any district heretofore created or organized pursuant to said articles may elect to come under the provisions of Chapter 4 (commencing at Section 5780) and shall, by resolution of the governing body of a district with an elected board of directors, or by resolution of the supervising authority of a district with an appointed board of directors, certify to the Secretary of State that the district has elected to conform to the provisions of Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code, but, unless some other provision for the selection of the governing board is prescribed by legislation enacted by the Legislature at the 1961 Regular Session and pursuant to such legislation a different governing board is selected, the method of selection of the governing board of a district reorganized pursuant to this statute shall continue to be the same method as that by which the board was selected before the passage of this statute.

By January 1, 1962, any district organized previous to the effective date of this chapter, which has not elected to come under the provisions of Chapter 4 (commencing at Section 5780) shall automatically be considered as organized and operating under Chapter 4.

CHAPTER 1128

An act to amend Section 2353 of the Fish and Game Code, relating to importation of fish and game.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 2353 of the Fish and Game Code is amended to read:

2353. No birds, mammals, fish, or amphibia may be brought into this State unless legally taken and, if taken under the authority of a sport fishing or hunting license, legally possessed outside of this State and a declaration is made at the time of entry with the nearest judge of a justice court or notary public, or any state or federal agency designated by the department.

Such declaration shall be in a form prescribed by the department. One copy shall be carried by the person bringing in the birds, mammals, fish, or amphibia while they are in his possession and one copy shall be left on file with the person or agency before whom the declaration is made.

Birds, mammals, fish, or amphibia legally taken and, if taken under the authority of a sport fishing or hunting license, legally possessed outside this State may be imported into this State without such a declaration if the shipment is handled by a common carrier under a bill of lading or as supplies carried

into this State by common carriers for use as food for the passengers.

The commission shall not modify the provisions of this section by any regulation which would prohibit the importation of lawfully killed migratory game birds taken in any other state or country and transported into this State pursuant to the migratory bird regulations adopted annually by the Secretary of the Interior.

CHAPTER 1129

An act to amend Sections 11942 and 12871 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 11942 of the Public Utilities Code is amended to read:

11942. With the consent of the board, the treasurer may: Powers of treasurer

(a) Authorize the trust department of any state or national bank, or a trust company authorized to act as such, to receive as his agent deposits of any securities acquired by the district.

(b) Place and maintain for safekeeping as a trust deposit with the trust department of any state or national bank, or a trust company authorized to act as such, any securities owned by the district.

The bank or trust company selected shall have a total paid-in capital of at least one million dollars ($1,000,000). The treasurer shall take from the trust department or trust company a receipt for the securities, and neither the treasurer nor the district is responsible for the custody and safe return of the securities until they are withdrawn from the trust department or trust company by the treasurer. Any trust department or trust company to which securities are delivered, either as agent or depositary for the treasurer, shall make such disposition of the securities as the treasurer directs and is responsible only for strict compliance with written instructions given to it by the treasurer. All such securities are at all times subject to the order of the treasurer.

SEC. 2. Section 12871 of said code is amended to read:

12871. A district may invest any surplus money in its treasury, including money in any sinking fund, in any of the following: Investment of surplus moneys

(a) Its own bonds, whether issued on behalf of the entire district or any special district.

(b) Treasury notes, certificates of indebtedness, bills, bonds of the United States, or any other evidence of indebtedness secured by the full faith and credit of the United States.

(c) Obligations issued pursuant to the Federal Home Loan Bank Act or the National Housing Act.

(d) Treasury notes or bonds of this State, or of any public corporation, municipal corporation, public district, or political subdivision within this State which are legal as security for the deposit of public funds.

(e) Obligations issued by federal intermediate credit banks, federal land banks, and banks for co-operatives.

CHAPTER 1130

An act to amend Section 1336 of the Financial Code, relating to nondepartmental banks.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1336 of the Financial Code is amended to read:

1336. A nondepartmental bank shall not invest an amount exceeding 10 percent of its capital and surplus in the securities of any one obligor or maker, except:

(a) Obligations of the United States and those for which the faith and credit of the United States are pledged for the payment of principal and interest;

(b) Bonds, consolidated bonds, collateral trust debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended; in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for co-operatives established under the Farm Credit Act of 1933, as amended; in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act; in stocks, bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act, as amended; and in the bonds of any federal home loan bank established under said act; and

(c) Obligations of the State of California and those for which the credit of the State of California is pledged for the payment of principal and interest.

CHAPTER 1131

An act to amend Section 4458 of the Health and Safety Code, relating to sewer wells.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 4458 of the Health and Safety Code is amended to read:

4458. No person shall construct, maintain or use any sewer well extending to or into a subterranean water-bearing stratum that is used or intended to be used as, or is suitable for, a source of water supply for domestic purposes, except that where a regional water pollution control board finds that water quality considerations do not preclude controlled recharge of such stratum by direct injection, water reclaimed from sewage may be injected by a well into such stratum after a public hearing and a finding by the State Board of Public Health that the proposed recharge will not impair the quality of water in the receiving aquifer as a source of water supply for domestic purposes. Said board may make and enforce such regulations pertaining thereto as it deems proper. Nothing in this section shall be construed to affect the authority of the State Water Pollution Control Board or regional water pollution control boards to prescribe and enforce requirements for such discharge.

"Sewer well" as used in this section includes all of the following:

(a) Any hole dug or drilled into the ground, and intended for use as a water supply, which has been abandoned and is being used for the disposal of sewage.

(b) Any hole dug or drilled into the ground, used or intended to be used for the disposal of sewage.

CHAPTER 1132

An act to amend Sections 1690, 1702, 1704, 1705, 1707, 1709, 1713, 1721, 1750 and 1751 of, and to repeal Sections 1703 and 1715 of, the Insurance Code, relating to the licensing of life agents.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1690 of the Insurance Code is amended to read:

1690. An applicant for a license to act as any type of life licensee is not eligible for a certificate of convenience pending examination if he has ever before been licensed to act as any type of life licensee, nor unless at least one appointing insurer certifies to the commissioner that such applicant is enrolled in and will pursue a course of study and instruction previously approved by the commissioner and given by or on behalf of such insurer.

Certificate of convenience pending examination

Before approving such course of study and instruction, the commissioner shall be satisfied that it meets all of the following requirements:

Course of study and instruction

(a) That it covers the fundamentals of the life and disability business, life business or disability business, as the

case may be, and gives instruction designed to protect the insuring public.

(b) That it includes further instruction commensurate with the type of business in which the applicant is to engage.

(c) That it contains a system of written progress checks whereby it can be determined whether the applicant is taking the course and obtaining information or training. A record of such progress checks must be kept on file for a period of two years in this State.

SEC. 2. Section 1702 of said code is amended to read:

License issuance

1702. All licenses issued pursuant to this chapter shall be issued to the holder thereof, except that a license to act as an insurance solicitor shall be issued to his employing agent or broker.

SEC. 3. Section 1703 of said code is repealed.

SEC. 4. Section 1704 of said code is amended to read:

Insurer's statement

1704. When an applicant for a life and disability, life only, or disability only license is not at the time of filing of his application the holder of a life agent's license to act in the capacity for which the license is sought, he shall file with his application a statement by a duly authorized representative of an insurer which he seeks to represent, setting forth the following:

(a) The applicant is known to him.

(b) The applicant has had experience or instruction in the classes of insurance, the transaction of which is authorized by the license sought, or will be given the necessary instruction within 30 days after the issuance of such license.

(c) The nature of any business other than insurance in which the applicant is engaged and the name under which such business is conducted.

(d) The applicant is of good reputation.

(e) The applicant is worthy of a license.

SEC. 5. Section 1705 of said code is amended to read:

Exclusion

1705 The provisions of Section 1704 do not apply to a holder of a license to act as a life agent who desires to transact for other insurers a class or classes of insurance which he is entitled to transact for an insurer under any existing life agent's license.

Such holder may represent as a life agent an additional insurer by the filing with the commissioner of a notice of appointment of the agent executed by the insurer, or its authorized representative, admitted to transact life or disability insurance in this State. The appointment shall by its terms continue in force until:

Notice of appointment

(a) The termination of the license applied for; or

(b) The filing of a notice of termination by the insurer, its representative, or by the life agent.

Additional notices of appointment may be filed by other insurers before such license is issued or thereafter as long as the license remains in force.

The provisions of Section 1714 shall apply to life agents and their licenses and the term "insurance agent" or "insurance agent's" as used therein shall include life agent or life agent's, respectively,

A notice of termination of appointment filed pursuant to this section shall not terminate the license if one or more other effective notices of appointment are on file.

SEC. 6. Section 1707 of said code is amended to read:

Filing of notices, etc.

1707. Each notice of appointment or notice of termination filed by an insurer pursuant to this article shall be filed in triplicate on forms prescribed by the commissioner. The commissioner shall retain one copy thereof in his files, forward one copy thereof to the life agent, insurance agent or travel insurance agent whose appointment is effected or terminated, and return one copy thereof to the insurer or insurer's representative filing either such notice.

SEC 7. Section 1709 of said code is amended to read:

Surrender of license for cancellation

1709. The employing insurance agent or broker may at any time surrender to the commissioner for cancellation any license under which any employee of his acts as an insurance solicitor.

SEC. 8 Section 1713 of said code is amended to read:

Termination of appointment

1713. Upon the termination of all appointments of a natural person licensed as a life agent or as an insurance agent by insurers or upon the termination of the employment of an insurance solicitor by an insurance agent or insurance broker, or upon the termination of a license to act as a life agent, such license shall be returned by its lawful custodian to the commissioner for cancellation. If unable to return the license such custodian shall furnish evidence of loss or destruction satisfactory to the commissioner who shall thereupon cancel the license and shall enter the cancellation in his records.

The provisions of this section are subject to the provisions of Section 1714.

SEC. 9. Section 1715 of said code is repealed.

SEC. 10. Section 1721 of said code is amended to read:

License term

1721. Any application for license to act as a life licensee, issued pursuant to this chapter, may, at the option of the applicant, be for a license year or term ending next June 30th if the applicant has held no such license during any portion of the preceding or current two-year license term provided for in Section 1717. The fee for filing such an application shall be the amount specified for one license year. Except as hereinafter limited, an application for renewal of such a license may, at the election of the licensee, be for periods of one license year ending with June 30th, at the appropriate fee for such shorter periods. If such license be first issued in a license year which commenced with the July 1st of an even-numbered year, two such renewals for a period of one license year may be made, otherwise only one such renewal may be made.

Application for renewal

SEC. 11. Section 1750 of said code is amended to read:

Filing fee

1750. The commissioner shall require in advance as a fee for filing application for the hereinafter designated licenses, renewals thereof, or changes in outstanding licenses, an amount calculated as set forth herein. The fee is determined by multiplying the number of natural persons to be licensed or to be named on or added to the license by the amounts specified as to each such license multiplied by the number of license years in the period of the license applied for or the remaining period of an existing license counting any initial fractional license year of such period as one year for such purpose, as follows:

(a) Insurance agent, four dollars ($4).

(b) Insurance broker, ten dollars ($10).

(c) Insurance solicitor, four dollars ($4).

(d) Life agent, resident, four dollars ($4).

(e) Life agent, nonresident:

(1) In the case of an applicant residing within 50 miles of the border of the State of California whose normal operations would include the transaction of insurance on both sides of that border, four dollars ($4).

(2) In all other cases, ten dollars ($10).

SEC. 12. Section 1751 of said code is amended to read:

Document fees

1751. The commissioner shall require in advance as a fee for filing the following documents:

(a) Application for registration of change in membership of a copartnership licensed as:

(1) Insurance agent, four dollars ($4).

(2) Insurance broker, ten dollars ($10).

(3) Life agent, resident, four dollars ($4).

(4) Life agent, nonresident:

(A) In the case of a licensee maintaining an office within 50 miles of the border of the State of California whose normal operation would include the transaction of insurance on both sides of that border, four dollars ($4).

(B) In all other cases, ten dollars ($10).

(b) Application for endorsement removing from any life agent's, insurance agent's or insurance broker's license issued to an organization the name of any natural person named thereon, one dollar ($1).

(c) First amendment to an application, one dollar ($1).

(d) Application to be given the qualifying examination for a license of a fire and casualty licensee, five dollars ($5) for each person to be examined.

(e) Application to be given the qualifying examination for a license of a life licensee, three dollars ($3) for each person to be examined.

Applicability of provisions

SEC. 13. This act shall be applicable to all life agents licenses issued, or to be issued, for license terms or license years commencing on or after July 1, 1963, and to all matters pertaining thereto.

CHAPTER 1133

An act to repeal Section 13739.1 of the Education Code and to amend Section 13592 of the Education Code, relating to the employment of classified school employees.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 13739.1 of the Education Code is repealed. Repeal

SEC. 2. Section 13592 of the Education Code is amended to read:

13592. (a) Notwithstanding any other provisions of law, no minimum or maximum age limits shall be established for the employment or continuance in employment of persons a part of the classified service. Employment and age limits

(b) Any person possessing all of the minimum qualifications for any employment shall be eligible for appointment to that employment, and no rule or policy, either written or unwritten, heretofore or hereafter adopted, shall prohibit the employment or continued employment, solely because of the age of any such person in any school employment who is otherwise qualified therefor.

(c) This section does not authorize the employment of any person in particular school employment who has reached the retirement age for that particular employment prescribed by any retirement system applicable thereto, whether or not the person is a member of the retirement system, or entitled to a retirement salary thereunder, nor shall any person be employed in such employment while he is receiving a retirement allowance under any retirement system by reason of prior school employment.

(d) The provisions of subdivision (c) shall be inapplicable to persons who were employed in the classified service of any school district as of September 18, 1959, and who are still in the employ of the same district on the effective date of this subdivision, and the rights of such persons shall be fixed and determined as of September 18, 1959; and no such person shall be deprived of any right to any retirement allowance or eligibility for any such allowance to which he would have been entitled as of that date. Any such person who, by reason of any provision of law to the contrary, has been deprived of any right to retirement allowance or eligibility for such an allowance, shall, upon the filing of application therefor, be reinstated to such rights as he would have had had this subdivision been in effect on September 18, 1959.

(e) This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter, except that in a school district or districts, governed

by the same governing board, in which the combined average daily attendance of all districts is in excess of 400,000, the permanent classification of any employee who is classified as a permanent employee under the provisions of Article 5 (commencing with Section 13701) of this chapter shall cease at the close of the fiscal year in which the employee reaches the age of 65 years. In such district or districts the employment, or continued employment of any employee beyond the close of the fiscal year in which he reaches the age of 65 years shall be at the discretion of the governing board of the district, which may, at its pleasure, terminate the services of such employee at any time. Employment beyond age 65 in such districts shall be in accordance with rules and regulations governing such employment approved by the personnel commission, and adopted by the governing board of the district.

CHAPTER 1134

An act to amend Sections 817, 17609, 17610, 18055, 19417, 19418, 19505, 19580, 20504, 20801, 20951, 21001, 21301, and 21814 of, to add Section 21755.1 to, and to repeal Sections 17603, 17652, and 20603 of, the Education Code, relating to schools.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 817 of the Education Code is amended to read:

Contracts with county clerk or registrar of voters

817. Whenever by this code the county superintendent of schools is authorized or required to prepare for, hold or conduct any election in or for any public school district, such county superintendent may contract with the county clerk, or with the registrar of voters if such office has been established in the county, for the performance under the supervision of such county superintendent of any or all of the duties incident to the preparation for and holding of such.

The governing board of a school district may contract with the county clerk, or with the registrar of voters if such office has been established in the county, for the performance under the supervision of the governing board of any or all duties incident to the holding or conducting of an election in the district for the issuance and sale of bonds of the district pursuant to Section 21701.

Repeal

SEC. 2. Section 17603 of said code is repealed.

SEC. 3. Section 17609 of said code is amended to read:

School districts defined

17609. For the purposes of computation of allowances and apportionments from the State School Fund, under effective sections of this code, each elementary school district as defined

by Section 17608, high school district and junior college district merged or otherwise included within a unified school district shall be deemed a separate and independent district, but all apportionments from the State School Fund on account of any district merged or otherwise included within a unified school district shall be made to the unified school district and shall be available for expenditure by the unified school district for all schools and classes of the district.

SEC. 4. Section 17610 of said code is amended to read:

High school attendance

17610. For the purposes of computation of allowances and apportionments from the State School Fund, whenever computations of apportionments based on average daily attendance are made for high school districts only the attendance in all classes of grades 9 to 12, inclusive, and in all types of ungraded classes, including classes for adults, which have been reported as attached to, or as a part of, a school which maintains any of grades 9 to 12, inclusive, shall be included.

SEC. 5 Section 17652 of said code is repealed.

SEC. 6. Section 18055 of said code is amended to read:

Transportation allowance

18055. (a) He shall allow to each elementary school district, high school district, and junior college district, except as to any to which subsections (b), (c) and (d) of this section or Section 18057 is applicable, which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the district for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than two cents ($0.02) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than eight cents ($0.08) of the computed tax rate less two cents ($0.02) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of eight cents ($0.08).

(b) He shall allow to each high school district maintaining a junior college, or maintaining 13th and 14th grades, except as to any to which Section 18057 is applicable, which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than three cents ($0.03) he shall allow to the district (1) 50 percent of

the amount which would be produced by not more than twelve cents ($0.12) of the computed tax rate less three cents ($0.03) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of twelve cents ($0.12).

(c) He shall allow to each elementary school district which is not a part of a high school district and which during the preceding fiscal year provided for the transportation of pupils to the elementary schools of the district and to one or more high schools in other districts an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment role of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents ($0.04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than sixteen cents ($0.16) of the computed tax rate less four cents ($0.04) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of sixteen cents ($0.16).

If an elementary district which is not a part of a high school district provides only for the transportation of pupils to a high school, an amount shall be computed as provided in subdivision (a) of this section.

(d) He shall allow to each high school district not a part of any junior college district which during the preceding fiscal year provided for the transportation of pupils to the high schools of the district and pupils attending junior colleges maintained by other districts an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents ($0.04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than sixteen cents ($0.16) of the computed tax rate less four cents ($0.04) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of sixteen cents ($0.16).

If a high school district which is not a part of a junior college district provides only for the transportation of pupils to a junior college, an amount shall be computed as provided in subdivision (a) of this section.

SEC. 7. Section 19417 of said code is amended to read:

Legal proceedings affecting conditional apportionment

19417. If, after a conditional apportionment has been made to a school district, legal proceedings initiated prior or subsequent to the making of such conditional apportionment prevent the taking, within the period during which the conditional apportionment remains effective under Section 19414, of the actions necessary to permit the conditional apportionment to become final, the conditional apportionment shall nevertheless remain effective for a period of nine months from the date upon which such legal proceedings are finally determined. The amount of the apportionment may be diminished by the board after a second investigation at which the board shall determine whether conditions existing at the time it approved the project for which apportionment was made have so changed that the needs of the district are less than originally determined and if so the conditional apportionment shall be reduced by a corresponding amount.

SEC. 8. Section 19418 of said code is amended to read:

Additional apportionments

19418. With respect to any apportionment made to a school district prior to the effective date of the amendment of Section 19407 made by Chapter 16 of the Statutes of 1950 (Third Extraordinary Session), the board may, on the application of the governing board of said district make additional apportionments to the school district for the purchase of such furniture as is authorized by Section 19407. An apportionment made under this section shall be final if the original apportionment has become final; otherwise it shall become final if and when the original apportionment becomes final.

All provisions of this chapter (Sections 19104 to 19186, inclusive) shall apply to apportionments made under this section, except Sections 19414, 19422, 19423, and 19426, exclusive of the second paragraph of said Section 19426, and such other provisions as may relate to applications and eligibility for apportionments.

SEC. 9. Section 19505 of said code is amended to read:

Moneys in Public Building Loan Fund

19505. All money deposited in the Public School Building Loan Fund under Sections 19436, 19453, 19454, and 19455 as added by Chapter 922 of the Statutes of 1949, and as subsequently amended, shall be available only for transfer to the General Fund, as provided in Section 19504. When transferred to the General Fund, such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds.

SEC. 10. Section 19580 of said code is amended to read:

Legal proceedings affecting conditional apportionment

19580. If, after a conditional apportionment has been made to a school district, legal proceedings initiated prior or subsequent to the making of such conditional apportionment prevent the taking, within the period during which the conditional apportionment remains effective under Section 19571, of the

actions necessary to permit the conditional apportionment to become final, the conditional apportionment shall nevertheless remain effective for a period of nine months from the date upon which such legal proceedings are finally determined. The amount of the apportionment may be diminished by the board after a second investigation at which the board shall determine whether conditions existing at the time it approved the project for which apportionment was made have so changed that the needs of the district are less than originally determined, and if so, the conditional apportionment shall be reduced by a corresponding amount.

SEC. 11. Section 20504 of said code is amended to read:

Publication budget

20504. Except in districts where no district tax is levied and in elementary districts employing but one teacher, the publication budget for the ensuing school year to which it is intended to apply, showing the functions and objects of expenditure, cash balances, and all the appropriations from the State as required to be tabulated in Sections 20601-20602 of this code for the ensuing and last preceding fiscal year, and the district tax requirement for the school year to which the publication budget is intended to apply and for the last preceding school year, shall be published by the county superintendent of schools at least once in a newspaper of general circulation published within the district, or if there is no such newspaper, then in any newspaper of general circulation in the district, prior to its adoption. The cost of the publication shall be a proper and legal charge against the school district or districts for which the publication is made, and shall not exceed the rate fixed by the board of supervisors for official advertising. Publication shall be made during the last week in July of each year, and shall contain a notice that a public hearing will be held before the governing board of the school district, in a schoolhouse in the district, or in some other place conveniently accessible to the residents of the district, during the first week of August, at which any taxpayer in the district may appear and object to the proposed budget or any item of the budget. The hearing may be concluded on such publication budget when there are no requests on file for further hearing. The budget shall not be finally adopted by the governing board of the district until after the public hearing has been held. In the case of a school district or districts in which the average daily attendance of all said districts combined is in excess of 200,000, governed by the same governing board, the public hearing during the first week of August need not be held if there has been at least one public meeting on the publication budget prior to the first week of August, at which public meeting any changes proposed to be made in the publication budget for the final budget shall have been presented.

Repeal

SEC. 12. Section 20603 of said code is repealed.

SEC. 13. Section 20804 of said code is amended to read:

20804. Any such increase in tax rates shall remain in effect only for the period specified on the ballot, if such period was specified by the governing board. Effective period

SEC. 14. Section 20951 of said code is amended to read:

20951. The total amount budgeted as the proposed expenditure of the school district for each major classification of school district expenditures listed in the school district budget forms prescribed by the Superintendent of Public Instruction shall be the maximum amount which may be expended for that classification of expenditures for the school year. Transfers may be made from the undistributed reserve to any expenditure classification or between expenditure classifications at any time by written resolution of the board of education of any school district governed by a board of education, when filed with the county superintendent of schools and the county auditor, or by written resolution of the board of trustees of any school district not governed by a board of education, when approved by the county superintendent of schools and filed with the county auditor. A resolution providing for the transfer from the undistributed reserve to any expenditure classification must be approved by a two-thirds vote of the members of the governing board; a resolution providing for the transfer between expenditure classifications must be approved by a majority of the members of the governing board Nothing in this section shall be construed as affecting the provisions of Sections 20803 and 20804. Total to be expended

SEC. 15. Section 21001 of said code is amended to read:

21001. All income accruing to the school district in excess of the amounts required to finance the total proposed expenditures, including transfers to other school districts and funds, as shown in the budget of the school district shall be added to the general reserve of the school district, and shall not be available for appropriation by the school district for the current fiscal year except by the following procedure. The governing board of the school district shall, by formal action of the board, pass a resolution setting forth the need according to major classification of school district expenditures to be met from any portion of the general reserve derived from assured income in excess of the total amount anticipated in the budget. The resolution shall be submitted to the county superintendent of schools If the resolution is approved by the county superintendent of schools it shall, if it involves a sum in excess of one thousand dollars ($1,000), be published in the same manner as the budget of the school district concerned is published. Upon the approval of the resolution and, where its publication is required, following its publication, the amount named in the resolution shall be appropriated to the major classification or classifications from the general reserve as set forth in the resolution. Excess income. Resolution of need. Publication of resolution.

The county superintendent of schools shall approve any resolution for the appropriation of income provided from state or federal sources for emergency needs of the school district

to the extent that such income was not anticipated in the budget of the school district.

Nothing in this section shall be construed to authorize the appropriation for current year purposes of income which would deplete the general reserve for the next succeeding fiscal year as provided in the budget of the school district.

On the first day of July of each year, the general reserve together with unexpended balances of appropriations and income in excess of anticipated income for the preceding fiscal year shall be placed to the credit of the school district, and the school district shall include all money so credited in the balance shown in the budget for the ensuing fiscal year.

SEC. 16. Section 21301 of said code is amended to read:

Revolving cash fund

21301. The governing board of any school district may, with the consent of the county superintendent of schools, establish a revolving cash fund for the use of the chief accounting officer of the district, by adopting a resolution setting forth the necessity for the revolving cash fund, the officer for whom and the purposes for which the revolving cash fund shall be available, and the amount of the fund. The amount of the fund shall not be more than 1 percent of the district's estimated expenditures for the current fiscal year and shall not in any event exceed five thousand dollars ($5,000) for any elementary school district, high school, or junior college district; ten thousand dollars ($10,000) for any unified district of elementary and high school levels, and fifteen thousand dollars ($15,000) for any unified district of elementary, high school, and junior college levels. Three certified copies of the resolution shall be transmitted to the county superintendent of schools. If he approves the establishment of the fund, the county superintendent shall endorse his consent on the resolution and return one copy to the governing body of the district, and transmit one copy to the county auditor.

SEC. 17. Section 21755.1 is added to said code, to read:

Absentee ballots

21755.1. The provisions of the Elections Code for absentee ballots shall apply. Absentee ballots must be returned and received on or before the sixth day after the election in order to be counted.

SEC. 18. Section 21814 of said code is amended to read:

Bond brochures

21814. The issuing school district by action of its governing board may prepare, or have prepared, bond brochures to serve as a prospectus for bond buyers to assist in the satisfactory sale of the bonds, the expense of such brochures to be payable out of the funds of the district. Such brochures may be prepared only after the issuance of the bonds to be sold has been approved by the electors of the district pursuant to Sections 21701 to 21757, inclusive.

Advertising

The issuing school district by action of its governing board may expend district funds for the purposes of advertising the availability of the bonds for purchase in any publication or newspaper which in the opinion of the governing board will

give notice to prospective bond buyers that the bonds are available for purchase by bond buyers.

CHAPTER 1135

An act to amend the article heading of Article 1 (commencing with Section 21701) of Chapter 7 of Division 16, to amend Sections 21752, 21753, 21851, 21951, and to amend and renumber Sections 21759, 21801, 21802, 21803, 21804, 21804.1, 21805, and 21759, of the Education Code, relating to school district bonds.

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 1 (commencing with Section 21701) of Chapter 7, Division 16 of the Education Code is amended to read:

Article 1. Purposes for Which School District Bonds May Be Authorized; Authority for Elections; General Limitations on Bonded Indebtedness; Validation of School District Bonding

SEC. 2. Section 21752 of said code is amended to read:

21752. The notice shall contain:

Contents of notice

(a) The election precincts, if any, established for the election and the time and place, or places, of holding the election.

(b) The names of the officers of the election appointed to conduct the election.

(c) The hours during the day which the polls will be open.

(d) The purposes for which the bonds are to be issued.

(e) The amount of the bonds.

(f) The maximum rate of interest, not to exceed 5 percent.

(g) The maximum number of years, not exceeding 25, not to exceed which the bonds, or any series thereof, are to run.

If the election is consolidated with any other election, the notice need not set forth the precincts, place or places of holding the election, or the names of the officers appointed to conduct the election, but may instead state that the precincts, place or places of holding the election and officers appointed to conduct the election shall be the same as those provided for such other election within the territory affected by the consolidation and set forth in the ordinance, order, resolution or notice calling, providing for or giving notice of such other election, and reference shall be made to such ordinance, order, resolution or notice by number and title or date of adoption, or by date or proposed date of publication and the name of the newspaper in which publication has been or will be made, or by any other definite description.

Consolidation with other elections

Any election called pursuant to Sections 21701 and 21702, and Sections 21704 to 21800, inclusive, and Sections 21806 to 22152, inclusive, may be consolidated with any other election

pursuant to the provisions of Chapter 4 of Part 2 of Division 11 of the Elections Code. In such event the provisions of law governing such other election with respect to the manner of marking ballots shall also apply to the election called pursuant to Sections 21701 and 21702, and Sections 21704 to 21800, inclusive, and Sections 21806 to 22152, inclusive.

SEC. 3. Section 21753 of said code is amended to read:

Conduct of election

21753. The election shall be conducted as elections for school trustees of elementary school districts, except as otherwise provided in Sections 21701 and 21702, and Sections 21704 to 21800, inclusive, and Sections 21806 to 22152, inclusive. The election shall be held at the place or places designated by the governing board of the district. The polls shall be kept open only during the hours specified in the notice of the bond election. The polls shall not be opened before 6 o'clock a.m. nor kept open later than 8 o'clock p.m., and shall be kept open for not less than four hours.

Polls

SEC. 4. Section 21759 of said code is amended and renumbered to read:

Validation action

21708. At any time after the certification to the board of supervisors, the issuance and sale of the bonds, or the ordering of the improvement or acquisition, the governing board of the school district may bring an action in the superior court of the county whose superintendent has jurisdiction over the district to determine the validity of the proceedings and bonds.

Proceeding in rem

Such an action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some newspaper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the action. Jurisdiction shall be complete within 10 days after the publication of summons in the manner provided herein. Anyone interested may at any time before the expiration of said 10 days appear and by proper proceedings contest the validity of such proceedings and bond issue or uphold the same. The action shall be speedily tried and judgment rendered declaring the matter so contested either valid or invalid. Either party shall have the right to appeal to the Supreme Court at any time within 30 days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. The motion for a new trial of any such action must be heard and determined within 10 days from the filing of the notice of intention to move for a new trial. The court hearing the action, in inquiring into the regularity, legality or correctness of the proceedings and of the contract made or proposed to be made, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said action or proceeding. All rules of pleadings and practice provided by the Code of Civil Procedure are applicable to such action. All costs of such actions may be allowed and apportioned between the parties or

Rules of pleading and practice

taxed to the losing party in the discretion of the court. If the validity of the proceedings or bond issue is sustained, the validity of such proceedings or issue shall not thereafter be contested in any action, suit or proceeding, and the judgment entered in the action herein provided for shall be conclusive evidence of the validity of such bond issue and of all proceedings prior thereto. In such action, all findings, conclusions and determinations of the legislative body which conducted the proceedings shall be conclusive in the absence of actual fraud.

SEC 5 Section 21801 of said code is amended and renumbered to read:

Total amount of bonds issuable

21702. The total amount of bonds issued shall not exceed 5 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located.

SEC. 6. Section 21802 of said code is amended and renumbered to read:

Total amount of bonds issuable

21703. Any unified school district maintaining a junior college may issue bonds not to exceed 15 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located Any unified school district not maintaining a junior college may issue bonds not to exceed 10 percent of the taxable property of the district as shown by such equalized assessment.

For the purposes of Sections 19401 to 19486, inclusive, and Sections 19551 to 19689, inclusive, only, any unified school district shall be considered to have a bonding capacity in the amount permitted by law for an elementary school district, a bonding capacity in the amount permitted by law for a high school district, and if the district maintains a junior college, a bonding capacity in the amount permitted by law for a junior college district. Any unified district, if otherwise eligible, may receive an apportionment for elementary school purposes alone, for high school purposes alone, for junior college purposes alone, or for any combination of such purposes.

Outstanding bonded indebtedness

In computing the outstanding bonded indebtedness of any unified school district for all purposes of this section, any outstanding bonds shall be deemed to have been issued for elementary school purposes, high school purposes and junior college purposes, respectively, in the respective amounts that the proceeds of the sale of such outstanding bonds, excluding any premium and accrued interest received on said sale, were or have been allocated by the governing board of such unified school district to each of said purposes respectively.

SEC. 7 Section 21803 of said code is amended and renumbered to read:

Computing the limitation of indebtedness

21704. In computing the limitation of indebtedness of any school district of any kind or class heretofore or hereafter formed or organized, hereinafter in this section referred to as the "bonding school district," the outstanding indebtedness of any previously existing district all or any part of which forms a component part of such bonding school district

and the outstanding indebtedness of any school district for which any territory which has become a part of such bonding school district is liable shall be excluded and shall not be deemed, for the purposes of computing the limitation of indebtedness under Section 21702 or 21703, to constitute outstanding indebtedness of such bonding school district, except to the extent that such outstanding indebtedness has been expressly assumed by such bonding school district by vote of not less than two-thirds of the electors of such bonding school district voting at an election at which the proposition of assuming such indebtedness is voted upon. Nothing herein contained shall operate to release any property from liability for taxes to pay the principal and interest of indebtedness incurred by any component district or for which any territory which has become a part of such bonding school district is liable and in which such taxable property is located at the time of the incurring of such indebtedness. It is the intent of the Legislature to provide in this section a special method of computing the limitation of indebtedness of school districts irrespective of liability of the area embraced within such school districts for the payment of any bonded indebtedness.

SEC. 8. Section 21804 of said code is amended and renumbered to read:

Liability of other districts, etc.

21705. For the purpose of determining the limitation of indebtedness of a school district of any type or class under Section 21702 or 21703, that portion of the bonded indebtedness of the district for which another school district or territory in another district is liable shall be excluded and shall not be deemed to constitute outstanding bonded indebtedness of the district.

SEC. 9. Section 21804.1 of said code is amended and renumbered to read:

Bond issuance limitation adjustment

21706. Where an elementary school district and a high school district with a combined average daily attendance of 300,000 or more are governed by the same governing board, and the students in grades seven and eight in the districts are in attendance at high schools maintained by the high school district, the governing board, by resolution filed with the county auditor, may provide that the bond issuance limitations determined under Section 21702 shall be adjusted by reducing the bond issuance limitation of the elementary school district by 1 percent of its total and by augmenting the bond issuance limitation for the high school district by the amount by which that of the elementary district was reduced.

SEC. 10. Section 21805 of said code is amended and renumbered to read:

Bond issuance limitation

21707. Any high school district maintaining a junior college may issue bonds not to exceed 10 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located.

For the purposes of Sections 19401 to 19486, inclusive, and Sections 19551 to 19689, inclusive, only, any high school dis-

trict maintaining a junior college, shall be considered to have a bonding capacity in the amount permitted by law for a high school district, and a bonding capacity in the amount permitted by law for a junior college district. Any high school district maintaining a junior college if otherwise eligible may receive an apportionment for high school purposes alone, for junior college purposes alone, or for any combination of such purposes.

Outstanding bonded indebtedness

In computing the outstanding bonded indebtedness of any high school district maintaining a junior college for all purposes of this section, any outstanding bonds shall be deemed to have been issued for high school purposes and junior college purposes, respectively, in the respective amounts that the proceeds of the sale of such outstanding bonds, excluding any premium and accrued interest received on said sale, were or have been allocated by the governing board of such high school district maintaining a junior college to each of said purposes respectively.

SEC. 11. Section 21851 of said code is amended to read:

Form of bonds

21851. Whenever under the provisions of Sections 21701 and 21702, and Sections 21704 to 21800, inclusive, and Sections 21806 to 22152, inclusive, any bonds are issued, the bonds may be issued either in the form of coupon bonds, or in the form of registered bonds, or some in the form of coupon bonds and some in the form of registered bonds, as may be provided in the proceedings for the issuance of the bonds, and notwithstanding any language or provision to the contrary contained in any statute authorizing the issuance of the bonds, or in any other law.

SEC. 12. Section 21951 of said code is amended to read:

Petition for cancellation of bonds

21951. If any bonds authorized under the provisions of Sections 21701 and 21702, and Sections 21704 to 21800, inclusive, and Sections 21806 to 22152, inclusive have not been offered for sale for one year from the date of their issuance or remain unsold for a period of six months after having been offered for sale in the manner prescribed by the board of supervisors, the governing board of the district, for which the bonds were issued, may petition the board of supervisors to whom the proceedings were certified to cause the unsold bonds to be canceled.

CHAPTER 1136

An act to amend Section 5008.5 of the Public Resources Code, relating to state parks.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 5008.5 of the Public Resources Code is amended to read:

5008.5. Whenever the chief of the division or officer or employee of the division designated as a peace officer pursuant to Section 5008 arrests any person for violation of any state park regulation, for violation of any Division of Small Craft Harbors regulation, for violation of any Commission of Small Craft Harbors regulation, for violation of Section 267 of the Harbors and Navigation Code, or for trespass, when such offenses are committed within the state park system he may in his descretion forthwith release the arrested person from custody in the manner and under the conditions set forth in this section.

Unless an immediate appearance before a magistrate is demanded by such person, the arresting officer, upon production of satisfactory evidence of identity, may take the name and address of the person arrested and, if he believes such promise will be kept, may allow the person to sign a written promise to appear at a time and before a magistrate therein specified. The arresting officer shall deliver a copy of the promise to the person making it, and shall release him from custody. The magistrate specified in the promise shall be the magistrate of the court having jurisdiction of the particular offense for which the arrest was made. The time specified shall not be more than 30 days from and after the date of the arrest.

Any person who willfully violates his promise given in accordance with this section is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested. A promise to appear may be complied with by an appearance by counsel.

CHAPTER 1137

An act to amend Section 6616 of the Streets and Highways Code, relating to actions to foreclose bond liens.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 6616 of the Streets and Highways Code is amended to read:

6616. The plaintiff in the action may also recover the actual cost of any abstract or report of search of title procured in good faith, in order to determine ownership, if it is made by a reputable abstractor or title company, and the actual cost of the same does not exceed thirty dollars ($30) per lot, if the abstract or report of search with an affidavit of payment is filed in the action.

CHAPTER 1138

An act to amend Sections 17052 and 17101 of the Education Code, relating to school cafeterias.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 17052 of the Education Code is amended to read:

17052 The cafeteria fund shall be used only for such expenditures as are necessary for the operation of school cafeterias. However, when the average daily attendance of a school district or of two or more school districts governed by governing boards of identical personnel is 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding fiscal year, the governing board may make expenditures from the cafeteria fund for the lease or purchase of vending machines.

Cafeteria fund

SEC. 2. Section 17101 of said code is amended to read:

17101. The cost of housing and equipping cafeterias is a charge against the funds of the school district. However, when the average daily attendance of a school district or of two or more school districts governed by governing boards of identical personnel is 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding year, the governing board may make the cost of the lease or purchase of vending machines a charge against cafeteria funds. The governing board of a school district may by resolution make the cost of maintenance of the physical plant used in connection with cafeterias, the cost of replacement of equipment, and the cost of telephone charges, water, electricity, gas, coal, wood, fuel oil, and garbage disposal a charge against the funds of the school district.

Cost of housing and equipping cafeterias

CHAPTER 1139

An act to add Chapter 14 (commencing with Section 25200) to Division 18 of the Education Code, relating to state colleges.

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Chapter 14 (commencing with Section 25200) is added to Division 18 of the Education Code, to read:

CHAPTER 14. STATE COLLEGE CONTRACT LAW

Article 1. General Provisions

25200 This chapter may be cited as the State College Contract Law.

Short title

Definitions

25201. As used in this chapter:

(a) Project" includes the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind which will exceed in cost a total of five thousand dollars ($5,000).

(b) "Trustees" means the Trustees of the California State Colleges.

Exception

25202. Contracts for the purchase of supplies or materials, which are purchased through the Bureau of Purchases of the Department of Finance, are not subject to this chapter, even though the seller is required to perform some incidental work or service in connection with the delivery of the material or supplies.

Same

25203. Work done directly by any public utility company pursuant to order of the Public Utilities Commission or other public authority, is not subject to this chapter, whether or not done under public supervision or paid for in whole or part out of public funds.

Control of trustees

25204. The project shall be under the sole and direct control of the trustees, pursuant to the powers and responsibilities invested in them by Chapter 3 (commencing with Section 22600) of Division 16.5 of this code.

Application of law not required

25205. Where the nature of the work in the opinion of the trustees is such that the application of all of the provisions of this chapter in connection therewith are not required, it may, with the approval of the Department of Finance, carry out the project pursuant to this section if the estimated cost does not exceed fifty thousand dollars ($50,000).

If the estimated total cost of any construction project or work carried out under this section exceeds five thousand dollars ($5,000), the trustees shall solicit bids in writing and shall award the work to the lowest responsible bidder or reject all bids. The trustees may carry out work in excess of five thousand dollars ($5,000) under the provisions of this section by day labor if they deem that the award of a contract, the acceptance of bids, or the acceptance of further bids is not in the best interests of the State, but the amount of work performed by day labor under this section shall not exceed the sum of twenty thousand dollars ($20,000).

Agreements

25206. The trustees and the Department of Public Works may enter into an agreement under which the Department of Public Works will carry out any of the functions of the trustees under this chapter, upon such terms as are mutually agreed upon.

Article 2. Plans and Specifications

Plans, specifications, etc.

25230. Before entering into any contract for a project, the trustees, pursuant to the powers invested in them by Chapter 3 (commencing with Section 22600), Division 16.5 of this code, shall cause to be prepared full, complete, and accurate plans and specifications and estimates of cost, giving such directions

as will enable any competent mechanic or other builder to carry them out.

Approval, filing

25231. The plans, specifications, and estimates of cost shall be approved by the trustees and the original draft or a certified copy filed permanently in the office of the trustees before further action is taken.

Lowest responsible bidder

25232. Work on all projects shall be done under contract awarded to the lowest responsible bidder pursuant to this chapter, except that it may be done by day's labor under the direction of the trustees:

(a) In case of emergency due to the failure of any bridge or other highway structure.

(b) In case of emergency due to damage to a building owned by the trustees or any other real property owned by the trustees or improvements located thereon, by an act of God, including but not limited to damage by storm, flood, fire or earthquake, for work and remedial measures which are required immediately.

(c) At any time after the approval of plans, specifications and estimates of cost, if the trustees deem the advertising or award of a contract, the acceptance of any bid, or the acceptance of any further bids after the rejection of all submitted bids, is not in the best interests of the State.

Informal bidding

25233. Upon the approval of the trustees the authorized employees of the trustees may, when proceeding upon the basis of day's labor, let any subdivision or unit of the work by contract upon informal bids; but such work shall be let only to a holder of a valid state contractor's license unless such work is exempt from such licensing requirement by any other provision of law.

Unit basis awards

25234. Bids may be received and contracts awarded on a unit basis, that is, the bids compared upon the basis of estimates of the quantities of the work to be done.

Estimates by trustees

25235. Except in unit basis contracts, contracts shall not be made exceeding in amount the estimates of costs approved by the trustees and plans and specifications and estimates of costs including expense of advertising and inspection, shall not be approved by the trustees requiring a greater expenditure of money than is appropriated for the specific purpose in the law authorizing the expenditure.

Bids for several projects as a single project

25236. The trustees may receive bids for the construction of several public works projects at one state college as a single project. Where more than one appropriation has been made for the several projects united as a single project under the provisions of this section, payments for the single project shall be made from the separate appropriations on such proportional basis as may be determined by the trustees and approved by the Department of Finance.

Article 3. Advertisement for Bids

Public notice

25250. When it appears from the estimates of cost that the estimated contract price of any project will not exceed

fifteen thousand dollars ($15,000), the trustees may direct that public notice to bidders be given as follows:

(a) By publication for two consecutive insertions in a weekly trades paper of general circulation, published either in Los Angeles or San Francisco, devoted primarily to the dissemination of contract news among contracting firms; and

(b) Once a week for two consecutive weeks in a newspaper of general circulation in the county in which the project is located, or, if located in more than one county in such a newspaper in a county in which a major portion of the work is to be done.

Contents of notice

25251. The notices shall state the time and place for the receiving and opening of sealed bids and describe in general terms the work to be done.

Publication

25252. When it appears that the estimated contract price will exceed fifteen thousand dollars ($15,000), public notice to bidders shall be given by publication once a week for a least two consecutive weeks, or once a week for more than two consecutive weeks if such longer period of advertising is deemed necessary by the trustees, next preceding the day set for the receiving of bids:

(a) In two trade papers of general circulation, one published in Los Angeles and one in San Francisco, devoted primarily to the dissemination of contract and building news among contracting and building material supply firms; or

(b) In the discretion of the trustees, in one newspaper of general circulation published in the county in which the major portion of the project is located, and in one such trade paper published in the county group, as defined in Section 187 of the Streets and Highways Code, in which the work is to be done.

Contents of notice

25253. The notices shall state the time and place for the receiving and opening of sealed bids and that the bids will be required for the entire project and for the performance of segregate designated parts of the entire project, when the trustees determines that segregation is advisable.

Article 4. Bids and Bidders

Questionnaires

25270. The trustees may, and on contracts the estimated cost of which exceeds fifty thousand dollars ($50,000) the trustees shall, require from prospective bidders answers to questions contained in a standard form of questionnaire and financial statement including a complete statement of the prospective bidder's financial ability and experience in performing public works. When completed, the questionnaire and financial statement shall be verified under oath by the bidder in the manner in which pleadings in civil actions are verified.

Uniform system of rating bidders

25271. The trustees shall adopt and apply a uniform system of rating bidders, on the basis of the standard questionnaires and financial statements, in respect to the size of the contracts upon which each bidder is qualified to bid.

Projects involving federal funds

25272. In all projects for road, street and bridge work where federal funds are involved and where a bidder is required to be and has been prequalified pursuant to Sections 25270 and 25271, no bid submitted or contract thereafter awarded shall be invalidated by the failure of the bidder or contractor to be properly licensed in accordance with the laws of this State, nor shall any such contractor be denied payment under any such contract because of such failure; provided, however, that the first payment for work or material under such contract shall not be made by the State Controller unless and until the Registrar of Contractors certifies to him that the records of the Contractors State License Board indicate that such contractor was or became properly licensed between the time of bid opening and the making of the certification. Any bidder or contractor not so licensed shall be subject to all legal penalties imposed by such laws, including but not limited to any appropriate disciplinary action by the Contractors State License Board, and the trustees shall include a statement to that effect in the standard form of prequalification questionnaire and financial statement.

Public records

25273. The questionnaires and financial statements are not public records and are not open to public inspection.

Standard proposal form

25274. The trustees shall furnish to each bidder a standard proposal form, which, when filled out and executed may be submitted as his bid. Bids not presented on forms so furnished shall be disregarded. The trustees shall not furnish proposal forms to any person who is required to submit and has not submitted a questionnaire and financial statement for prequalification at least five days prior to the date fixed for publicly opening sealed bids and been prequalified for at least one day prior to that date.

Sealed bids, bidder's security

25275. All bids shall be presented under sealed cover and accompanied by one of the following forms of bidder's security: cash, a cashier's check, certified check, or a bidder's bond executed by an admitted surety insurer, made payable to the trustees. The security shall be in an amount equal to at least 10 percent of the amount bid. A bid shall not be considered unless one of the forms of bidder's security is enclosed with it.

Opening of bids

25276. Whether or not bids are opened exactly at the time fixed in the public notice for opening bids, a bid shall not be received after that time.

Withdrawal of bid

25277. Any bid may be withdrawn at any time prior to the time fixed in the public notice for the opening of bids only by written request for the withdrawal of the bid filed with the trustees. The request shall be executed by the bidder or his duly authorized representative. The withdrawal of a bid does not prejudice the right of the bidder to file a new bid.

This section does not authorize the withdrawal of any bid after the time fixed in the public notice for the opening of bids.

Article 5. Award of Contracts

Public opening of bids

25290. On the day named in the public notice the trustees shall publicly open the sealed bids and award the contracts to the lowest responsible bidders.

Forfeiture of security

25291. If the successful bidder fails to execute the contract, his bidder's security shall be forfeited to the State. The cash or proceeds shall be deposited in the fund out of which the expenses of preparation and printing of the plans and specifications, estimates of cost, and publication of notice are paid.

Refusal of lowest bid

25292. If the trustees deem it is for the best interest of the State, they may, on the refusal or failure of the successful bidder to execute the contract, award it to the second lowest responsible bidder.

If the second lowest responsible bidder fails or refuses to execute the contract, the trustees may likewise award it to the third lowest responsible bidder.

On the failure or refusal of the second or third lowest bidder, to whom a contract is so awarded, to execute it, his bidder's security shall be likewise forfeited to the State.

Failure to furnish bond

25293. The failure of the successful bidder to furnish any bond required of him by law, within the time fixed for his execution of the contract, constitutes a failure to execute the contract.

Withholding of bidder's security

25294. The bidder's security of the second and third lowest responsible bidders may be withheld until the contract has been finally executed. The cash, cashier's checks and certified checks submitted by all other unsuccessful bidders shall be returned to them within 10 days after the contract is awarded, and their bidders' bonds shall be of no further effect.

Rejection of all bids

25295. If the trustees deem the acceptance of the lowest responsible bid or bids is not for the best interests of the State, they may reject all bids and proceed by day's labor or advertise for other bids in the manner required by this chapter.

Article 6. Relief of Bidders

Bidder's action

25310. A bidder shall not be relieved of his bid nor shall any change be made in his bid because of mistake, but he may bring an action against the trustees in a court of competent jurisdiction in the county in which the bids were opened for the recovery of the amount forfeited, without interest or costs.

The bond of an admitted surety insurer shall be filed with the complaint, in such sum as the court may fix, but not less than five hundred dollars ($500), conditioned that, if the plaintiff fails to recover judgment, he shall pay all costs incurred by the trustees in the suit, including a reasonable attorney's fee to be fixed by the court.

Limitations

25311. The complaint shall be filed, and summons served on the trustees, or an appearance made, within 90 days after the opening of the bid; otherwise, the action shall be dismissed.

Elements of cause of action

25312. The bidder shall establish to the satisfaction of the court that:

(a) A mistake was made.

(b) He gave the trustees written notice within five days after the opening of the bids of the mistake, specifying in the notice in detail how the mistake occurred.

(c) The mistake made the bid materially different than he intended it to be.

(d) The mistake was made in filling out the bid and not due to error in judgment or to carelessness in inspecting the site or the work, or in reading the plans or specifications.

Notice

25313. Other than the notice to the trustees, no claim is required to be filed before bringing the action.

Article 7. Contract Requirements

Trustee's attorney

25330. Every contract awarded under this chapter shall be submitted to the Attorney General or the attorney appointed according to law and authorized to represent the trustees. Such a contract is not binding on the State until the appropriate attorney finds it to be in accordance with the requirements of this chapter, and endorses such finding thereon.

A certified copy of each contract shall be filed with the Controller, but the failure so to file does not invalidate it.

Labor and material bonds

25331. Every contract shall provide for the filing of separate performance and labor and material bonds by the contractor executed by an admitted surety insurer, subject to the approval of the trustees.

Sum of bond

25332. Each bond shall be in a sum equal to at least one-half of the contract price, except as otherwise provided in Section 4202 of the Government Code.

Labor and material bond security

25333. The labor and material bond shall secure the payment of the claims of laborers, mechanics or materialmen employed on the work under the contract and shall contain all other provisions required by law.

25334. The performance bond shall guarantee the faithful performance of the contract by the contractor.

Additional surety

25335. Whenever the trustees have cause to believe that the surety has become insufficient, they may demand in writing of the contractor such further bonds or additional surety, not exceeding that originally required, as in their opinion is necessary, considering the extent of the work remaining to be done. Thereafter no payment shall be made upon such contract to the contractor or any assignee of the contractor until the further bonds or additional surety has been furnished.

Time of completion

25336. Every contract shall contain a provision in regard to the time when the whole or any specified portion of the work contemplated shall be completed, and shall provide that for each day completion is delayed beyond the specified time, the contractor shall forfeit and pay to the State a specified sum of money, to be deducted from any payments due or to become due to the contractor. A contract for a road project

may also provide for the payment of extra compensation to the contractor, as a bonus for completion prior to the specified time, such provision, if used, to be included in the specifications and to clearly set forth the basis for such payment.

Clause for changes in plans and specifications

25337. Every contract shall provide that the trustees may make changes in the plans and specifications pursuant to this chapter.

Article 8. Modifications; Performance; Payment

Change in quantities to be done

25360. The trustees may increase or decrease quantities of work to be done under a unit basis contract during the progress of the work.

Extra work

25361. The trustees may cause the insertion of provisions in any contract for the performance of such extra work and the furnishing of materials therefor by the contractor as the trustees require for the proper completion or construction of the whole work contemplated, if the bidders have equal opportunity of knowing the proposed terms for the extra work

Extension of time

25362. The trustees may grant such extensions of time for completion as they deem for the best interests of the State.

Default

25363. If the trustees deem that a contractor has failed to supply an adequate working force, or material of proper quality, or has failed in any other respect to prosecute the work with the diligence and force specified by the contract, the trustees may:

(a) After written notice of at least five days to the contractor, specifying the defaults to be remedied, provide any such labor or materials and deduct the cost from any money due or to become due to the contractor under the contract; or

(b) If the trustees consider that the failure is sufficient ground for such action, they may give written notice of at least five days to the contractor and the contractor's sureties, that if the defaults are not remedied the contractor's control over the work will be terminated.

Termination of control

25364. If the defaults are not remedied within the time specified in the notice, the contractor's control shall terminate as of the expiration of that time.

Possession of materials, tools and equipment upon default

25365. Upon such termination, the trustees may take possession of and use all or any part of the contractor's materials, tools, equipment, and appliances upon the premises to complete the contract. Thereupon, the trustees may permit the surety to complete or cause the contract work to be completed, or they may direct that all or any part of the work be completed by day's labor or by employment of other contractors on informal contracts, or both.

Informal contracts

25366. Such informal contracts may be awarded only after a proposal form has been prepared, a copy is served upon the contractor whose control has been terminated, and upon his surety, and three days allowed thereafter so that he may

cause others to bid. Any person who is prequalified therefor under Article 4 may bid on informal contracts.

Applicability of provisions

25367. The provisions of this chapter, except as to prequalifications, are not applicable to the award of informal contracts.

Completion by day's labor or informal contract

25368. If the control of a contractor is terminated or he abandons the work, and the work is performed by day's labor or informal contract as provided in Section 25365, he is not entitled to receive any portion of the amount to be paid under the contract until it is fully completed. After completion, if the unpaid balance exceeds the sum of the amount expended by the State in finishing the work, plus all damages sustained or to be sustained by the State, the excess not otherwise required by law to be retained shall be paid to the contractor, but if such sum exceeds the unpaid balance, the contractor and his surety are liable to the State for the excess. If the surety completes the contract work, as provided in Section 25365, such surety shall be subrogated to money due under the contract and to money which shall become due in the course of completion by the surety, to the extent provided by law.

Return of unused material, tools and equipment

25369. On the completion of the contract, the original contractor is entitled to the return of all his unused materials, and his equipment, tools, and appliances, except that he shall have no claim on account of usual and ordinary depreciation, loss, and wear and tear.

Notice

25370. The notices required by this article may be served on the contractor or on his agent having charge of the work, personally, or by registered mail addressed to the contractor or his agent, or, if neither can be located or their addresses are unknown, by posting in a conspicuous place upon the premises of the project.

Payments upon contracts

25371. Payments upon contracts shall be made as the trustees prescribe upon estimates made and approved by the trustees, but progress payments shall not be made in excess of 90 percent of the percentage of actual work completed plus a like percentage of the value of material delivered on the ground or stored subject to or under the control of the State, and unused. The trustees shall withhold not less than 10 percent of the contract price until final completion and acceptance of the project. However, at any time after 50 percent of the work has been completed, if the trustees find that satisfactory progress is being made, the trustees may make any of the remaining progress payments in full for actual work completed, or may withhold any amount up to 10 percent thereof as the trustees may find appropriate based on the contractor's progress. The Controller shall draw his warrants upon estimates so made and approved by the trustees and the Treasurer shall pay them.

Article 9. Offenses

Corruption

25390. Any officer or employee of the trustees who corruptly performs any official act to the injury of the State, is guilty of a felony.

Corrupt permission of violation

25391. Any contractor or his agent or employee who corruptly permits the violation of any contract awarded under this chapter to the injury of the State, is guilty of a felony.

Knowledge of violation

25392. Any subcontractor or agent or employee of any contractor or subcontractor, who has knowledge of any work being done in violation of any contract under this chapter and does no immediately notify the trustees or the inspector or resident engineer upon the project of the violation, is guilty of a felony.

Penalty

25393. Such felonies are punishable by imprisonment in the state prison for not less than one nor more than five years.

Double liability

25394. Such persons are also liable to the State for double the amount the State may have lost, or be liable to lose by reason of the acts made crimes by this article.

CHAPTER 1140

An act to add Section 8028 to, and to amend Section 8213 of, the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to proceedings at a state convention of a political party.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

NOTE: The sections of the Elections Code affected by this chapter appear in their proper places in that code, Chapter 23 of Statutes of 1961, as required by Section 9702 of the Government Code.

CHAPTER 1141

An act to add Article 11 (commencing with Section 2790), to Chapter 7 of Division 5 of the Education Code, and to add Article 5 (commencing with Section 2221) to Chapter 4 of Division 5 of the Education Code as enacted by Assembly Bill No. 463 of the 1961 Regular Session, relating to school district taxation.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Article 11 (commencing with Section 2790), is added to Chapter 7 of Division 5 of the Education Code, to read:

Article 11. Continuation of Excess Tax Rate

Excess tax rate upon boundaries becoming noncoterminous

2790. Whenever the excess tax rate authorized by the voters of a single high school district of any type at an election prior to the formation of a junior college district, the boundaries of which are coterminous with the boundaries of the high school district and which districts are governed by governing boards of identical personnel, is continued at the option of the governing boards of said districts as the maximum combined rate of both of said districts for combined high school and junior college purposes pursuant to Section 2572 of this code and the boundaries of such high school and junior college districts thereafter become noncoterminous as a result of any junior college district organization proceedings pursuant to this chapter or otherwise, such excess tax rate shall be continued at the option of the governing board of the high school district as the maximum tax rate of said district for high school purposes for a period not to exceed the period of time for which such excess tax rate was so previously authorized by the voters of the high school district and so continued pursuant to said Section 2572 of this code

SEC. 2. Article 5 (commencing with Section 2221) is added to Chapter 4 of Division 5 of the Education Code as enacted by Assembly Bill No. 463 of the 1961 Regular Session, to read:

Article 5. Continuation of Excess Tax Rate

Excess tax rate upon boundaries becoming noncoterminous

2221. Whenever the excess tax rate authorized by the voters of a single high school district of any type at an election prior to the formation of a junior college district, the boundaries of which are coterminous with the boundaries of the high school district and which districts are governed by governing boards of identical personnel, is continued at the option of the governing boards of said districts as the maximum combined rate of both of said districts for combined high school and junior college purposes pursuant to Section 1733 of this code and the boundaries of such high school and junior college districts thereafter become noncoterminous as a result of any junior college district organization proceedings pursuant to this chapter or otherwise, such excess tax rate shall be continued at the option of the governing board of the high school district as the maximum tax rate of said district for high school purposes for a period not to exceed the period of time for which such excess tax rate was so previously authorized by the voters of the high school district and so continued pursuant to said Section 1733 of this code.

Effect: Stats 1961, Ch. 836

SEC. 3. This act shall become effective only if Assembly Bill No. 1814 of the 1961 Regular Session is enacted into law; provided, further, that the addition of Article 5 to Chapter 4 of Division 5 of the Education Code as enacted by Assembly Bill No. 463 of the 1961 Regular Session, by Sec-

Effective: Assembly Bill No. 463

tion 2 of this act, shall become effective only if Assembly Bill No. 463 is enacted into law at the 1961 Regular Session, in which case it shall take effect at the same time as Assembly Bill No 463, and the addition, by Section 1 of this act, of Article 11 to Chapter 7 of Division 5 of said code, shall be of no force or effect.

CHAPTER 1142

An act to amend Section 15005 of the Education Code, relating to acquisition of school property.

In effect September 15, 1961

[Approved by Governor July 5, 1961. Filed with Secretary of State July 6, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 15005 of the Education Code is amended to read:

15005. To promote the safety of pupils, comprehensive community planning, and greater educational usefulness of school sites, the governing board of each school district, including districts governed by a city board of education if the proposed site is within two miles, measured by air line, of that point on an airport boundary which is nearest the site and excluding them if the property is not so located, before acquiring title to property for a new school site or for an addition to a present site, shall give the State Department of Education notice in writing of the proposed acquisition and shall submit any information required by the Department of Education.

Immediately after receiving notice of the proposed acquisition of property which is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, the Department of Education shall notify the California Aeronautics Commission, in writing, of the proposed acquisition. The California Aeronautics Commission shall make an investigation and report to the Department of Education within 25 days after receipt of the notice. If the California Aeronautics Commission is no longer in operation, the Department of Education shall, in lieu of notifying the commission, notify the Civil Aeronautics Authority or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the authority or other agency such information or assistance as it may desire to give.

The State Department of Education shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report and its recommendations concerning acquisition of the site. The governing board shall not acquire title to the property until the report of the State Department of Education has been received. If the report does not favor the acquisition of the property for a school site or an addition to a present school site,

the governing board shall not acquire title to the property until 30 days after the department's report is received and until the department's report has been read at a public hearing duly called after 10 days' notice published once in a newspaper of general circulation within the school district, or if there is no such newspaper, then in a newspaper of general circulation within the county in which the property is located.

CHAPTER 1143

An act to amend Section 60143 of the Water Code, relating to water replenishment districts.

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 60143 of the Water Code is amended to read:

60143. Each of the members of the board shall receive for each attendance at the meetings of the board fifty dollars ($50). No director, however, shall receive pay for more than two meetings in any calendar month.

CHAPTER 1144

An act to amend Section 16504 of the Education Code, relating to school districts.

[Approved by Governor July 5, 1961 Filed with Secretary of State July 6, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 16504 of the Education Code is amended to read:

16504. A city board of education, a high school board, the governing board of any unified district, and the governing board of any elementary school having an average daily attendance of 2,500 or more during the preceding fiscal year may purchase standard school supplies and equipment in the manner provided for the purchase of such supplies and equipment for elementary school districts governed by school trustees and having an average daily attendance of less than 2,500 during the preceding fiscal year. The governing board of a unified school district may purchase supplies and equipment listed by the county board of education as standard school supplies and equipment directly from the vendor.

CHAPTER 1145

An act to amend Section 68202 of the Government Code, relating to judges salaries.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 68202 of the Government Code is amended to read:

68202. The annual salary of each of the following judges is the amount of the salary of the Chief Justice of the Supreme Court less the amount indicated opposite the name of the office.

(a) Judge of the superior court of a county having a population of 100,000 or more, eight thousand dollars ($8,000).

(b) Judge of the superior court of a county having a population of less than 100,000, ten thousand dollars ($10,000).

(c) Judge of a municipal court in a county having a population of 250,000 or more, ten thousand dollars ($10,000).

(d) Judge of a municipal court in a county having a population of less than 250,000, twelve thousand dollars ($12,000).

For the purpose of this section, the population of any county shall be deemed to be the population figure determined pursuant to Section 68207 increased to the next highest hundred.

CHAPTER 1146

An act to amend Sections 253, 305, 308, 315, 316, 323, 326, 343, 354, 366, 368, 376, 399, 414, 415, 416, 468, 512, 513, 526, 572, 582, and 587, to amend and renumber Section 559, and to repeal Section 725.5 of, the Streets and Highways Code, relating to state highways.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 253 of the Streets and Highways Code is amended to read:

California Freeway and Expressway System

253. The California Freeway and Expressway System is hereby established and shall be composed of the following highways:

All of the Federal Interstate Highway System in California except those portions in the City and County of San Francisco described as follows:

(a) Interstate Route No. 280 from the San Mateo county line to the Golden Gate Bridge.

(b) Interstate Route No. 480 from Bay and Embarcadero Streets to the Golden Gate Bridge.

(c) Interstate Route No. 80 from Interstate Route No. 280 to State Highway Route 2.

U.S. 6 from:

(a) U.S. 99 near Los Angeles to U.S. 395 near Inyokern.

(b) U.S. 395 near Bishop to the Nevada state line.

U.S. 40 Alternate in its entirety.

U.S. 50 from Sacramento to the Nevada state line.

U.S. 60 from Route 26, the San Bernardino Freeway, to U.S. 99 near Beaumont.

U.S. 95 from U.S. 60 near Blythe to U.S. 66 near Needles.

U.S. 97 in its entirety.

U.S. 99 from:

(a) Brawley to Indio.

(b) Wheeler Ridge south of Bakersfield to Sacramento.

U.S. 99E from Roseville to Red Bluff.

U.S. 101 from:

(a) Los Angeles to south of San Jose.

(b) Route 225 in San Francisco to the San Francisco-Oakland Bay Bridge.

(c) The Golden Gate Bridge to the Oregon state line north of Crescent City.

U.S. 101 Alternate from U.S. 101 near Capistrano Beach to U.S. 101 near Oxnard.

U.S. 101 Bypass from the junction of U.S. 101 south of San Jose to the junction U.S. 101 at Alemany Boulevard in San Francisco.

U.S. 199 in its entirety.

U.S. 299 in its entirety.

U.S. 395 all of the route in California except that portion from Johnstonville to near Ravendale in Lassen County.

U.S. 399 from Ventura to Maricopa.

U.S. 466 from Route 56 north of Morro Bay to Barstow.

Route 3 from Sacramento to Route 98 near North Sacramento.

Route 5 from Hayward to Santa Cruz.

Route 9 from:

(a) Route 79 near Saticoy to Federal Aid Interstate Route 210 near San Fernando.

(b) Federal Aid Interstate Route 210 near Glendora to Route 190.

Route 10 from Route 238 near Coalinga to Sequoia National Park.

Route 11 from Route 75 to Route 53.

Route 12 from Route 286 to Route 2.

Route 13 from Route 109 to Route 23.

Route 15 from U S. 101 near Ukiah to Interstate Route 80 near Emigrant Gap.

Route 17 from Auburn to Grass Valley.

Route 19 from Federal Aid Interstate Route 5 near Santa Ana to Route 77.

Route 20 from:

(a) Redding to Lassen National Park.

(b) Route 83 near Old Station to Route 29 west of Susanville.

(c) Route 29 near Susanville to Route 73 near Ravendale.

Route 23 from U.S. 395 near Topaz Lake to U.S. 50 near Meyers.

Route 24 from:

(a) Route 4 near Lodi to San Andreas.

(b) Route 23 near Woodfords to the Nevada state line.

Route 25 from Nevada City to Route 83 near Sattley.

Route 26 from Calexico to Route 201.

Route 29 from Red Bluff to Johnstonville, except between Mineral and Morgan Springs.

Route 34 from near Ione to Route 23 near Picketts in Hope Valley.

Route 38 from Route 11 near Mays Junction to Route 37 near Truckee.

Route 40 from Route 13 to Route 23 near Mono Lake. The portion within Yosemite is not a state highway.

Route 41 from Route 138 near Mendota to General Grant National Park.

Route 43 from Newport Beach to Route 31 at Victorville except the portion on the north side of Big Bear Lake.

Route 50 from Route 90 to Route 238 near Woodland.

Route 55 from Route 5 to Route 105.

Route 56 from:

(a) U.S. 101 near Las Cruces to U.S. 101 near Pismo.

(b) U.S. 101 near San Luis Obispo to San Simeon.

(c) Carmel to the south boundary of San Francisco.

(d) U.S. 101 near Richardson Bay to near Valley Ford.

(e) Route 48 to U.S. 101 near Leggett Valley.

Route 57 from:

(a) Route 2 near Santa Maria to Route 238.

(b) Bakersfield to Route 23 near Freeman.

Route 58 from Route 238 to Route 4 near Bakersfield.

Route 59 from Route 4 near Gorman to Route 31 near Cajon Pass.

Route 62 from Route 171 near Buena Park to Federal Aid Interstate Route 210.

Route 64 from Route 2 near San Juan Capistrano to Route 26 near Indio.

Route 65 from:

(a) Route 34 near Jackson to Route 11 near Placerville.

(b) Route 18 near Mariposa to Route 125 near Oakhurst.

Route 75 from:

(a) Oakland to Route 4 near Stockton via Walnut Creek and Antioch.

(b) Route 4 near Stockton to Route 249 near Farmington.

Route 76 from Route 125 to Huntington Lake.

Route 77 from Route 78 near Temecula to Route 19 near Pomona.

Route 78 from:

(a) Route 12 to Route 198.

(b) Route 277 to Route 77 near Temecula.

Route 80 from U.S. 101 west of Santa Barbara to U.S. 101 near Zaca.

Route 82 from Route 20 near Weaverville to Route 3 near Yreka.

Route 87 from Route 21 near Wick's Corner to Route 3 near Chico.

Route 88 from Route 15 near Colusa to Route 47 near Hamilton City.

Route 89 from Route 243 south of Kelseyville to Route 15 near Upper Lake.

Route 104 from Route 1 near Cotati to near Forestville.

Route 105 from Route 56 near Half Moon Bay to Route 5 near Hayward.

Route 107 from Route 5 to Route 56 via the Dumbarton Bridge.

Route 110 from Route 75 near Brentwood to Route 249 near Waterford.

Route 114 from Route 68 to Route 2 near Ford Road.

Route 119 from Paicines to Hollister.

Route 123 from:

(a) Route 32 to Route 4 near Merced.

(b) Route 4 near Merced to Route 249.

Route 125 from Route 33 to Yosemite.

Route 126 from Route 41 near Kerman to Route 125.

Route 127 from Route 23 to Route 31 via Death Valley.

Route 132 from Route 134 near Tulare to Route 249.

Route 134 from Route 4 to Route 129.

Route 139 from Route 238 to Route 33.

Route 140 from Route 4 south of Bakersfield to Route 58.

Route 146 from Route 187 east of Brawley to Route 64 near Blythe.

Route 155 from Route 2 near Newbury Park to Route 79 near Fillmore.

Route 161 from Route 2 to Federal Aid Interstate Route 210.

Route 162 from Route 158 to Route 61.

Route 164 from Route 60 near Torrance to Route 158 near Lawndale.

Route 165 from San Pedro to Route 4 in Los Angeles.

Route 168 from south of Route 172 to Federal Aid Interstate Route 210.

Route 170 from:

(a) Route 60 to Route 158.

(b) Route 26 to Federal Aid Interstate Route 210.

Route 174 from Route 158 to Route 166.

Route 175 from Route 158 to Route 43 in Santa Ana Canyon.

Route 184 from Route 60 to Route 43.

Route 187 from:

(a) Route 146 east of Brawley to Route 26 near Brawley.

(b) Route 26 near Brawley to Route 26 near Indio via the north shore of Salton Sea.

(c) Route 64 near Palm Desert to Route 26 near Whitewater.

(d) Route 26 near Whitewater to Route 43 near Lucerne Valley via Morongo Valley.

Route 194 from Route 64 near Hemet to Route 26 near Beaumont.

Route 195 from Route 2 to Route 77.

Route 200 from Route 2 to Jamacha Road.

Route 201 from Route 26 to Route 187 east of Brawley.

Route 212 from Route 23 to near the San Bernardino County line.

Route 226 from Route 258 near San Leandro to Route 5.

Route 235 from:

(a) Route 5 in Oakland to Route 75 near Lafayette.

(b) Route 75 near Lafayette to Route 75 near Concord.

Routes 6, 8, 18, 22, 32, 39, 47, 48, 49, 51, 53, 54, 61, 66, 69, 74, 79, 83, 86, 91, 97, 99, 103, 106, 108, 109, 113, 117, 118, 122, 129, 135, 143, 151, 153, 159, 160, 167, 171, 172, 176, 179, 185, 190, 192, 193, 196, 197, 198, 205, 206, 207, 208, 210, 221, 225, 227, 228, 229, 232, 233, and 237 in their entirety and Routes 243 to and including 290 in their entirety.

SEC. 2. Section 305 of said code is amended to read:

Route 5

305. Route 5 is from:

(a) Route 56 near Santa Cruz to Route 68 near Story Road.

(b) Route 68 near San Jose to Route 4 near Stockton via Hayward.

(c) Route 68 near Oakland to the route described in subdivision (b) of this section near Hayward.

(d) Route 4 near Stockton to Route 65 near Mokelumne Hill.

SEC. 3. Section 308 of said code is amended to read:

Route 8

308. Route 8 is from Route 1 near Novato to Route 7 near Cordelia via the vicinity of Napa.

SEC. 4. Section 315 of said code is amended to read:

Route 15

315. Route 15 is from Route 56 near Fort Bragg to Route 37 near Emigrant Gap via Willits, Williams and Colusa.

SEC. 5. Section 316 of said code is amended to read:

Route 16

316. Route 16 is from Route 1 to Route 89 near Lakeport.

SEC. 6. Section 323 of said code is amended to read:

Route 23

323. Route 23 is from Los Angeles to Route 11 near Meyers via the vicinity of Antelope Valley, Independence, Bridgeport and Markleeville.

SEC. 7. Section 326 of said code is amended to read:

Route 26

326. Route 26 is from:

(a) Route 2 in Los Angeles to Calexico via the vicinity of Monterey Park, Pomona, Colton, Brawley and El Centro.

(b) A point on the highway specified in subdivision (a) of this section, approximately two miles west of Brawley, to a point on said highway approximately two and one-half miles southwest of Brawley.

SEC. 8. Section 343 of said code is amended to read:

343. Route 43 is from Newport Beach to Route 31 near Victorville, via Santa Ana Canyon, San Bernardino, Waterman Canyon, Big Bear Lake and Baldwin Lake. Route 43 includes a highway around Big Bear Lake. Route 43

SEC. 9. Section 354 of said code is amended to read:

354. Route 54 is from Route 11 near Perkins to Route 65 near Drytown. Route 54

SEC. 10. Section 366 of said code is amended to read:

366. Route 66 is from Route 238 near Mossdale to Route 13 near Oakdale via the vicinity of Manteca. Route 66

SEC. 11. Section 368 of said code is amended to read:

368. Route 68 is from Route 2 near Ford Road south of San Jose to Route 5 near Oakland. Route 68

SEC. 12. Section 376 of said code is amended to read:

376. Route 76 is from: Route 76

(a) Route 23 near Bishop to Nevada state line near Montgomery Pass.

(b) Route 23 to Camp Sabrina.

(c) Route 125 near Fresno to Huntington Lake.

SEC. 13. Section 399 of said code is amended to read:

399. Route 99 is from Route 53 near Rio Vista via Ryer Island to Route 6 near Broderick. Route 99

SEC. 14. Section 414 of said code is amended to read:

414. Route 114 is from Route 2 near Ford Road to Route 68 near Mountain View. Route 114

SEC. 15. Section 415 of said code is amended to read:

415. Route 115 is from Route 68 near San Jose to Patterson via the vicinity of Mount Hamilton. Route 115

SEC. 16. Section 416 of said code is amended to read:

416. Route 116 is from Route 5 near Santa Cruz to Route 42 near Waterman Gap. Route 116

SEC. 17. Section 468 of said code is amended to read:

468. Route 168 is from Route 60 near Long Beach to Route 9 near Pasadena. Route 168

SEC. 18. Section 512 of said code is amended to read:

512. Route 212 is from the Nevada state line in Pahrump Valley to Route 23, near Freeman. Route 212

SEC. 19. Section 513 of said code is amended to read:

513. Route 213 is from a point on Route 4 near the northerly city limits of San Fernando to a point on Route 4 near the southerly city limits of San Fernando, approximately paralleling but not coinciding with Route 4. Route 213

This route will cease to be a state highway when the commission relinquishes that portion of the present Route 4 in the City of San Fernando upon the relocation of Route 4 outside of the City of San Fernando.

SEC. 20. Section 526 of said code is amended to read:

526. Route 226 is from: Route 226

(a) Route 105 in San Leandro to Route 69 in Oakland near Seventh and Harrison Streets via Alameda and the vicinity of the Oakland International Airport.

(b) Route 69 near Castro Street in Oakland to Route 5.

SEC. 21. Section 559 of said code is amended and renumbered to read:

Route 239

539. Route 239 is from the junction of Routes 68 and 69 in San Jose to Route 56 near Daly City.

SEC. 22. Section 572 of said code is amended to read:

Route 272

572. Route 272 is from Route 19 near City of Industry to Route 240 near Route 26 and Pomona.

SEC. 23. Section 582 of said code is amended to read:

Route 282

582. Route 282 is from:

(a) Route 281 near United States Naval Auxiliary Air Station, Brown Field, to Route 198 near La Mesa.

(b) Route 198 near La Mesa to Route 278.

SEC. 24. Section 587 of said code is amended to read:

Route 287

587. Route 287 is from the junction of Routes 5 and 56 via the beach area in Santa Cruz to Route 56 west of the San Lorenzo River.

Repeal

SEC. 25. Section 725.5 of said code is repealed.

CHAPTER 1147

An act to amend Section 1500 of the Fish and Game Code, relating to exchange or sale of certain described state-owned lands

In effect September 15, 1961

[Approved by Governor July 6, 1961 Filed with Secretary of State July 7, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 1500 of the Fish and Game Code is amended to read:

1500. The department may, with the approval of the commission and the Department of Finance, exchange any portion of the property lying within the boundaries of any area or range referred to in this section for any property within or contiguous to such area or range or may sell any portion of the property within such boundaries and with the proceeds thereof acquire any property within or contiguous to such area or range; provided, that no exchange or sale of property authorized in this section shall materially reduce the total area of any range or area referred to in this section. A copy of each deed of conveyance executed and delivered by the department, and of each deed conveying lands to the State, pursuant to this section shall be delivered to the State Lands Commission.

The provisions of this section apply to all of the following:

(a) The Doyle Deer Winter Range, consisting of thirteen thousand five hundred two (13,502) acres, more or less, located in Lassen County.

(b) The Tehama Deer Winter Range, consisting of forty-two thousand eight hundred ninety-six (42,896) acres, more or less, located in Tehama County.

(c) The Honey Lake Waterfowl Management Area, consisting of four thousand eight hundred nineteen (4,819) acres, more or less, located in Lassen County.

(d) The Imperial Waterfowl Management Area, consisting of seven thousand six hundred nine (7,609) acres, more or less, located in Imperial County.

(e) The Mendota Waterfowl Management Area, consisting of nine thousand ninety (9,090) acres, more or less, located in the County of Fresno.

CHAPTER 1148

An act to add Section 190.1 to the Streets and Highways Code, relating to allocation of funds for grade separation projects.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 190.1 is added to the Streets and Highways Code, to read:

190.1. Mathilda Avenue, which is part of Route 114 in the City of Sunnyvale, is hereby declared to be a city street within the meaning of Sections 189 and 190, and is eligible for an allocation of funds for grade separation pursuant to Section 190.

The Legislature hereby finds and declares that although Mathilda Avenue is presently a portion of Route 114, the commission has approved an alternate routing, the department has commenced acquisition of the property necessary for the right-of-way along the new route, and Mathilda Avenue will be returned to the City of Sunnyvale within a few years. Because of the heavy traffic congestion at the intersection of Mathilda Avenue and the Southern Pacific Company's railroad tracks, it is necessary that Mathilda Avenue be eligible for a grade separation allocation as soon as possible.

CHAPTER 1149

An act to amend Sections 35785 and 35790 of the Vehicle Code, relating to overload permits.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 35785 of the Vehicle Code is amended to read:

35785. (a) The axle weight limitations imposed in Sections 35550 and 35551 shall not apply to the transportation of a

Permit for certain single saw logs

single saw log which does not exceed 8 feet in diameter and 21 feet in length or 6 feet in diameter and 33 feet in length, if such log is hauled on a combination of vehicles consisting of a three-axle truck and a two-axle pole trailer under permit issued by the Department of Public Works or by local authorities with respect to highways under their respective jurisdictions. Such permit may be granted for not more than thirty (30) days and may be revocable upon notice by the department or local authorities, as the case may be. (b) When so transported, the vehicle shall not be operated over any bridge or causeway at a speed of more than 15 miles per hour or on the highway at more than 25 miles per hour, on routes designated in the permit. Diameter measurements of the logs shall be made on the large end.

SEC. 2. Section 35790 of said code is amended to read:

Special permits for overwidth trailer coaches

35790. (a) The State Department of Public Works or local authorities with respect to highways under their respective jurisdictions may upon application in writing and if good cause appears issue a special permit in writing authorizing the applicant to move a trailer coach in excess of the maximum width but not exceeding 10 feet in width, exclusive of lights and devices provided for in Sections 35112, 35109, and 35110, upon any highway under the jurisdiction of the party granting such permit.

(b) A public agency in the exercise of its discretion in granting permits for the movement of overwidth trailer coaches, and in considering the individual circumstances of each case, may use merchandising or relocation of residence as a basis for movement for good cause.

(c) The application for any permit shall specifically describe the trailer coach to be moved and the particular highways over which the permit to operate is requested, and whether the permit is requested for a single trip or for continuous operation.

(d) The State Department of Public Works or local authority is authorized to establish seasonal or other time limitations within which the trailer coach described may be moved on the highways indicated, and may require an undertaking or other security as may be deemed necessary to protect the highways and bridges from injury or to provide indemnity for any injury resulting from the operation.

(e) Permits for the movement of trailer coaches as provided for in this section may not be issued except to licensed manufacturers, dealers and transporters and only under the following conditions:

1. The power unit used to tow overwidth trailers must be a three-quarter-ton truck or tractor, or a truck or tractor of greater power, equipped with dual wheels.

2. The trailer coach for which the permit is issued shall not have a gross weight in excess of 18,000 pounds.

3. A permit which has been issued for the movement of a trailer coach shall not be valid between sunset and sunrise of the following day, nor between sunset on Friday to sunrise on

Monday following, nor on any days declared to be legal holidays by the State.

(f) The Department of Public Works shall have the authority to establish additional reasonable permit regulations as they may deem necessary in the interest of public safety, which regulations shall be consistent with this section.

(g) Every permit shall be carried in the trailer coach to which it refers and shall be open to inspection of any peace officer or traffic officer, any authorized agent of the Department of Public Works or any other officer or employee charged with the care and protection of the highways.

(h) It is a misdemeanor for any person to violate any of the terms or conditions of any such special permit.

(i) To the extent that the application of this section to highways which are a part of the National System of Interstate and Defense Highways (as referred to in subdivision (a) of Section 108 of the Federal-aid Highway Act of 1956) would cause this State to be deprived of any federal funds for highway purposes, this section to such extent shall not be applicable to highways which are a part of such system.

CHAPTER 1150

An act to amend Sections 6300, 6301, 6302, 6303, 6304, 6305, 6306, 7180, and 7850 of the Fish and Game Code, relating to amphibia and turtles.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 6300 of the Fish and Game Code is amended to read:

6300. This chapter applies to all fish and amphibia including but not limited to fish and amphibia being imported or transported. Application

SEC. 2. Section 6301 of said code is amended to read:

6301. The department is authorized to enter at any time any car, warehouse, depot, ship, or growing area where any fish, amphibia, or aquatic plants are held or stored, for the purpose of making an examination to ascertain whether such fish, amphibia, or aquatic plants are infected, diseased, or parasitized. Authorization to examine

SEC. 3. Section 6302 of said code is amended to read:

6302. All fish, amphibia, or aquatic plants found to be infected, diseased, or parasitized are a public nuisance and shall be summarily destroyed by the department. Destruction of public nuisance

SEC. 4. Section 6303 of said code is amended to read:

6303. All fish, amphibia, or aquatic plants which the department determines are merely deleterious to fish, amphibia, Deleterious fish and aquatic life

aquatic plants, or aquatic animal life, shall be destroyed by the department, unless the owner or person in charge of the fish, amphibia, or aquatic plants ships them out of the State within a period of time to be specified by the department.

SEC. 5. Section 6304 of said code is amended to read:

Posting of notices

6304. If the department finds any infected, diseased, or parasitized fish, amphibia, or aquatic plants within this State, the department shall post notices describing, as nearly as possible, the boundaries of the area within which the fish, amphibia, or aquatic plants are found, and shall state the period during which the taking, carrying, and transportation of the fish, amphibia, or aquatic plants from the area shall be unlawful. The fact of posting the notices shall be published once a week for four successive weeks in some newspaper of general circulation in the county in which the infected area is situated, and, if there is no such newspaper in that county, then in a newspaper of general circulation published in an adjoining county.

SEC. 6. Section 6305 of said code is amended to read:

Carrying infected, etc., aquatic life

6305. It is unlawful to carry or cause to be carried from one point in this State which has been posted according to the provisions of this article, to any other point in this State, any infected, diseased, or parasitized fish, amphibia, or aquatic plant.

SEC. 7. Section 6306 of said code is amended to read:

Expense of examination

6306. The expense of any examination made necessary by the provisions of this code, shall be borne by the owner of the fish, amphibia, or aquatic plants, or the person or persons importing them into this State; provided, that the department may assume such expense in the case of fish imported to provide fishing under the authority of a sport fishing license in the public waters of this State.

SEC. 8. Section 7180 of said code is amended to read:

Taking of fish on Colorado River

7180. Any person taking fish or amphibia for purposes other than profit from or on a boat or other floating device on the waters of the Colorado River and on adjacent waters where that river forms a mutual boundary between the States of Arizona and California, shall have in his possession a valid sport fishing license issued by either the State of Arizona or State of California.

In addition to either of the licenses, a person taking fish or amphibia as indicated shall have in his possession a Colorado River special use stamp. If he is a person having in his possession a valid California sport fishing license he shall have an Arizona special use stamp to fish legally the waters described above. If he is a person having in his possession a valid Arizona sport fishing license, he shall have a California special use stamp to fish legally the waters described above.

A special use stamp, when accompanied by the proper license, will allow fishing in any portion of such waters, and permit fishermen to enter the waters from any point.

The fee for a Colorado River special use stamp is two dollars ($2).

SEC 9. Section 7850 of said code is amended to read:

Commercial fishing license

7850 Every person who uses or operates or assists in using or operating any boat, net, trap, line, or other appliance to take fish or amphibia for profit, or who brings or causes fish or amphibia to be brought ashore at any point in the State for the purpose of selling them in a fresh state, shall procure a commercial fishing license.

"Person"

As used in this section, "person" does not include partnership, corporation, or association. Nothing, however, in this section prohibits any person, partnership, corporation, or association from paying for a license issued to any person.

This article does not apply to the taking, transporting, or selling of live fresh-water fish for bait purposes by the holder of a live fresh-water bait fish license.

CHAPTER 1151

An act to amend Section 2803 of the Vehicle Code, relating to oversized vehicles.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 2803 of the Vehicle Code is amended to read:

2803. If the traffic officer determines that the vehicle is not safely loaded or that the height, width, length, or weight is unlawful, he may require the driver to stop in a suitable place and reload or remove such portion of the load as may be necessary to render the load safe or to reduce it to the limits permitted under this code. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator.

If the height, width or length of the vehicle is unlawful, irrespective of any load thereon, or if an unladen vehicle is overweight, the traffic officer may prohibit further movement of the vehicle until a permit is obtained as provided in Section 35780.

CHAPTER 1152

An act to amend Section 4210 of the Business and Professions Code and Section 23108 of the Vehicle Code, relating to dangerous drugs.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION. 1. Section 4210 of the Business and Professions Code is amended to read:

Definitions

4210. Definitions of terms in this article apply to this article only, except as expressly provided for in this or other codes.

SEC. 2. Section 23108 of the Vehicle Code is amended to read:

Driving a vehicle under the influence of a dangerous drug

23108. Any person who, while knowingly under the influence of any dangerous drug, other than a narcotic, to a degree which renders him incapable of safely driving a vehicle, drives a vehicle and when so driving does any act forbidden by law or neglects any duty imposed by law in the driving of such vehicle, which act or neglect proximately causes bodily injury to any person other than himself is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not less than 90 days nor more than one year or by fine of not less than two hundred dollars ($200) nor more than five thousand dollars ($5,000) or by both such fine and imprisonment.

Any person who commits any of the acts specified in this section, while under the influence of any dangerous drug, other than a narcotic, to a degree which renders him incapable of safely driving a vehicle, shall be presumed to have knowledge that he is under the influence of such drug. This presumption may be rebutted.

For the purposes of this section, "dangerous drug" means any drug now or hereafter listed in Section 4211 of the Business and Professions Code, which by its nature or use renders a person incapable of safely operating a vehicle.

CHAPTER 1153

An act to add Section 1265 to the Military and Veterans Code, relating to county property.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1265 is added to the Military and Veterans Code, to read:

1265. The board of supervisors of any county may sell real property contiguous to an existing cemetery which it acquired for the purposes of Section 1262 to the owners of a private cemetery upon terms and conditions mutually agreed upon, but which shall require the buyers to use such property exclusively for the burial of veterans or widows of veterans. Sections 25524 to 25537 of the Government Code do not apply to a sale made pursuant to this section.

CHAPTER 1154

An act to amend Section 435 of the Streets and Highways Code, relating to state highways.

[Approved by Governor July 6, 1961 Filed with Secretary of State July 7, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 435 of the Streets and Highways Code is amended to read:

435. Route 135 is from:

(a) The junction of Route 33 and Route 139 near Wasco to Route 4 near Selma.

CHAPTER 1155

An act to add Section 439 to the Government Code, relating to the State Flag.

[Approved by Governor July 6, 1961 Filed with Secretary of State July 7, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 439 is added to the Government Code, to read:

439. The Adjutant General shall, by regulation, prescribe rules regarding the times, places, and manner in which the State Flag may be displayed. He shall, periodically, compile the laws and regulations regarding the State Flag. Copies of the compilation shall be printed and made available to the public at cost by the Department of Finance.

CHAPTER 1156

An act to add Section 345.1 to the Water Code, relating to state water resources development.

[Approved by Governor July 6, 1961 Filed with Secretary of State July 7, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 345.1 is added to the Water Code, to read:

345.1. The department shall submit to the Legislature copies of all plans on recreation development associated with state-constructed water projects prepared pursuant to Section 345. Such reports shall include comments and recommenda-

tions of the Department of Fish and Game and the Department of Natural Resources.

CHAPTER 1157

An act to add Article 4 (commencing with Section 53500) to Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, relating to the pledge and use of revenues to pay and secure general obligation bonds of local agencies.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 53500) is added to Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code to read:

Article 4. Pledge and Use of Revenues to Pay and Secure General Obligation Bonds

Definitions

53500. As used in this article:

(a) "Local agency" means county, city, city and county, public district, or other public or municipal corporation.

(b) "General obligation bonds" means bonds, warrants, notes or other evidence of indebtedness of a local agency payable, both principal and interest, from the proceeds of ad valorem taxes or ad valorem assessments which may be levied without limitation as to rate or amount upon property in the local agency subject to taxation or assessment.

(c) "Legislative body" means the legislative body of the local agency as defined in Section 53000.

(d) "Revenue-producing facility" means an improvement, works, system or facility furnishing or providing services or products for which the local agency is authorized to impose a charge.

(e) "Pledge" means pledge, assign, place a charge upon and place a lien upon.

Application

53501. This article applies to all local agencies which have the power to issue general obligation bonds to acquire, construct or finance a revenue-producing facility.

Pledging of revenues

53502. In any ordinance, resolution, order or indenture providing for the issuance of general obligation bonds of a local agency to provide funds for the acquisition, construction or financing of a revenue producing facility or any addition to, or extension or improvement of a revenue-producing facility, the legislative body of the local agency may pledge all or any part of the revenues of such facility to the payment or security of such general obligation bonds and the interest

thereon in such manner and upon such terms as the legislative body may deem advisable.

Same Ordinances

53503. In connection with such pledge the legislative body may provide in such ordinance, resolution, order or indenture such covenants, promises, restrictions and provisions as it may deem necessary or desirable including, but not limited to, covenants, promises, restrictions and provisions relating to the use of bond proceeds, the maintenance, operation and preservation of such facility, the rates and charges to be established and collected for the services or products furnished or provided by such facility, the incurring of additional indebtedness payable from such revenues, and the establishment, maintenance and use of reserve funds, sinking funds, interest and redemption funds, maintenance and operation funds and other special funds for the payment or security of the bonds and the interest thereon. In connection with such pledge and in connection with such covenants, promises, restrictions and provisions the legislative body shall have, but shall not be limited to, the powers specified in the Revenue Bond Law of 1941 (Chapter 6 of this part).

Applicability of other laws, etc

53504. The pledge and the payment and security provisions authorized by this article shall be in addition to, and not in derogation of, any provisions permitted or required by law, charter or the Constitution of the State of California relating to payment of general obligation bonds from the proceeds of ad valorem taxes or ad valorem assessments and relating to the levy and collection of such taxes or assessments.

Statement of intent

53505. If the legislative body intends to exercise the powers granted by this article it shall make a statement of such intention in any ordinance, resolution or order calling or providing for an election to authorize the general obligation bonds for a revenue producing facility. Such statement may be general only or it may give such detail as the legislative body may deem proper. If any such statement is made, the ordinance, resolution, order or indenture providing for the issuance of such bonds shall be substantially in accord with such statement.

CHAPTER 1158

An act authorizing the Division of Beaches and Parks to exchange property belonging to the State for other property in the County of Monterey.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. The Division of Beaches and Parks of the De partment of Natural Resources is authorized to convey to Mrs. Beryl Adams all right, title and interest of the State in and

to certain real property situated in Asilomar, Pacific Grove, County of Monterey, in exchange for and upon there being conveyed to the State by Mrs. Beryl Adams all of her right, title and interest in certain real property situated in Pacific Grove Acres, County of Monterey.

The state lands authorized to be conveyed by this act are more particularly described as follows:

Beginning at a point which bears N. 79° 52′ E., 15.05 feet, from the westerly terminus of Course (1) of Parcel II as described in deed from Vera R. Chapman to Richard L. Adams and Beryl Adams, his wife, dated April 26, 1950, and recorded May 4, 1950, in Volume 1214, Official Records of Monterey County, California, at Page 508; running thence along Course (1) of Parcel II and Course (5) of Parcel I described in said deed

(1) N. 79° 52′ E., 196.71 feet; thence leaving said Course (5) of Parcel I

(2) S. 10° 08′ E., 9.70 feet; thence

(3) S. 79° 52′ W., 185.20 feet; thence

(4) N. 60° 00′ W., 15.05 feet, to the point of beginning and containing 1,852 square feet, more or less, and being a portion of Asilomar.

The real property to be conveyed to the State by Mrs. Beryl Adams in exchange for these state lands is more particularly described as follows:

Beginning at the westerly terminus of Course (1) of Parcel II as described in deed from Vera R. Chapman to Richard L. Adams and Beryl Adams, his wife, dated April 26, 1950, and recorded May 4, 1950, in Volume 1214, Official Records of Monterey County, California, at Page 508; running thence along Course (2) of said Parcel II

(1) N. 60° 00′ W., 227.75 feet; thence

(2) North, 11.20 feet, along Course (3) of said Parcel II; thence leaving said Course (3) and running parallel with and 9.70 feet northerly, measured at right angles from the herein described Course (1)

(3) S. 60° 00′ E., 244.86 feet, to an intersection with Course (1) of said Parcel II; thence along said line

(4) S. 79° 52′ E., 15.05 feet, to the point of beginning and containing 2294 square feet, more or less, and being a portion of Block 330.

The Division of Beaches and Parks shall require, as a condition to the exchange of such real property, that Mrs. Beryl Adams, or her successors, administrators, executors, or assigns, bear the expense of preparation of the necessary deeds and the expense of constructing a new fence on the new boundary line between her property and the Asilomar Beach State Park, such fence to be substantially the same as the existing fence on such boundary line.

CHAPTER 1159

An act to authorize the exchange by the Department of Natural Resources with the Forest Service, United States Department of Agriculture, of certain lands within the Grover Hot Springs State Park for lands of approximate equal value adjacent to said state park.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. In order to acquire lands for state park purposes for the use and enjoyment of the public in extension of an existing state park, the Department of Natural Resources is authorized to exchange with the Forest Service, United States Department of Agriculture, any portion of the following described lands in the Grover Hot Springs State Park for lands of approximate equal value, as determined by the Department of Natural Resources, adjacent to said state park for purposes of consolidating and rounding out state holdings for proper development and use by the public:

The SW ¼ of the SE ¼, Section 13;
The NE ¼ of the NW ¼; the NW ¼ of the SW ¼, Section 23;
The N ½ of the NE ¼, Section 24;
Township 10 North, Range 19 East, MDBM;
The SE ¼ of the SW ¼, Section 18;
The NE ¼ of the NW ¼, Section 19;
Township 10 North, Range 20 East MDBM,
Containing 280 acres more or less.

In making the exchange the Department of Natural Resources may comply with the provisions of federal statutes controlling the Forest Service in such disposition of national forest lands. A copy of each deed of conveyance executed and delivered by the Department of Natural Resources and of each deed conveying lands to the State pursuant to this act shall be delivered to the State Lands Commission.

CHAPTER 1160

An act to amend Section 10004 of the Financial Code, relating to savings and loan associations.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 10004 of the Financial Code is amended to read:

10004. Each of the following sections of Part 1 of this division, and every section of each of the following articles and

chapters of Part 1 of this division is incorporated into and made a portion of this part: Article 1 of Chapter 1; Sections 5050, 5051, 5052, 5053, 5054, 5060, 5061, 5062, 5063, 5064, 5066, 5067, 5068, 5069, 5070, 5071; Chapter 2; Sections 5501, 5502, 5506, 5507, 5508, 5509, 5510, 5511, 5512, 5513, 5514; Article 2 of Chapter 3; Sections 5600, 5601, 5602, 5603, 5605, 5606, 5607, 5608, 5609, 5610, 5611, 5612; Article 4 of Chapter 3, Chapter 4; Chapter 6; Sections 6463, 6704, 7100, 7101, 7152, 7153, 7154, 7155, 7156, 7172, 7177, 7178, 7179, 7180, 7181, 7182, 7183; Article 3 of Chapter 10; Article 4 of Chapter 10; Sections 7400, 7401, 7402, 7403, 7404, 7607, 7608, 7654, 7655; Article 3 of Chapter 12; Chapter 13; Sections 8702, 8703, 8705, 8706, 8707, 8708, 8709, 8710, 8711, 8712, 8713, 8714, 8715; Article 2 of Chapter 16; Article 3 of Chapter 16; Chapter 17; Chapter 18; Chapter 19.

CHAPTER 1161

An act to repeal Section 1025 of the Streets and Highways Code, relating to labor claims in county road districts.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1025 of the Streets and Highways Code is repealed.

CHAPTER 1162

An act to amend Section 26310 of the Vehicle Code, relating to compressed airbrake safety devices.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 26310 of the Vehicle Code is amended to read:

26310. Every vehicle using compressed air for the actuating of the brakes shall be equipped with a safety device approved by the department which will prevent the loss of air pressure if an air line breaks or a diaphragm is ruptured, and will permit the effective application of the remaining brakes of the vehicle, or other safety device approved by the department which will, upon loss of air pressure, automatically apply the brakes to the wheels of the vehicles.

The department is hereby empowered to determine and to establish the specifications required of any such device or devices for departmental approval and, in the conducting of any

test or tests of any such device or devices, the department may determine the costs of any such tests, and may require that the manufacturers of any such device being tested provide the department with the amount of money necessary to cover the costs of any such tests. The department may employ the services of private firms, individuals or public institutions in the conduct of such tests. The department may accept tests by accredited laboratories. No device shall be approved by the department that creates a hazard on the highway or increases the stopping distance of a truck or combination of vehicles.

This section shall not take effect until 18 months following the certification of approval of such device by the department.

CHAPTER 1163

An act to amend Section 70045.6 of the Government Code, relating to the superior court.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 70045.6 of the Government Code is amended to read:

70045.6. In a county with a population of over 290,000 and under 300,000 as determined by Section 28020 of this code, each regular reporter shall be paid an annual salary of eight thousand four hundred dollars ($8,400), and each pro tempore official reporter shall be paid twenty-five dollars ($25) a day for the days he actually is on duty under order of the court. In such a county the fee required by Section 70053 shall be six and one-half dollars ($6.50).

CHAPTER 1164

An act to add Section 11680.5 to the Health and Safety Code and to amend Section 537 of the Code of Civil Procedure, relating to recovery of state funds expended in narcotics investigations.

[Approved by Governor July 6, 1961 Filed with Secretary of State July 7, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 11680.5 is added to the Health and Safety Code, to read:

11680.5. The State of California, or any political subdivision thereof, may maintain an action against any person or

Actions for unlawful sale of narcotics

persons engaged in the unlawful sale of narcotics for the recovery of any public funds paid over to such person or persons in the course of any investigation of violations of Division 10 (commencing with Section 11000) of the Health and Safety Code. All proceedings under this section shall be instituted in the Superior Court of the county where the funds were paid over, where the sale was made, or where the defendant resides.

SEC. 2. Section 537 of the Code of Civil Procedure is amended to read:

Attachment

537. The plaintiff, at the time of issuing the summons, or at any time afterward, may have the property of the defendant attached, as security for the satisfaction of any judgment that may be recovered, unless the defendant gives security to pay such judgment, as in this chapter provided, in the following cases:

1. In an action upon a contract, express or implied, for the direct payment of money, where the contract is made or is payable in this State, and is not secured by any mortgage, deed of trust or lien upon real or personal property, or any pledge of personal property, or, if originally so secured, such security has, without any act of the plaintiff, or the person to whom the security was given, become valueless. An action upon any liability, existing under the laws of this State, of a spouse, relative or kindred, for the support, maintenance, care or necessaries furnished to the other spouse, or other relatives or kindred, shall be deemed to be an action upon an implied contract within the term as used throughout all subdivisions of this section. An action brought pursuant to Section 1692 of the Civil Code shall be deemed an action upon an implied contract within the meaning of that term as used in this section.

2. In an action upon a contract, express or implied, against a defendant not residing in this State, or who has departed from the State, or who cannot after due diligence be found within the State, or who conceals himself to avoid service of summons.

3. In an action against a defendant, not residing in this State, or who has departed from the State, or who cannot after due diligence be found within the State, or who conceals himself to avoid service of summons, to recover a sum of money as damages, arising from an injury to person or property in this State, in consequence of negligence, fraud, or other wrongful act.

4. In an action in unlawful detainer where it appears from the verified complaint on file therein that rent is actually due and payable from the defendant to the plaintiff for the premises sought to be recovered in said action; provided, the payment of such rent is not secured by any mortgage or lien upon real or personal property, or pledge of personal property, or, if originally so secured, such security has, without any act of the plaintiff or the person to whom the security was given, become valueless.

5. In an action by the State of California or any political subdivision thereof, for the collection of taxes due said State or political subdivision, or for the collection of any moneys due upon any obligation or penalty imposed by law.

6. In any action by the State of California, or any political subdivision thereof, for the recovery of funds pursuant to Section 11680.5 of the Health and Safety Code. In such cases, funds on the defendant's person at the time of his arrest which are retained in official custody shall also be subject to attachment.

CHAPTER 1165

An act to add Section 27166 to the Education Code, relating to county free libraries.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 27166 is added to the Education Code, to read:

27166. The board of supervisors may establish a reasonable fee to be collected from persons who desire to participate in the services and benefits of the county free library and who are not residents of the territory in the county which is liable for taxes for county free library purposes. In establishing the fee, the board may also prescribe such regulations or limitations applicable to the use of the county free library by such persons as may reasonably be necessary.

CHAPTER 1166

An act to add Section 61624 to the Government Code, relating to community services districts.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 61624 is added to the Government Code, to read:

61624. A district may contract with the State or with the United States for any and all purposes necessary or convenient to the exercise of any of the powers, duties or functions of the district.

CHAPTER 1167

An act to amend Section 28148 of the Government Code, relating to compensation for public service in counties.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 28148 of the Government Code is amended to read:

28148 In a county of the forty-eighth class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand five hundred dollars ($7,500) a year.

(b) The district attorney, seven thousand two hundred dollars ($7,200) a year.

(c) Each supervisor shall receive three thousand nine hundred dollars ($3,900) a year, and mileage for each regular or special meeting of the board for each day's attendance, at ten cents ($0.10) a mile actually traveled. Each supervisor shall also receive his necessary expenses when the performance of his duty as supervisor takes him out of the county.

(d) Grand jurors and trial jurors in the superior court shall receive six dollars ($6) for each day's attendance, and eight cents ($0.08) for each mile actually traveled for each day's attendance.

CHAPTER 1168

An act to add Section 61659.1 to the Government Code, relating to community services districts.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 61659.1 is added to the Government Code, to read:

61659.1. In determining the amount of debt to be incurred, the legislative body may include:

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

CHAPTER 1169

An act to add Section 188.5 to the Streets and Highways Code, relating to state highways.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 188.5 is added to the Streets and Highways Code, to read:

188.5. The Legislature recognizes that the department is unable to expend the amount allocated to the City and County of San Francisco pursuant to paragraph (d) of Section 188.4 for the period commencing on July 1, 1958, and ending on June 30, 1963, within that period, and that serious and compelling deficiencies exist on state highways in other counties. Therefore, the commission may allocate and the department may expend or cause to be expended in other counties in County Group No. 1 any of the amount so allocated to said city and county and remaining unexpended on the effective date of this section; provided, that in allocating funds after June 30, 1963, for the construction of state highways in County Group No. 1, the commission shall take into consideration the effect of the operation of this section upon the state highway needs of the City and County of San Francisco.

CHAPTER 1170

An act to add Section 3364 to the Education Code, relating to student body property.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 3364 is added to the Education Code, to read:

3364. When the reorganization of a school district results in the relocation of district boundaries in such a way that a portion of the students will not be residents of the district thereafter maintaining a school previously attended by the students, and if there is in the school an organized student body, the property, funds, and obligations of the student body shall be divided as determined by the augmented committee except that the share shall not exceed an amount equal to the ratio which the number of students leaving the school bears to the total number of students enrolled. The ownership

of the property, funds, and obligations, which is the proportionate share of each segment of the student body, shall be transferred to the student body of the school or schools in which the students are first enrolled during the school year next succeeding the reorganization. Funds from devises, bequests or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided.

CHAPTER 1171

An act to amend Section 7953 of, and to add Sections 7954, 7956, 7957, 7958, 7959, 7960, 7961, 7962, 7963, and 7964 to, the Education Code, relating to science and conservation education.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 7953 of the Education Code is amended to read:

Outdoor science education

7953. The county superintendent of schools may, with the approval of the county board of education, enter into agreements with the governing board of one or more school districts to provide programs and classes in outdoor science education and conservation education for pupils in the district of the sixth grade or any higher grade. Except as otherwise provided in this article, the agreement shall provide for the payment by the district of the actual cost of providing such programs or classes. The county superintendent of schools shall transfer from the funds of the district to the county school service fund the amounts set forth in the agreement.

SEC. 2. Section 7954 is added to said code, to read:

Capital outlay, property, etc.

7954. The school district or districts entering into such agreements with the county superintendent of schools may agree to make capital outlay expenditures, as well as pay for the other costs of the program. Title to all property acquired by such capital outlay expenditures shall be vested in the office of the county superintendent of schools, and the participating school districts shall have no interest in such property, nor in the proceeds of any sale, lease, exchange, or other disposition of such property, unless the parties otherwise provide in the agreement which authorizes the acquisition of such property.

SEC. 3. Section 7956 is added to said code, to read:

Powers and duties

7956. Except as otherwise provided, all of the powers and duties authorized for governing boards of school districts by Section 7951 are powers and duties of the county superintendent of schools whenever, pursuant to this article, he provides programs and classes in outdoor science education and conservation education.

SEC. 4. Section 7957 is added to said code, to read:

7957. The county superintendent of schools may, with the approval of the county board of education, acquire by gift and maintain real or personal property needed for such programs and classes with title thereto vested in the office of the county superintendent of schools. The school districts participating in such programs and classes shall not be required to reimburse the county superintendent of schools for use of real and personal property which is acquired by gift. Acquisition by gift

SEC. 5. Section 7958 is added to said code, to read:

7958. The county superintendent of schools may, with the approval of the county board of education, provide the co-ordination services authorized by Section 8503 in connection with programs and classes in outdoor science education and conservation education and the participating districts shall not be required to reimburse the county superintendent for the cost of such co-ordination services. Co-ordinated services

SEC. 6. Section 7959 is added to said code, to read:

7959. Any such agreement between the county superintendent of schools and school districts may provide for the purchase or lease of any real property necessary to conduct classes in outdoor science education and conservation education. If real property is purchased pursuant to such an agreement, title to such real property shall be vested in the office of the county superintendent of schools and the participating school districts shall have no interest in such property, nor in the proceeds of any sale, lease, exchange, or other disposition of such property, unless the parties otherwise provide in the agreement which authorizes the acquisition of such property. Purchase and lease of real property

SEC. 7. Section 7960 is added to said code, to read:

7960. The county superintendent of schools may, with the approval of the county board of education, lease any real or personal property for the purpose of care, teaching and training of physically handicapped or mentally retarded children at such time as said property is not required for outdoor science education and conservation education, upon such terms and conditions as are agreed upon. Leasing of property

SEC. 8. Section 7961 is added to said code, to read:

7961. The county superintendent of schools may, with the approval of the county board of education, convey any real property, title to which is vested in the office of the county superintendent of schools, to the United States of America in exchange for other real property of comparable value, upon such terms and conditions as are agreed upon. Conveyance of real property

SEC. 9. Section 7962 is added to said code, to read:

7962. The county superintendent of schools may, with the approval of the county board of education, sell, lease, exchange, or otherwise dispose of real or personal property, title to which is vested in his office, pursuant to the same procedures as are established by law for the sale, lease, exchange, or other disposition of real or personal property by a school district. Unless otherwise provided in the agreement which authorized Property transactions

the purchase of such real or personal property, the proceeds of any such sale, lease, exchange, or other disposition of real or personal property shall be vested in the office of the county superintendent of schools.

SEC. 10. Section 7963 is added to said code, to read:

Proceeds

7963. All proceeds from the sale, lease, exchange, or other disposition of real or personal property received by the county superintendent of schools pursuant to the provisions of this article shall be used for the purpose of acquiring other real or personal property for use in connection with programs and classes in outdoor science education and conservation education or to pay the cost of conducting such programs and classes. The school districts participating in such programs and classes shall not be required to reimburse the county superintendent of schools for use of the real or personal property acquired with such funds nor shall they be required to reimburse the county superintendent of schools for any of the costs of conducting such programs and classes which are paid by the county superintendent of schools out of such funds.

SEC. 11. Section 7964 is added to said code, to read:

Conditions under which proceeds become part of school service fund

7964. If during a period of five consecutive school years, no programs and classes in outdoor science education and conservation education are conducted by the county superintendent of schools pursuant to this article, all real and personal property, title to which is vested in the county superintendent of schools, and all proceeds from the sale, lease, exchange, or other disposition of such real and personal property, shall become part of the county school service fund and may be used for any purpose authorized by the laws applicable to said fund, unless the parties otherwise provide in the agreement which authorizes the acquisition of such property.

CHAPTER 1172

An act to add Section 16626.5 to the Education Code, relating to child care center employees.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 16626.5 is added to the Education Code, to read:

16626.5. For purposes of Section 13513 of this code only, every person employed by a school district, on or after January 1, 1957, and before the effective date of the amendment to Section 16626 made by Chapter 1958 of the Statutes of 1959, in a position requiring a child care permit for the care and guidance of children, or for service as a physician, dentist, or nurse, or in the supervision of the child care program, shall

be deemed to have been employed during that period in a position requiring certification qualifications.

CHAPTER 1173

An act to add Section 761.1 to the Education Code, relating to county superintendents of schools.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 761.1 is added to the Education Code, to read:

761.1. For the purposes of Sections 759, 760 and 761, the possession of a valid elementary administrative credential and a valid secondary administrative credential are equivalent to the possession of a valid general administrative credential.

CHAPTER 1174

An act to add Section 25252.6 to the Government Code, relating to the establishment of revolving cash trust funds.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 25252.6 is added to the Government Code, to read:

25252.6. The board of supervisors may in its discretion establish a revolving cash trust fund for the purpose of eliminating delays which adversely affect the official operation of offices and departments of the county or of judicial districts therein resulting from regular deposits in and withdrawals from a trust fund established for the use of any such officer or department head. The amount of the revolving cash trust fund shall be determined by the board of supervisors by resolution and shall not exceed the amount of the trust fund. The revolving cash trust fund shall be used by the officer or department head for payment of services, expenses or other charges which are legally payable out of the deposits in the trust fund.

CHAPTER 1175

An act to amend Section 11012 of, and to add Section 11010.5 to, the Business and Professions Code, relating to subdivided lands.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 11012 of the Business and Professions Code is amended to read:

Material change of setup of offering

11012. It is unlawful for the owner, his agent, or subdivider, of the project, after it is submitted to the Real Estate Division, to materially change the setup of such offering without first notifying the Real Estate Division in writing of such intended change. This section only applies to those changes of which the owner, his agent, or subdivider has knowledge or constructive knowledge.

SEC. 2. Section 11010.5 is added to said code, to read:

Second notice and second report

11010.5. The filing of a second notice of intention to sell and a second report of the commissioner under this article shall not be required when all the following conditions have been met: (a) where there has been a previous subdivision report and the lots are subsequently acquired through any foreclosure action, or by a deed in lieu of foreclosure, by a bank, life insurance company, or savings and loan association licensed or operating under the provisions of a state or federal law if the acquired lots, either improved or unimproved, will be sold in conformance with the previously issued subdivision public report; (b) the original public report is given to the first purchasers of the lots in the foreclosed subdivision; and (c) the commissioner is notified of the change of ownership within 30 days of the acquisition of the title to such property.

CHAPTER 1176

An act to amend Section 25458 of the Government Code, relating to emergency work by counties.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 25458 of the Government Code is amended to read:

25458. In cases of great emergency, including but not limited to states of disaster defined in Section 1505 of the Military and Veterans Code, when repair or replacements are necessary to permit the continued conduct of county operations or services,

or to avoid danger to life or property, the board of supervisors, by majority consent, may proceed at once to replace or repair any and all structures without adopting the plans, specifications, strain sheets, or working details or giving notice for bids to let contract. The work may be done by day labor under the direction of the board, by contract, or by a combination of the two. If the work is done wholly or in part by contract, the contractor shall be paid the actual cost of the use of machinery and tools and of material, and labor and compensation insurance expended by him in doing the work, plus not more than 15 percent to cover all profits and administration. No more than the lowest current market prices shall be paid for materials whenever possible.

CHAPTER 1177

An act to add Section 25537.5 to the Government Code, relating to the leasing of county property.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 25537.5 is added to the Government Code, to read:

25537.5. In any county the board of supervisors may prescribe by order a procedure alternative to that required by Sections 25526 to 25535 of this article for entering into leases, concessions or managerial contracts involving leasing or subleasing all or any part of county-owned, leased or managed property devoted to or held for ultimate use for cafeterias for employees. Any alternative procedure so prescribed shall require that the board of supervisors advertise for bids for the proposed lease, concession or managerial contract in a newspaper of general circulation published in the county in the manner provided in Section 6063. The board of supervisors in making the award shall take into consideration the price bid and the ability of the bidder to supply attractively prepared wholesome food to employees at prices within the employees ability to pay. The board may reject all bids.

CHAPTER 1178

An act to amend Section 1401.5 of the Health and Safety Code, relating to nursing and convalescent homes.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1401.5 of the Health and Safety Code is amended to read:

1401.5. The use of the name or title "hospital" by any person or persons to identify or represent a facility for the diagnosis, care, and treatment of human illness other than a facility subject to or specifically exempted from the licensure provisions of this chapter is prohibited. Notwithstanding the provisions of Section 1401 or any other provisions of the laws of this State, the name or title "hospital" shall not be used by any sanitarium, nursing home, convalescent home, or maternity home unless preceded by some qualifying descriptive word such as convalescent, geriatric, rehabilitation, or nursing.

CHAPTER 1179

An act to amend Section 8742 of the Business and Professions Code, relating to land surveyors.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 8742 of the Business and Professions Code is amended to read:

8742. The educational qualifications and experience in land surveying, which an applicant shall possess, shall be not less than the following prescribed minima:

(a) Actual experience, including both field and office training, in land surveying for at least six years. The board may regulate the manner of obtaining the field and office training.

(b) Graduation from a four-year course in civil or mining engineering in any school or college, approved by the board, is equivalent of three years of actual experience.

Credits earned toward graduation from an approved school or college shall likewise be accepted as the equivalent of their proportionate part of three years of practice.

Credits earned in a technical institute in a land surveying curriculum, approved by the board, shall be accepted as the equivalent of their proportionate part of one and one-half years of practice.

CHAPTER 1180

An act to amend Sections 55930 and 55950 of the Water Code, relating to county waterworks districts.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 55930 of the Water Code is amended to read:

Dissolution of district

55930. Whenever all of the territory in a district is annexed to, or otherwise included within, any municipal corporation owning works for supplying inhabitants with water,

then the district may be dissolved. Such dissolution shall be effective upon the filing with the State Board of Equalization, the board of the district, and the county assessor of copies of a resolution of the legislative body of the city declaring the district dissolved.

SEC. 2. Section 55950 of the said code is amended to read:

Same

55950. Whenever a municipal corporation at the time of its incorporation owns no works for supplying its inhabitants with water and all of the works and system of a county waterworks district used for supplying the district's inhabitants with water and all the territory of the district, except that owned by the United States, are located within the boundaries of the municipal corporation at the time of its incorporation, then the county waterworks district may be dissolved. Such dissolution shall be effective upon the filing with the State Board of Equalization, the board of the district, and the county assessor of copies of a resolution of the legislative body of the city declaring the district dissolved.

CHAPTER 1181

An act to amend Section 409 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 409 of the Unemployment Insurance Code is amended to read:

409. The decisions of the Appeals Board shall contain a statement of the facts upon which the decision is based, and a statement of the decision itself and the reasons therefor. If the Appeals Board issues a short-form decision, anything incorporated in such decision shall be physically attached to and be made a part of such decision. Such decisions shall be available for public inspection, and shall be published from time to time in such manner as to make them available for public use. The director may make such reasonable charge for publications as he deems necessary to defray the cost of their publication and distribution.

CHAPTER 1182

An act to amend Section 308 of the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 308 of the Unemployment Insurance Code is amended to read:

308. Prior to the filing of a regulation or notice of repeal of a regulation with the Secretary of State the director shall hold a public hearing, of which proper notice has been given, at which any persons interested shall have an opportunity to be heard.

CHAPTER 1183

An act to add Section 2110.5 to the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 15, 1961

[Approved by Governor July 7, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 2110.5 is added to the Unemployment Insurance Code, to read:

2110.5. Any employing unit, including any individual member of a partnership employing unit, any officer of a corporate or association employing unit, and the general manager, or any other person having charge of the affairs of a corporate or association employing unit, which willfully fails to withhold in trust the deductions required by this division from remuneration paid to its workers is guilty of a misdemeanor.

CHAPTER 1184

An act to amend Section 22511.5 of the Vehicle Code, relating to parking privileges for disabled persons.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 22511.5 of the Vehicle Code is amended to read:

22511.5. Any person who has lost, or has lost the use of, one or both legs or is so severely disabled as to be unable to

move without the aid of a mechanical device shall be allowed to park for unlimited periods in parking zones restricted as to the length of time parking is permitted. This section shall have no application to those zones in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. As a condition to this privilege the vehicle shall display a distinguishing license plate which shall be issued for a vehicle registered to the disabled person, without additional fees, by the Department of Motor Vehicles pursuant to regulations adopted by that department.

CHAPTER 1185

An act to amend Section 21650 of the Vehicle Code, relating to rules of the road.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 21650 of the Vehicle Code is amended to read:

21650. Upon all highways a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.

(b) When placing a vehicle in a lawful position for, and when the vehicle is lawfully making, a left turn.

(c) When the right half of a roadway is closed to traffic under construction or repair.

(d) Upon a roadway designated and signposted for one-way traffic.

(e) When the roadway is not of sufficient width.

(f) When the vehicle is necessarily traveling so slowly as to impede the normal movement of traffic, that portion of the highway adjacent to the right edge of the roadway may be utilized temporarily when in a condition permitting safe operation.

CHAPTER 1186

An act to add Section 602.5 to the Penal Code, relating to offense of unauthorized entry of property.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 602.5 is added to the Penal Code, to read:

602.5. Every person other than a public officer or employee acting within the course and scope of his employment in performance of a duty imposed by law, who enters or remains in any noncommercial dwelling house, apartment, or other such place without consent of the owner, his agent, or the person in lawful possession thereof, is guilty of a misdemeanor.

CHAPTER 1187

An act to amend Section 51 of the Civil Code, relating to civil rights.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 51 of the Civil Code is amended to read:

51. This section shall be known, and may be cited, as the Unruh Civil Rights Act.

All persons within the jurisdiction of this State are free and equal, and no matter what their race, color, religion, ancestry, or national origin are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

This section shall not be construed to confer any right or privilege on a person which is conditioned or limited by law or which is applicable alike to persons of every color, race, religion, ancestry, or national origin.

CHAPTER 1188

An act to amend Section 58853 of the Government Code, relating to the county boundary commission.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 58853 of the Government Code is amended to read:

58853. As used in this chapter, "proposal" means any proposal for the formation of a new, or a change in the boundaries of an existing district exercising functions that are, or may be, supported by taxes or special assessment taxes levied on property within the district and collected with county taxes. This chapter does not apply to proposals concerning special assessment districts formed for the purpose of providing various municipal and county improvements, or to a municipal

utility district, or a transit district organized under the Transit District Law (Division 10, commencing with Section 24501, of the Public Utilities Code), whose boundaries include all or portions of two or more counties.

CHAPTER 1189

An act to repeal Section 11580.2 of, and to add Section 11580.2 to, the Insurance Code, relating to uninsured motorist coverage.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 11580.2 of the Insurance Code is repealed. Repeal

SEC. 2. A new Section 11580.2 is added to said code, to read:

11580.2. (a) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this State to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this State upon any motor vehicle then principally used or principally garaged in this State, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code insuring the insured or his legal representative for all sums within such limits which he shall be legally entitled to recover as damages for bodily injury from the owner or operator of an uninsured motor vehicle. The insurer and any named insured may by agreement in writing delete the provision covering damage caused by an uninsured motor vehicle. Such deletion by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply. A policy shall be excluded from the application of this section if the only coverage with respect to the use of any motor vehicle is limited to the contingent liability arising out of the use of nonowned motor vehicles. Bodily injury liability insurance

(b) As used in (a) above, "bodily injury" includes sickness or disease, including death, resulting therefrom; the term "named insured" means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, and any other person while in or upon or entering into or alighting from an insured motor vehicle and Definitions

any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his permission or consent, express or implied, and any other automobile not owned by the named insured or any resident of the same household while being operated by the named insured or his spouse if a resident of the same household, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder, or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying,

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol, and have filed with the insurer within 30 days thereafter a statement under oath that the insured or his legal representative has a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or crawler-treads or while located for use as a residence on premises and not as a vehicle, or a farm type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

(c) The insurance coverage provided for in this section does not apply: Applicability of coverage

(1) To property damage sustained by the insured

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier or to any person qualified as a self-insurer under any workmen's compensation law.

(5) To establish an exemption as provided in subdivisions (a), (b), and (c) of Section 16057 of the Vehicle Code.

(d) Subject to paragraph (c)(2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits. Coverage limits prorating, etc.

(e) The policy or an endorsement added thereto shall provide that the determination as to whether the insured shall be legally entitled to recover damages, and if so entitled, the amount thereof, shall be made by agreement between the insured and the insurer or, in the event of disagreement, by arbitration.

(f) The insurer paying a claim under an uninsured motorist endorsement or coverage shall be entitled to be subrogated to the rights of the insured to whom such claim was paid against any person causing such injury or death to the extent that payment was made.

(g) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver or rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law exclusive of nonoccupational disability benefits.

(2) By the amounts paid or due to be paid under any valid and collectable automobile medical payment insurance available to the insured.

(3) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(h) No cause of action shall accrue to the insured under any policy or endorsement provision issued pursuant to this section unless within one year from the date of the accident:

(1) Suit for bodily injury has been filed against the uninsured motorist, in a court of competent jurisdiction, or

(2) Agreement as to the amount due under the policy has been concluded, or

(3) The insured has formally instituted arbitration proceedings.

CHAPTER 1190

An act to amend Sections 640, 645, and 646 of the Probate Code, relating to administration of estates.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 640 of the Probate Code is amended to read:

Setting aside estate to surviving or minor children

640. If the decedent leaves a surviving spouse or minor child or minor children, and the net value of the whole estate, over and above all liens and encumbrances at the date of death and over and above the value of any homestead interest set apart out of decedent's estate under Section 660 or Section 661 of this code, does not exceed the sum of five thousand dollars ($5,000), the same may be set aside to the surviving spouse, if there be one, and if there be none, then to the minor child or minor children of the decedent.

SEC. 2. Section 645 of said code is amended to read:

Vesting absolute title

645. If, upon the hearing of any petition provided for by this article, the court finds that the net value of the estate over and above all liens and encumbrances at the date of the death of the decedent and over and above the value of any homestead interest set apart out of decedent's estate under Section 660 or Section 661 of this code, does not exceed the sum of five thousand dollars ($5,000), as of the date of such death, and that the expenses of the last illness, funeral charges and expenses of administration have been paid, it shall, by decree for that purpose, assign to the surviving spouse of the decedent, if there be a surviving spouse, provided said surviving spouse shall not have theretofore remarried, or, if there be no surviving spouse, then to such child or children of the decedent as may then be

minors, if any, the whole of the estate, subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the decedent. The title thereto shall vest absolutely in such surviving spouse, or if there be no such surviving spouse, the minor child or children subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the decedent, and there must be no further proceedings in the administration, unless further estate be discovered. But no surviving spouse or minor child shall be entitled to such an assignment who has other estate, including the total value of any property held by such surviving spouse or minor child in joint tenancy with the decedent and the value of any homestead interest set apart to such person out of decedent's estate under Section 660 or Section 661 of this code, the net value of which, over and above all liens and encumbrances, exceeds the sum of twelve thousand five hundred dollars ($12,500).

SEC. 3. Section 646 of said code is amended to read:

646. If the court finds that the net value of the estate exceeds seven thousand five hundred dollars ($7,500), or that the surviving spouse or minor child has other estate of twelve thousand five hundred dollars ($12,500) in value, or that there is neither a surviving spouse nor a minor child, it shall act upon the petition for probate or for letters of administration in the same manner as though no petition to set aside the estate had been included, and the estate shall then be administered in the usual manner. Administrator in the usual manner

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CHAPTER 1191

An act to amend Section 11792 of the Insurance Code, relating to the State Compensation Insurance Revolving Fund.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 11792 of the Insurance Code is amended to read:

11792. The board of directors may, with the approval of the State Department of Finance, withdraw from the State Compensation Insurance Fund in the State Treasury, without at the time presenting vouchers and itemized statements, a sum not to exceed in the aggregate four million dollars ($4,000,000) to be used as a cash revolving fund. Such revolving fund shall be deposited in such banks and under such conditions as the board of directors determines, with the approval of the State Department of Finance. To be eligible to receive or retain a deposit, a bank shall deposit with the Treasurer as security for the deposit, securities specified in Government Code Section 16522, in an amount in value at least 10 percent

in excess of the amount to be or deposited with the bank The Controller shall draw his warrants in favor of the State Compensation Insurance Fund Revolving Fund for the amounts so withdrawn, and the Treasurer shall pay such warrants.

CHAPTER 1192

An act to amend Sections 8635, 8636, 8638, 8639, 8641, 8642, 8643, 8644, 8645, 8646, 8648, and 8653 of the Business and Professions Code, relating to structural pest control.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 8635 of the Business and Professions Code is amended to read:

Departure from or disregard of plans or specifications

8635. Departure from, or disregard of, plans or specifications in the performance of structural pest control work in any material respect, without consent of the owner or his duly authorized representative, is a ground for disciplinary action.

SEC. 2. Section 8636 of said code is amended to read:

Disregard and violation of building laws

8636. Disregard and violation of the buildings laws of the State, or of any if its political subdivisions, or of the safety laws, labor laws, health laws, or compensation insurance laws of the State relating to the practice of structural pest control is a ground for disciplinary action.

SEC. 3. Section 8638 of said code is amended to read:

Failure to complete

8638. Failure on the part of a licensee to complete any operation or construction repairs for the price stated in the contract for such operation or construction repairs or in any modification of such contract is a ground for disciplinary action.

SEC. 4. Section 8639 of said code is amended to read:

Aid or abetting unlicensed person

8639. Aiding or abetting an unlicensed person to evade the provisions of this chapter or knowingly combining or conspiring with an unlicensed person, or allowing one's license to be used by an unlicensed person, or acting as agent or partner or associate, or otherwise, of an unlicensed person to evade the provisions of this chapter is a ground for disciplinary action.

SEC. 5. Section 8641 of said code is amended to read:

Failure to comply with chapter

8641. Failure to comply with the provisions of this chapter, or any rule or regulation adopted by the board, or the furnishing of a report of inspection without the making of a bona fide inspection of the premises for wood-destroying pests or organisms, is a ground for disciplinary action.

SEC. 6. Section 8642 of said code is amended to read:

8642. The commission of any grossly negligent or fraudulent act by the licensee as a pest control operator or field representative is a ground for disciplinary action. Gross negligence or fraud

SEC. 7. Section 8643 of said code is amended to read:

8643. The negligent handling or use of any poisonous exterminating agent without due respect to public safety is a ground for disciplinary action. Negligent handling of poison

SEC. 8. Section 8644 of said code is amended to read:

8644. Fraud or misrepresentation, after inspection, by any licensee engaged in pest control work of any infestation or infection of wood-destroying pests or organisms found in property or structures, or respecting any conditions of the structure that would ordinarily subject structures to attack by wood-destroying pests or organisms, whether or not a report was made pursuant to Sections 8516 and 8517 of this code, is a ground for disciplinary action. Fraud or misrepresentation after inspection

SEC. 9. Section 8645 of said code is amended to read:

8645. Impersonation of any state, county or city inspector or official is a ground for disciplinary action. Impersonation of official

SEC. 10. Section 8646 of said code is amended to read:

8646. Disregard and violation of fumigation or extermination laws of the State or of any of its political subdivisions is a ground for disciplinary action. Disregard of fumigation or extermination laws

SEC. 11. Section 8648 of said code is amended to read:

8648. Authorizing, directing, conniving at or aiding in the publication, advertisement, distribution or circulation of any material by false statement or representation concerning his business is a ground for disciplinary action. False advertising

SEC. 12. Section 8653 of said code is amended to read:

8653. The failure of any licensee or agent or officer thereof, to pay any moneys due for any materials or services rendered in connection with his operations as a pest control operator, when he has the ability to pay or when he has received sufficient funds therefor as payment for the particular pest control work, project, or operation for which the services or materials were rendered or purchased, is a ground for disciplinary action, as is the false denial of any such indebtedness or of the validity of the claim thereof with intent to secure for himself, his employer, or other person any discount upon such indebtedness or with intent to hinder, delay, or defraud the person to whom such indebtedness is due. Failure to pay for material or services

CHAPTER 1193

An act to amend Section 8652 of the Business and Professions Code, relating to structural pest control.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 8652 of the Business and Professions Code is amended to read:

8652. Failure of an operator to make and keep all inspection reports, contracts, documents, and records, other than financial records, for a period of not less than two years after completion of any work or operation for the control of wood-destroying pests or organisms, is a ground for disciplinary action. Such records shall be made available to the registrar during business hours.

CHAPTER 1194

An act to amend Section 689b of the Code of Civil Procedure, relating to execution of civil judgments.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 689b of the Code of Civil Procedure is amended to read:

SECTION 1. Section 689b of the Code of Civil Procedure is amended to read:

689b. (1) Where the property levied upon is a vehicle or vessel required to be registered with the Department of Motor Vehicles, the officer shall forthwith determine from the department the name and address of the legal owner of the vehicle or vessel and shall notify any such legal owner who is not also the registered owner of such vehicle or vessel of the levy by registered mail or certified mail or personal service.

(2) A seller or mortgagee may file with the officer levying on personal property a verified written claim, together with a copy thereof, containing a detailed statement of the sales contract or mortgage and the total amount of sums due or to accrue to him under the contract or mortgage, above setoffs, with interest to date of tender, and also stating therein his address within this State for the purpose of permitting service by mail upon him of any notice in connection with said claim. The officer making the levy may demand and exact the payment or undertaking herein provided for, notwithstanding any defect, informality or insufficiency of the verified claim delivered to him.

(3) Within five days after being served with such verified claim the officer levying on such property must make demand by registered mail or certified mail on the plaintiff or his attorney for the amount of the claimed debt and interest due to date of tender or the delivery to the officer of an undertaking and statement as hereinafter provided, which demand shall include the copy of such claim.

(4) Within five days after receipt by the plaintiff or his attorney of such officer's demand the plaintiff shall deposit with the officer the amount of such debt and interest or deliver the undertaking and statement hereinafter provided, or the levying officer must release the property.

(5) Within five days after receipt by him of such deposit the officer must pay or tender same to the seller or mortgagee; provided, that should such deposit be made by check the officer shall be allowed a reasonable time for check to clear.

(6) If the tender is accepted, all right, title, and interest of the seller or mortgagee in the property levied upon shall pass to the party to the action making the payment.

(7) If the tender is refused, the amount thereof shall be deposited with the county treasurer, payable to the order of the seller or mortgagee.

(8) Until such payment or deposit covering such claim is made, or the undertaking and statement herein provided delivered to the officer, the property cannot be sold under the levy; but when made (and also in case the seller or mortgagee fails to render his claim within 30 days after the personal service upon him of a written demand therefor, which service must be attested by the certificate of the serving officer, filed before the sale with the papers of the action wherein the attachment or execution was issued), then the officer must retain the property, and, in the case of an execution sell it in the manner provided by law, free of all liens or claims of the seller or mortgagee. Such written demand of the levying officer may be served by him, or for him by any sheriff, marshal, or constable whose office is closer to the place of service, and whose fees and mileage shall be paid out of the prepaid fees in the possession of the levying officer.

(9) When an attachment or execution creditor presents to the officer, within the time allowed from the officer's demand, a verified statement that the sales contract or mortgage is void or invalid for the reasons specified therein, and delivers to the officer a good and sufficient undertaking in double the amount of the indebtedness claimed by the seller or mortgagee or double the value of the personal property as the officer may determine and require, the officer shall retain the property and in case of an execution sell it in the manner provided by law, free of all liens or claims of the seller or mortgagee.

The undertaking shall be made to the seller or mortgagee and shall indemnify him for the taking of the property against loss, liability, damages, costs and counsel fees. Exceptions to the sufficiency of the sureties and their justification may be had

and taken in the same manner as upon an undertaking on attachment.

If such undertaking be given, such officer shall not be liable for damages to any such claimant for the taking, keeping, or sale of such property in accordance with the provisions of this code.

(10) Whenever a verified claim herein is delivered to the officer as herein provided, upon levy of execution or attachment (whether any undertaking hereinabove mentioned be given or not), the plaintiff, or the person in whose favor the writ runs, the claimant, or any one or more such joint claimants, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the validity of such sales contract or chattel mortgage. Such hearing may be had and taken, and stay of execution or other order made in the same manner as on third party claims under Section 689 of this code. At the conclusion of the hearing the court shall give judgment determining the validity of the claim under the sales contract or chattel mortgage which shall be conclusive between the claimant and the plaintiff, or other person in whose favor the writ runs. The court in which the action is pending, or which issued such writ, shall have original jurisdiction in all proceedings under this section.

If the property shall have been released by the officer for want of an undertaking or payment, and final judgment shall go for the plaintiff or other person in whose favor the writ runs, the officer shall retake the property on such writ, if the writ shall still be in his hands, or if the writ shall have been returned, another writ may be issued on which the officer may take such property.

CHAPTER 1195

An act to amend Section 5002 of the Public Utilities Code, relating to transportation rate fund and fees.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 5002 of the Public Utilities Code is amended to read:

5002. "Gross operating revenue" as used in this chapter includes all revenue derived from the transportation of property having origin and destination within this State, including the transportation of such property in interstate or foreign commerce between ports in this State and inland points in this State, but does not include revenues derived from the transportation of such property in interstate or foreign commerce when such property moves on through billing and at

through rates from any point in this State to any point outside of this State or from any point outside of this State to any point in this State and to which intrastate minimum rates do not apply nor does it include revenue derived by ferries from the transportation of vehicles.

CHAPTER 1196

An act to amend Section 26708 of the Vehicle Code, relating to vehicle windshields.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 26708 of the Vehicle Code is amended to read:

26708. (a) No person shall drive any motor vehicle with any sign, poster, card, sticker, or other nontransparent material upon the front windshield, side wings, side or rear windows of the vehicle, except that signs, posters, cards, stickers, or other materials may be placed on the windshield within a seven-inch square in the lower corner farthest removed from the driver's position or upon the side windows of the vehicle to the rear of the driver and so placed that the materials will not obstruct the driver's clear view of approaching traffic.

(b) No person shall drive any motor vehicle upon a highway with any object or material so placed in or upon the vehicle as to obstruct or reduce the driver's clear view through the windshield, except required or permitted equipment of the vehicle and adjustable nontransparent sun visors which are not attached to the glass

(c) This section does not apply to direction, destination, or termini signs upon a passenger common carrier motor vehicle.

CHAPTER 1197

An act to amend Section 1648 of the Insurance Code, relating to insurance producers' licenses

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1648 of the Insurance Code is amended to read:

1648. A limited partnership, unincorporated association or nonprofit corporation which is not the holder of a certificate

of authority issued pursuant to Part 5, Division 2 of this code is not eligible to receive an original license under this chapter to act in any of the capacities specified in Section 1637 unless, in case of a fire and casualty licensee, each member thereof possesses an individual license to transact fire and casualty insurance or is named to exercise the agency or brokership powers of such limited partnership, unincorporated association or nonprofit corporation at all times; and in case of a life licensee, unless each member thereof holds an individual life license authorizing him to transact such life or disability or life and disability insurance as does the license held by such organization, or is at all times a joint holder with such organization of the license issued to it; provided, that the commissioner may issue any such license to a limited partnership upon a showing by the applicant satisfactory to the commissioner that the partnership agreement will not result in any violation of the provisions of Article 5, Chapter 1, Part 2, Division 1 of this code.

This section is not applicable to any nonprofit cemetery company exempt from the taxes imposed by Part 11, Division 2 of the Revenue and Taxation Code under the provisions of Section 23701c of the Revenue and Taxation Code.

CHAPTER 1198

An act to amend Section 22655 of the Vehicle Code, relating to impounding vehicles for inspection.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 22655 of the Vehicle Code is amended to read:

22655. When any member of the California Highway Patrol or any regularly employed and salaried officer of a police department in a city, or sheriff's department authorized to enforce the provisions of this code pursuant to Section 26613 of the Government Code, has reasonable cause to believe that a motor vehicle on a highway has been involved in a hit-and-run accident, and the operator of the vehicle has failed to stop and comply with the provisions of Sections 20003, 20004, 20005, and 20006, the officer may remove the vehicle from the highway for the purpose of inspection. Unless sooner released, the vehicle shall be released upon the expiration of 24 hours after such removal from the highway upon demand of the owner

CHAPTER 1199

An act to amend Section 9554 of the Vehicle Code and Section 10854 of the Revenue and Taxation Code, relating to penalties on delinquent payment of registration and vehicle license fees.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 9554 of the Vehicle Code is amended to read:

9554. (a) The penalty shall be equal to the fee after the same has been computed as provided in Sections 9406 and 9559 and shall be collected therewith, except that the penalty for delinquency in respect to any transfer shall be two dollars ($2), and shall apply only to the last transfer. Penalty

(b) If the registration fee due and delinquent is paid within 30 days of the date the penalty becomes due, the amount of the penalty on such fee or portion thereof due under Section 9250 shall be reduced to 10 percent of the total amount of such registration fee, but in no event less than one dollar ($1) as is provided for in Section 9559.

SEC. 2 Section 10854 of the Revenue and Taxation Code is amended to read:

10854 If the fee is not paid within 30 days after it becomes delinquent, a penalty equal to one-half of the fee shall be added thereto and be collected therewith. If, however, the annual registration of a vehicle is being renewed, the penalty shall be added to any payment made on or after February 5th unless the vehicle has not been operated on the highways since the expiration of the prior registration. Penalty when fee not paid within 30 days after delinquent

If the fee due and delinquent is paid within 30 days from the date the penalty becomes due the amount of the penalty shall be reduced to 10 percent of total amount of the fee but in no event less than one dollar ($1).

CHAPTER 1200

An act to add Sections 31091, 31092, 31093, 31094, 31095, and 31096 to the Water Code, relating to the payment of judgments by county water districts.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 31091 is added to the Water Code, to read:

31091. At least 15 days before a tax levy is made the county clerk shall file a list of all existing final judgments against the district with an auditor and the board. Listing of final judgments

SEC. 2. Section 31092 is added to said code, to read:

Audit

31092. The auditor shall audit the judgments and certify the amount of the judgments to the board within five days after the list is filed with him. The board shall then include in the tax levy for the next fiscal year a rate sufficient to pay the judgments.

SEC. 3. Section 31093 is added to said code, to read:

Failure to include in tax levy

31093. Failure to include the amount of any existing final judgment in the tax levy for the year does not invalidate the tax levy, but the amount shall be included in the next tax levy.

SEC. 4. Section 31094 is added to said code, to read:

In lieu of levying a tax rate

31094. In lieu of levying a tax rate for the payment of all of the judgments in the next fiscal year, the board may provide for their payment by including in the tax levy for the next fiscal year at least 10 percent of the total amount of the judgment. The same percentage shall be levied each successive year until the whole is paid.

SEC. 5. Section 31095 is added to said code, to read:

Paying of judgments

31095. The auditor of the district shall pay the judgments. If the board has provided for payment by percentages in successive years, he shall pay to each judgment creditor the percentage of the judgment fixed by the board.

SEC. 6. Section 31096 is added to said code, to read:

Statute of limitations

31096. When provision for the payment of any final judgment is made by percentages in successive years, an action upon such judgment may be commenced within five years after the first tax levy which fails to include the percentage of the amount fixed by the board. An action shall not be brought or prosecuted on the judgment so long as it is being paid on such annual percentages.

CHAPTER 1201

An act to amend Section 8505 of, and to add Sections 8505.1, 8505.2, 8505.3, 8505.4, 8505.5, 8505.6, 8505.7, 8505.8, 8505.9, 8505.10, 8505.11, 8505.12, 8505.13, 8505.14, 8505.15, 8505.16, to, and to repeal Section 8513 of, the Business and Professions Code, relating to structural pest control.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 8505 of the Business and Professions Code is amended to read:

"Structural pest control" and "pest control"

8505. "Structural pest control" and "pest control" as used in this chapter are synonymous. Except as provided in Section 8555 and elsewhere in this chapter, it is, with respect

to household pests and wood destroying pests or organisms, or such other pests which may invade households or other structures, including railroad cars, ships, docks, trucks, airplanes, or the contents thereof, the engaging in, offering to engage in, advertising for, soliciting, or the performance of, any of the following: identification of infestations or infections; the making of an inspection or inspections for the purpose of identifying or attempting to identify infestations or infections of household or other structures by such pests or organisms; the making of inspection reports, recommendations, estimates, and bids, whether oral or written, with respect to such infestations or infections; and the making of contracts, or the submitting of bids for, or the performance of any work including the making of structural repairs or replacements, or the use of insecticides, pesticides, rodenticides, fumigants, or allied chemicals or substances, or mechanical devices for the purpose of eliminating, exterminating, controlling or preventing infestations or infections of such pests, or organisms.

"Household pests" are defined for the purpose of this chapter as those pests other than wood destroying pests or organisms, which invade households and other structures, including, but not limited to, rodents, vermin and insects. "Household pests"

SEC. 2. Section 8505.1 is added to said code, to read:

8505.1. For the purpose of this act, "fumigation" shall be defined as the use within an enclosed space for the destruction of plant or animal life, a substance having a vapor pressure greater than 5 millimeters of mercury at 25 degrees centigrade. "Fumigation"

The following is a list of lethal fumigants:

1. Hydrogen cyanide
2. Calcium cyanide (when used as provided in Section 8505)
3. Chloropicrin
4. Methyl bromide
5. Acrylonitrile
6. Sulfur dioxide
7. Carbon bisulfide
8. Carbon monoxide
9. Carbon tetrachloride
10. Ethylene dichloride
11. Ethylene dibromide
12. Carbon dioxide
13. Methyl formate
14. Ethyl formate
15. Methallyl chloride
16. Trichloroacetonitrile
17. Trichloroethylene and Trichloroethane
18. Hexachloropropene
19. Heptachloropropane
20. Propylene dichloride
21. Ethylene chlorohydrin
22. Epichlorohydrin
23. Monochloroacetonitrile

24. Cyclopropyl ethyl ether
25. Propylene oxide
26. Ethylene oxide
27. Cyclohexine oxide.
28. Hydrogen phosphide
29. Sulfuryl fluoride

The board may by regulation adopt, and may from time to time by regulation amend, a list of fumigants whose use as described in this section shall constitute fumigation for purposes of this chapter. The board may in addition adopt regulations permitting the limited use of ethylene dibromide to other than branch 1 licensees.

SEC. 3. Section 8505.2 is added to said code, to read:

Fumigation

8505.2. Fumigation shall be performed only under the direct and personal supervision of an individual who is licensed by the board as an operator or field representative in a branch of pest control which includes fumigation or who is the qualified partner or responsible natural person of a partnership which is so licensed or the qualified officer or responsible natural person of a corporation or association which is so licensed.

SEC. 4. Section 8505.3 is added to said code, to read:

"Direct and personal supervision"

8505.3. "Direct and personal supervision" as used in Section 8505.2 means that the person exercising such supervision shall be present at the site of the fumigation during the entire time the fumigants are being released, the time ventilation is commenced, and at the time property is released for occupancy.

SEC. 5. Section 8505.4 is added to said code, to read:

8505.4. Fumigation shall be performed in compliance with all applicable state, county, city, and city and county laws and ordinances and all applicable laws and regulations of the United States.

SEC. 6. Section 8505.5 is added to said code, to read:

Notice to fire department

8505.5. Notice of the time and place of fumigation shall be given to the fire department serving the area in which fumigation is to be performed not less than two hours prior to the time fumigation begins.

SEC. 7. Section 8505.6 is added to said code, to read:

Vacating premises, ventilation, etc

8505.6. During the process of fumigation the room or apartment being fumigated, together with all rooms and apartments, including rooms or apartments on the same floor and those above, below, and adjacent thereto, shall be vacated by the occupants thereof. During the process of such fumigation, all rooms, apartments, and hallways adjacent to the rooms, apartments or spaces undergoing fumigation, shall be kept well ventilated and warning signs as herein prescribed stating such fact of fumigation shall be kept posted at all entries to such rooms or apartments during the time of such fumigation and thereafter until all such premises are safely ventilated free of all fumes. All rooming or apartment houses designed for the use of four families or less shall be entirely vacated and closed against entry thereto and occupancy thereof while

Warning signs

fumigation is being performed therein and until the same is safely ventilated free of all fumes.

SEC. 8. Section 8505.7 is added to said code, to read:

Vacating premises, locking, etc

8505.7. The space to be fumigated shall be vacated by all occupants prior to the commencement of fumigation, and all entrances thereto shall be locked, barricaded, or otherwise secured against entry until the end of exposure period, then opened for ventilation and relocked, barricaded, or otherwise secured against re-entry, until declared by the person exercising direct and personal supervision over the fumigation to be safe for reoccupancy.

SEC. 9. Section 8505.8 is added to said code, to read:

Sealing off space

8505.8. Prior to the commencement of fumigation, the space to be fumigated shall be sealed in such manner that tests taken before ventilation is begun will show that the required concentration of the fumigant released within the space has been retained therein, in compliance with the manufacturer's recommendations.

SEC. 10. Section 8505.9 is added to said code, to read:

Warning signs

8505.9. Prior to the commencement of fumigation, warning signs shall be posted in plainly visible locations on or in the immediate vicinity of all entrances to the space under fumigation and shall not be removed until fumigation and ventilation has been completed, and the premises safe for reoccupancy. Ventilation shall be conducted with due regard for the public safety.

SEC. 11. Section 8505.10 is added to said code, to read:

Same Color and contents

8505.10. Warning signs shall be printed in red on white background and shall contain the following statement in letters not less than two inches in height: "DANGER — FUMIGATION." They shall also depict a skull and crossbones not less than one inch in height and shall state in letters not less than one-half inch in height the name of the fumigant, the date and time fumigant was injected, and the name, address and telephone number of the licensee performing the fumigation.

SEC. 12. Section 8505.11 is added to said code, to read:

Signs in attic, underarea

8505 11. If the structure which has been fumigated has an attic or if the area underneath such structure is accessible to inspection for purposes of structural pest control, the licensee who performed the fumigation shall, immediately upon completion, post in the attic, immediately adjacent to the entrance thereto, or in the area underneath the structure, immediately adjacent to the main entrance vent thereof, or in both of such places if the structure has an attic and an accessible underarea, a durable sign not less than five inches by seven inches in size stating the name of the licensee, the date of fumigation, and the type of fumigant used.

SEC. 13. Section 8505.12 is added to said code, to read:

8505.12. A licensee performing fumigation shall use an adequate warning agent with all fumigants which lack such properties When conditions involving abnormal hazards exist, the

Abnormal hazzards

person exercising direct and personal supervision shall take such safety precautions in addition to those prescribed by this chapter as are reasonably necessary to protect the public health and safety.

SEC. 14. Section 8505.13 is added to said code, to read:

Log of each fumigation

8505.13. A licensee shall maintain a log of each fumigation job performed by him in this State. The log shall be in the form required by the regulations of the board and shall be preserved for a period of at least two years, during which time it shall be available at all times during business hours for inspection by the board and its authorized representatives.

SEC. 15. Section 8505.14 is added to said code, to read:

"Fumigator"

8505.14. "Fumigator" means any person licensed by the Structural Pest Control Board as a structural pest control operator or as a structural pest control field representative who shall have been qualified by the board in the branch of pest control which includes fumigation as set forth in Section 8560.

SEC. 16. Section 8505.15 is added to said code, to read:

Masks for fumigating crews

8505.15. All members of fumigating crews shall be provided with effective masks of a type approved by the United States Bureau of Mines for protection against the type of fumigant being used.

SEC. 17. Section 8505.16 is added to said code, to read:

Artificial respiration

8505.16. All fumigators shall be familiar with and able to administer artificial respiration by the best method or methods recommended currently by the Red Cross in its standard texts on first aid.

Safety kits

All fumigating crews shall be outfitted with a safety kit containing safety equipment and antidotes as may be determined by the official antidotes published by the State Board of Pharmacy.

Repeal

SEC. 18. Section 8513 of said code is repealed.

CHAPTER 1202

An act to amend Section 4611 of the Vehicle Code, relating to registration of vehicles.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 4611 of the Vehicle Code is amended to read:

4611. (a) When the home state license plates of a foreign vehicle expire on December 31, and the owner of such vehicle has previously established residence or accepted gainful employment in this State, such owner shall make application for registration of said vehicle in this State between January 1st and midnight of February 4th succeeding such expiration

date. Such application shall be deemed an application for renewal of registration.

(b) Whenever the home state license plates of a foreign vehicle expire on a date other than December 31 and the owner of such vehicle has previously established residence or accepted gainful employment in this State, such owner shall make application for registration of the vehicle in this State within 30 days following the home state license plate's expiration date. Such application shall be deemed an application for renewal of registration.

CHAPTER 1203

An act to amend Section 35400 of the Vehicle Code, relating to vehicle size requirements.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 35400 of the Vehicle Code is amended to read:

35400. (a) No vehicle shall exceed a length of 35 feet, except that a semitrailer may be of a length not to exceed 40 feet.

(b) This section does not apply to a vehicle used in a combination of vehicles, when the excess length is caused by auxiliary parts, equipment, or machinery not used as space to carry any part of the load, except that the combination of vehicles shall not exceed the length provided for combination vehicles.

(c) This section does not apply to a vehicle when the excess length is caused by any parts necessary to comply with the fender and mudguard requirements of this code.

CHAPTER 1204

An act to amend Section 22 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), relating to the Alameda County Flood Control and Water Conservation District.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 22 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949) is amended to read:

Sec. 22. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the

engineer, will exceed five thousand dollars ($5,000), exclusive of the estimated cost of materials or supplies, shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids In the event no proposals are received pursuant to advertisement therefor, or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by day labor, under the direction of the board, by contract, or by a combination of the two. The district shall have the power to acquire in the open market without advertising for bids therefor, materials, equipment and supplies for use in any work or for any other purpose; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds three thousand five hundred dollars ($3,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder. If any change or alteration in a contract awarded under the provisions of this section is deemed necessary and the cost thereof does not exceed ten percent (10%) of the original contract price, the board may authorize the contractor to proceed with the change or alteration without the formality of obtaining bids therefor. If a change or alteration in a contract awarded under the provisions of this section is requested by any person, firm, corporation, or public agency, other than

the district, which person, firm, corporation or public agency agrees to pay all or a portion of the cost of such change or alteration, the board may authorize the contractor to proceed with such change or alteration without the formality of obtaining bids therefor, provided that the cost of such change or alteration does not exceed fifteen percent (15%) of the original contract price. The aggregate cost of all change orders shall not exceed twenty-five percent (25%) of the original contract price.

CHAPTER 1205

An act to amend Sections 31251 and 31253 of the Education Code, relating to participation in and administration of the Federal Scholarship Program.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 31251 of the Education Code is amended to read:

Administration of programs

31251. Whenever by the provisions of any act of Congress a program of scholarships for undergraduate students is established which permits administration of such program within a state by a state agency, the State Scholarship Commission, as established by Section 31207, shall administer such act within the State if the Governor and the State Scholarship Commission, by a majority vote of its entire membership, determine that the participation by the State in the Federal Scholarship Program under such act would not interfere with or jeopardize the continuation of the scholarship program established under Sections 31201 to 31218, inclusive.

SEC. 2. Section 31253 of said code is amended to read:

Co-operation with federal government

31253. Subject to the provisions of this chapter, the State Scholarship Commission is hereby vested with all necessary power and authority to co-operate with the government of the United States, or any agency or agencies thereof, in the administration of the act of Congress establishing a scholarship program and the rules and regulations adopted thereunder.

State plan

Before adopting a state plan the State Commission on Federal Scholarships shall hold public hearings as provided in the California Administrative Procedure Act.

CHAPTER 1206

An act to amend Section 16432 of the Vehicle Code, relating to proof of ability to respond in damages.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 16432 of the Vehicle Code is amended to read:

16432. The department shall not accept any insurance certificate or certificates unless the same covers all motor vehicles registered in the name of the person furnishing such proof, except that this provision shall not apply to vehicles in storage if the current license plates and registration cards are surrendered to the department in Sacramento. A certificate, under penalty of perjury, of the licensee who causes such certificate or certificates of insurance to be tendered as proof of financial responsibility that the certificate or certificates cover all vehicles registered in his name shall be accepted by the department as prima facie evidence of such fact.

CHAPTER 1207

An act to add Article 3 (commencing with Section 13160) to Chapter 1, Part 2, Division 12 of the Health and Safety Code, relating to fire equipment.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 13160) is added to Chapter 1, Part 2, Division 12 of the Health and Safety Code, to read:

Article 3. Fire Extinguishers

Regulations and standards

13160. With the advice of the State Fire Advisory Board, the State Fire Marshal shall adopt, in accordance with the provisions of Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2 of the Government Code, and enforce and administer such regulations and standards as he may deem necessary for the protection and preservation of life and property to control the marketing, sale, distribution, use, capacity, servicing, charging, and effectiveness of all fire extinguishers, portable appliances, and devices for controlling and extinguishing fires. In adopting such regulations, the State Fire Marshal shall consider as evidence of generally accepted

safety standards the Fire Code of the National Fire Protection Association.

The provisions of this article and the rules and regulations adopted by the State Fire Marshal pursuant thereto shall not be construed to be applicable to fire alarm systems, sprinkler systems, or any other systems installed by contractors pursuant to Chapter 9 (commencing with Section 7000), Division 3 of the Business and Professions Code. Application of article, etc

13161. It is the legislative intention in enacting this article that the provisions of this article and the regulations and standards adopted by the State Fire Marshal pursuant to this article shall apply uniformly throughout the State of California and no county, city, or district shall adopt or enforce any ordinance or rule or regulation regarding fire extinguishers or portable appliances, or devices for controlling and extinguishing fires which is inconsistent with the provisions of this article or the regulations and standards adopted by the State Fire Marshal pursuant to this article. Legislative intention

13162. The State Fire Marshal may issue and renew licenses for those persons or concerns who are in the business of marketing, selling, distributing, servicing, charging or testing of fire extinguishers, portable appliances, or devices for controlling and extinguishing fires. Licenses.

13163. Any person who desires to engage in business of selling, distributing, servicing, charging or testing of fire extinguishers, portable appliances, or devices for controlling and extinguishing fires shall first make a written verified application to the State Fire Marshal on forms provided by him. Such application shall be accompanied by the annual fee as prescribed in this article. Application, forms, etc

The application for a license shall be signed by the applicant. If application is made by a partnership, it shall be signed by each partner of the partnership, and if application is made by a corporation, it shall be signed by an officer of the corporation and bear the seal of the corporation.

Application for renewal of a license shall be made annually by every person holding an existing license and accompanied by the annual license fee as prescribed in this article.

If the State Fire Marshal finds that the granting or renewing of such license would not be contrary to public safety or welfare, he shall issue or renew a license authorizing the applicant to engage in the particular act or acts upon the payment of the license fee specified in this article.

13164. The original and annual renewal fee for any license issued pursuant to this article shall be thirty-five dollars ($35). Renewal fee

Beginning January 1, 1962, the original and annual license fee for any license shall be for the calendar year from January 1 to December 31, or for the remaining portion thereof.

A penalty fee equal to 50 percent of the required original and annual renewal license fee shall be added to such fee in all cases where the fee for a renewal of a license is not paid on or before April 1. Penalty

Written examination

13165. The State Fire Marshal may require applicants for a license to engage in a particular act or acts and those persons performing the particular act or acts for another person, firm or corporation to pass a written examination or practical tests, or both, to determine the applicant's knowledge of use, distribution, servicing, charging, and testing of fire extinguishers, portable appliances, or devices.

A written report of the State Fire Marshal, any of his deputies or salaried assistants, or the chief of any city or county fire department or fire protection district or their authorized representatives, disclosing that the applicant for a license or for a renewal of a license, or the premises for which a license is to apply, do not meet the qualifications or conditions for a license shall constitute grounds for the denial of any application for a license or the renewal of a license.

Revocation

13166. The State Fire Marshal, upon reasonable opportunity to be heard, shall revoke any license issued pursuant to this article, if he finds that:

(a) A licensee has failed to pay the original or annual renewal license fee provided in this article.

(b) The licensee has violated any provisions of this article or any rule or regulations made by the State Fire Marshal under and with the authority of this article.

(c) Any licensee has failed or refused to file any required reports. The State Fire Marshal may, upon three days' notice and a hearing, suspend any license for a period not exceeding 30 days, pending investigation.

Hearings

13167. Except where a shorter time for setting the hearing is prescribed in this article, all hearings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code and in all cases the State Fire Marshal shall have all the powers granted therein.

List of licensees

13168. The State Fire Marshal shall promulgate and make available at cost of printing at least once each year a list of persons, firms, and corporations and the employees of such persons, firms, and corporations that have a valid license. He may, without cost, furnish a single copy of such list to each person, firm, corporation and employee licensed by him and to all California fire officials.

Misdemeanor

13169. Every person who violates any regulation adopted by the State Fire Marshal pursuant to this article is guilty of a misdemeanor punishable as prescribed in Section 13112 of this code.

CHAPTER 1208

An act to amend Section 5605 of the Education Code, relating to tuition charge paid by elementary school districts.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 5605 of the Education Code is amended to read:

5605. The governing board of any elementary school district situated within a high school district maintaining a junior high school shall permit pupils who have completed the sixth year of the elementary school to attend the junior high school and shall pay to the high school district for the education of the pupils a tuition charge determined pursuant to this section. The amount of the tuition charge shall be the amount fixed in an agreement entered into by the governing board of the elementary district and the governing board of the high school district. The governing boards are hereby authorized to enter into such an agreement. If the governing boards fail to enter such an agreement, the amount of the tuition charge shall be fixed by the county board of education. In either event, the tuition charge shall not be less than the average net cost of educating pupils in the first six grades of the elementary schools of the elementary school district, less the amount of any apportionments withheld from the said elementary school district and added to said high school district pursuant to Section 17411 or Section 17411.1, whichever is in effect, nor more than the actual net cost to the high school district of educating such pupils, less the amount of any apportionments withheld from said elementary school district and added to said high school district pursuant to Section 17411 or Section 17411.1, whichever is in effect. On or before January 1st of each fiscal year, the county superintendent of schools shall draw his warrant in favor of the high school district against the general fund of the elementary school district in the amount of the tuition charge due to the high school district for the attendance of pupils at the junior high school during the preceding fiscal year. The amount of the warrant shall be credited to the general fund of the high school district.

For the purposes of this section net cost shall be the total expenditures of the school district from the general fund less expenditures from that fund for community services, land and buildings.

CHAPTER 1209

An act to amend Section 2808 of the Streets and Highways Code, relating to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 2808 of the Streets and Highways Code is amended to read:

2808. None of the provisions of this division shall apply to proceedings heretofore or hereafter commenced for the construction of sanitary sewers, sewage disposal works, and storm water drains, including the acquisition of sewer and storm water drain rights-of-way and easements necessary in connection with such improvement when such proceedings have been recommended by the health officer of the city or county in which such proceedings are instituted as necessary as a health measure, if such recommendation is given in writing and spread upon the minutes of the legislative body conducting said proceedings, and such necessity is found to exist by resolution adopted by the affirmative vote of four-fifths of the members thereof. The findings and determinations made by the legislative body pursuant to this section shall be final and conclusive upon all persons in the absence of actual fraud.

CHAPTER 1210

An act to add Section 1622.6 to the Welfare and Institutions Code, relating to boarding homes for children.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1622.6 is added to the Welfare and Institutions Code, to read:

1622.6. Any county may apply for, and the State Department of Social Welfare may issue pursuant to Chapter 1 of this part to any county department designated by the county making the application a license to perform the home-finding and placement functions other than adoption specified in subdivision (b) of Section 1620.

CHAPTER 1211

An act to amend Section 28105 of the Government Code, relating to compensation for public service.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 28105 of the Government Code is amended to read:

28105. In a county of the fifth class the following shall receive as compensation for the services required of them by law or by virtue of their office the following sums:

(a) The auditor, sixteen thousand eight hundred dollars ($16,800) a year.

(b) The district attorney, nineteen thousand two hundred dollars ($19,200) a year for his full-time services. He shall not engage in the private practice of law.

(c) Each supervisor, ten thousand eight hundred dollars ($10,800) a year and the necessary and actual expenses incurred in the performance of the duties of his office.

(d) Grand jurors and trial jurors in superior courts and municipal courts shall receive for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5) a day. In justice courts in civil cases, jurors shall receive for each day's attendance, three dollars ($3). In justice courts and in criminal cases jurors shall receive for each day's attendance, three dollars ($3). Grand jurors and trial jurors in superior courts and municipal courts shall receive twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the places of service, in going only, mileage to be allowed but once in any one day, during any session of the court where the jurors serve; all other jurors shall receive ten cents ($0.10) per mile. The fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid.

CHAPTER 1212

An act to amend Section 5508 of the Fish and Game Code, relating to fish.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 5508 of the Fish and Game Code is amended to read:

5508 It is unlawful to bring ashore any fish upon which a size or weight limit is prescribed in such a condition that its size or weight cannot be determined.

The commission may adopt regulations, under which fish other than whole fish may be brought ashore, which establish sizes or weights for cleaned or otherwise cut fish equivalent to sizes or weights for whole fish.

CHAPTER 1213

An act to add Section 14604 to the Education Code, relating to school district retirement plans.

In effect September 15, 1961

[Approved by Governor July 6, 1961 Filed with Secretary of State July 7, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 14604 is added to the Education Code, to read:

14604 Notwithstanding anything to the contrary in this code, whenever a school district maintaining a district retirement plan annexes another school district, or annexes that portion of another school district which portion includes a school or schools, the governing board of the annexing district shall have the right to determine by rules and regulations governing the operation of the district retirement plan whether or not otherwise eligible certificated employees of the annexed district or annexed portion of a district who are members of the State Teachers' Retirement System may, at their option, become members of the district retirement plan. Any such certificated employee who does not become a member of the district plan shall continue to be a member of the State Teachers' Retirement System

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CHAPTER 1214

An act to amend Sections 1802.6, 1803.2, 1803.7, 1804.1, 1804.2, 1811.1, 1812.2, 1812.3, 1812.8, and 1812.9 of the Civil Code, relating to retail installment sales.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 1802.6 of the Civil Code is amended to read:

"Retail installment contract," "contract"

1802.6. "Retail installment contract" or "contract" means any contract for a retail installment sale between a buyer and seller, entered into or performed in this State, which provides

for repayment in installments, whether or not such contract contains a title retention provision, and in which a time price differential is computed upon and added to the unpaid balance at the time of sale or where no time price differential is added but the goods or services are available at a lesser price if paid by cash or where the buyer, if he had paid cash, would have received any additional goods or services or any higher quality goods or services at no added cost over the total amount he pays in installments. When taken or given in connection with a retail installment sale, the term includes but is not limited to a chattel mortgage, a conditional sales contract and a contract for the bailment or leasing of goods by which the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of their value and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the goods upon full compliance with the terms of the contract.

SEC. 2. Section 1803.2 of said code is amended to read:

Form and content of contract

1803.2. Except as provided in Section 1808.3, every retail installment contract shall be contained in a single document which shall contain:

(a) The entire agreement of the parties with respect to the cost and terms of payment for the goods and services, including any promissory notes or any other evidences of indebtedness between the parties relating to the transaction, and including any promise, whether made in writing or orally, by the seller, made as an inducement to the buyer to become a party to the contract or which is part of the contract or which is made incidental to negotiations between the seller and the buyer with respect to the sale of the goods or services that are the subject of the contract, that the seller will compensate the buyer for referring customers or prospective customers to the seller for goods or services which the seller has for sale or for referring the seller to such customers or prospective customers. In any case in which, pursuant to the preceding provisions, the contract contains a promise to compensate the buyer for referring customers or prospective customers to the seller or the seller to such customers, the contract must contain a provision to the effect that the amount otherwise owing under the contract at any time is reduced by the amount of compensation owing pursuant to such promise.

(b) Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Conditional Sale Contract" or "Lien Contract," as the case may be, shall appear in at least 10-point bold type where a security interest in the goods is retained or a lien on other goods or realty is obtained by the seller as security for the goods or services purchased. Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Retail Installment Contract" shall appear in at least 10-point bold type where security is not obtained by the seller for the goods or services purchased. The requirements of this

subdivision shall be in addition to any applicable designation required of a chattel mortgage by Civil Code Sections 2956 and 2957.

(c) A notice in at least eight-point bold type reading as follows: "Notice to the buyer: (1) Do not sign this agreement before you read it or if it contains any blank space. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance the full amount due and under certain conditions to obtain a partial refund of the service charge."

SEC. 3 Section 1803 7 of said code is amended to read:

Delivery, etc , of copy to buyer

1803.7. The seller shall deliver to the buyer, or mail to him, at his address shown on the contract, a legible copy thereof completed in accordance with the provisions of this chapter. Until the seller does so, the buyer shall be obligated to pay only the cash sale price. Any acknowledgment by the buyer of delivery of a copy of the contract shall be printed or written in a size equal to at least 10-point bold type and, if contained in the contract shall also appear directly above the space reserved for the buyer's signature. The buyer's written acknowledgment, conforming to the requirements of this section of delivery of a copy of a contract shall be a rebuttable presumption of such delivery and of compliance with this section and Section 1803.4, in any action or proceeding by or against an assignee of the contract without knowledge to the contrary when he purchases the contract. If the holder furnishes the buyer a copy of the contract, or a notice containing the items required by Section 1803.3 and stating that the buyer should notify the holder in writing within 30 days if he was not furnished a copy of the contract, and no such notification is given, it shall be conclusively presumed in favor of the third party that a copy was furnished as required by Sections 1803.4 and 1803.7.

SEC. 4. Section 1804.1 of said code is amended to read:

Prohibited provisions

1804.1. No contract or obligation shall contain any provision by which:

(a) The buyer agrees not to assert against a seller a claim or defense arising out of the sale or agrees not to assert against an assignee such a claim or defense other than as provided in Section 1804.2.

(b) In the absence of the buyer's default in the performance of any of his obligations, the holder may accelerate the maturity of any part or all of the amount owing thereunder.

(c) A power of attorney is given to confess judgment in this State, or an assignment of wages is given; provided, that nothing herein contained shall prohibit the giving of an assignment of wages contained in a separate instrument, executed pursuant to Section 300 of the Labor Code.

(d) The seller or holder of the contract or other person acting on his behalf is given authority to enter upon the buyer's premises unlawfully or to commit any breach of the peace in the repossession of goods.

(e) The buyer waives any right of action against the seller or holder of the contract or other person acting on his behalf, for any illegal act committed in the collection of payments under the contract or in the repossession of goods.

(f) The buyer executes a power of attorney appointing the seller or holder of the contract, or other person acting on his behalf, as the buyer's agent in collection of payments under the contract or in the repossession of goods.

(g) The buyer relieves the seller from liability for any legal remedies which the buyer may have against the seller under the contract or any separate instrument executed in connection therewith.

SEC. 5. Section 1804.2 of said code is amended to read:

Assignment

1804.2. No right of action or defense arising out of a retail installment sale which the buyer has against the seller, and which would be cut off by assignment, shall be cut off by assignment of the contract to any third party whether or not he acquires the contract in good faith and for value unless the assignee gives notice of the assignment to the buyer as provided in this section, and within 15 days of the mailing of such notice receives no written notice of the facts giving rise to the claim or defense of the buyer. A notice of assignment shall be in writing addressed to the buyer at the address shown on the contract and shall: identify the contract; state the name of the seller and buyer; describe the goods and/or services; state the time balance and the number and amounts of the installments. The notice of assignment shall contain the following warning to the buyer:

Form of notice

You have 15 days within which to notify us of any claims or defenses which you may have against the seller. If you have any complaints or objections to make, you should notify us at this time.

SEC. 6. Section 1811.1 of said code is amended to read:

Attorney's fees, etc.

1811.1. Reasonable attorney's fees and costs shall be awarded to the prevailing party in any action on a contract or installment account subject to the provisions of this chapter regardless of whether such action is instituted by the seller, holder or buyer. Where the defendant alleges in his answer that he tendered to the plaintiff the full amount to which he was entitled, and thereupon deposits in court, for the plaintiff, the amount so tendered, and the allegation is found to be true, then the defendant is deemed to be a prevailing party within the meaning of this article.

SEC. 7. Section 1812.2 of said code is amended to read:

Sellers remedies upon buyers default

1812.2. In the event of any default by the buyer in the performance of his obligations under a contract or installment account, the holder, pursuant to any rights granted therein, may proceed to recover judgment for the balance due without retaking the goods, or he may retake the goods and proceed as hereinafter provided. If he retakes the goods, he shall, within 10 days, give notice to the buyer of his intention to sell the goods at public sale or give notice to the buyer of his intention

to retain the goods in satisfaction of the balance due. The notice must state the amount of the charges, in addition to overdue payments, that the buyer must pay, if he pays within 10 days of the notice, in order to redeem the goods. In either case the buyer shall have an absolute right to redeem the goods within 10 days after the notice is given by paying or tendering the amount owing under the contract and any expense of taking, keeping and storage. If the holder gives notice of election to sell the goods the buyer shall also have the absolute right to redeem the goods at any time before sale by paying or tendering the amounts specified above and also any expense reasonably incurred by the seller or holder in good faith in repairing, reconditioning the goods or preparing them for sale. If the holder gives notice of his intention to retain the goods in satisfaction of the indebtedness he shall be deemed to have done so at the end of the 10-day period if the goods are not redeemed; at the time the notice is given, the holder shall furnish the buyer a written statement of the sum due under the contract and the expenses provided for in this section. For failure to render such a statement the holder shall forfeit to the buyer ten dollars ($10) and also be liable to him for all damages suffered because of such failure.

SEC. 8 Section 1812.3 of said code is amended to read:

Notice to buyer

1812.3. The notice provided for in Section 1812.2 shall be given to the buyer and any other person liable by causing it to be delivered personally or to be deposited in the United States mail addressed to the buyer or to such other person at his last known address and shall advise the buyer or such other person of his right to redeem as provided for in Section 1812.2. If the holder determines to sell the goods at public sale he shall give notice of the time and place of sale at least 10 days before the date of sale by delivering a copy of the notice personally to the buyer or other person liable or depositing the same in the United States mail addressed to the buyer or such other person at his last known address.

SEC. 9. Section 1812.8 of said code is amended to read:

Corrections of failure to comply

1812.8. Notwithstanding the provisions of this article, any failure to comply with any provision of this chapter may be corrected by the holder in accordance with the provisions of this section, provided that a willful violation may not be corrected, and a correction which will increase the amount owed by the buyer or the amount of any payment shall not be effective unless the buyer concurs in writing to the correction. If a violation is corrected by the holder in accordance with the provisions of this section, neither the seller nor the holder shall be subject to any penalty under this article. The correction shall be made by delivery to the buyer of a corrected copy of the contract within 30 days of the execution of the original contract by the buyer. Any amount improperly collected from the buyer shall be credited against the indebtedness evidenced by the contract.

SEC. 10. Section 1812.9 of said code is amended to read:

1812.9. In any case in which a person willfully violates any provision of this chapter in connection with the imposition, computation or disclosures of or relating to a time price differential or service charge on a consolidated total of two or more contracts under the provisions of Article 8 of this chapter, the buyer may recover from such person an amount equal to three times the total of the time price differentials or service charges and any delinquency, collection, extension, deferral or refinance charges imposed, contracted for or received on all contracts included in the consolidated total and the seller shall be barred from the recovery of any such charges. Willful violations of provisions

SEC. 11. Notwithstanding the amendment of Section 1804.2 enacted at the 1961 Regular Session of the Legislature, a notice of assignment made in the form and manner provided by the section prior to the amendment shall be valid and effective until July 1, 1962. Prior notice of assignment

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CHAPTER 1215

An act to add Article 1.6 (commencing with Section 2595) to Chapter 7 of Division 5 of the Education Code, relating to junior colleges.

The people of the State of California do enact as follows:

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.] In effect September 15, 1961

SECTION 1. Article 1.6 (commencing with Section 2595) is added to Chapter 7 of Division 5 of the Education Code, to read:

Article 1.6. Inclusion of High School Districts in Junior College Districts

2595. The governing board of any high school district which is not a part of a district maintaining a junior college and which, in each year since September 1, 1957, has paid tuition for the attendance of junior college pupils residing in the high school district at a junior college maintained by a high school district contiguous thereto shall, on or before February 1, 1963, undertake one of the following: Alternative proceedings which may be initiated

(1) Initiate proceedings to annex the high school district which has paid such tuition to a district maintaining a junior college which is in effect for all purposes prior to February 1, 1963.

(2) Together with the district to which the tuition payments have been made, initiate proceedings to form a junior college district.

(3) Form with other contiguous high school districts a separate junior college district, provided that the assessed valuation of such proposed junior college district shall be not less

than fifty million dollars ($50,000,000), and that no fewer than 400 pupils shall be enrolled therein.

As used in this section, high school district does not mean unified district.

Alternative procedures for undertaking and completing

2596. The initiation of proceedings referred to in Section 2595 shall be undertaken and completed in any of the following ways:

(1) For annexation to the contiguous high school district maintaining a junior college, pursuant to the provisions of Article 9 (commencing with Section 2381) of Chapter 6 of this division.

(2) For the formation of a new junior college district comprising the district paying the tuition and the district to which the tuition is paid, pursuant to the provisions of either Article 1 (commencing with Section 2551) of Chapter 7 of this division, or the procedure contained in Chapter 9 (commencing with Section 3001) of this division.

(3) For the formation with other contiguous high school districts of a separate junior college district pursuant to the provisions of either Article 1 (commencing with Section 2551) of Chapter 7 of this division, or the procedures contained in Chapter 9 (commencing with Section 3001) of this division.

CHAPTER 1216

An act to amend Section 8780 of the Fish and Game Code, relating to bait nets.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 8780 of the Fish and Game Code is amended to read:

8780. As used in this chapter, the term "bait net" means a lampara or round haul type net the mesh of which is constructed of twine not exceeding standard No. 9 medium cotton seine twine or synthetic twine of equivalent size or strength. The net shall not have rings along the lead line or any method of pursing the bottom of the net.

Bait nets may be used to take fish for bait in any ocean district except District 20.

In District 19B and those portions of District 4½ comprising the Los Angeles and Long Beach Inner Harbors, bait nets may be used only to take sardines, anchovies, queenfish, white croakers, and smelt for bait only.

In District 19A bait nets may be used to take sardines, smelt, anchovies, queenfish and white croaker except that sardines taken for canning purposes may be taken only during the season specified in Section 8151. No other species of fish

may be taken or possessed on any boat carrying a bait net in District 19A.

Nothing in this section prohibits the use of bait nets in Districts 19A and 19B for taking fish for use as fishfood in state fish hatcheries.

CHAPTER 1217

An act to amend Section 6006 of the Government Code, relating to newspapers of general circulation.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 6006 of the Government Code is amended to read:

6006. Nothing in this chapter alters the standing of any newspaper which, prior to the passage of Chapter 258 of the Statutes of 1923, was an established newspaper of general circulation, irrespective of whether it was printed in the place where it was published for a period of one year as required

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CHAPTER 1218

An act to add Section 228 to the Labor Code, relating to payments to apprenticeship funds

[Approved by Governor July 7, 1961. Filed with Secretary of State July 7, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 228 is added to the Labor Code, to read:

228. The payments under Section 227 of this code shall be deemed to include payments to apprenticeship funds.

This amendment is hereby declared to be merely a clarification of the original intention of the Legislature and is not a substantive change.

CHAPTER 1219

An act to amend Sections 74182, 74183, 74184, 74185 of, and to add Sections 74185.5 and 74185.6 to, the Government Code, relating to municipal courts

[Approved by Governor July 7, 1961. Filed with Secretary of State July 7, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 74182 of the Government Code is amended to read:

Clerk

74182. There shall be one clerk, to be appointed by the judges of the court, who shall be secretary of the court and who shall receive a monthly salary at a rate specified in Schedule 41 of Section 74185.5.

SEC. 2. Section 74183 of said code is amended to read:

Deputy clerk

74183. The clerk shall appoint:

(a) One chief deputy clerk who shall be in charge of the civil division of the court and who shall receive a monthly salary at a rate specified in Schedule 35 of Section 74185.5.

(b) One deputy clerk, grade IV (supervisor criminal division), who shall receive a monthly salary at a rate specified in Schedule 32 of Section 74185.5.

(c) Five deputy clerks, grade III (criminal division), each of whom shall receive a monthly salary at a rate specified in Schedule 30 of Section 74185.5.

(d) One deputy clerk, grade III (civil division), who shall receive a monthly salary at a rate specified in Schedule 30 of Section 74185.5.

(e) One deputy clerk, grade III, who shall be in charge of the traffic violations bureau of the court and who shall receive a monthly salary at a rate specified in Schedule 30 of Section 74185.5.

(f) Seven deputy clerks, grade II (criminal division), each of whom shall receive a monthly salary at a rate specified in Schedule 27 of Section 74185.5.

(g) Seven deputy clerks, grade II (civil division), each of whom shall receive a monthly salary at a rate specified in Schedule 27 of Section 74185.5.

(h) Three deputy clerks, grade I (criminal division), each of whom shall receive a monthly salary at a rate specified in Schedule 24 of Section 74185.5.

SEC. 3. Section 74184 of said code is amended to read:

Marshal

74184. There shall be one marshal, to be appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 41 of Section 74185.5.

SEC. 4. Section 74185 of said code is amended to read:

Deputy marshals

74185. The marshal shall appoint:

(a) Three deputy marshals (sergeants) each of whom shall receive a monthly salary at a rate specified in Schedule 34 of Section 74185.5.

(b) Two deputy marshals (bailiffs) each of whom shall receive a monthly salary at a rate specified in Schedule 31 of Section 74185.5.

(c) One deputy marshal (clerk grade III), who shall receive a monthly salary at a rate specified in Schedule 30 of Section 74185.5.

(d) Two deputy marshals (clerk grade II), each of whom shall receive a monthly salary at a rate specified in Schedule 27 of Section 74185.5.

SEC. 5. Section 74185.5 is added to said code, to read:

74185.5. Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply. Salary schedule

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
24	315	330	347	364	383
25	330	347	364	383	402
26	347	364	383	402	423
27	364	383	402	423	444
28	383	402	423	444	467
29	402	423	444	467	490
30	423	444	467	490	515
31	444	467	490	515	540
32	467	490	515	540	567
33	490	515	540	567	596
34	515	540	567	596	626
35	540	567	596	626	657
36	567	596	626	657	690
37	596	626	657	690	725
38	626	657	690	725	761
39	657	690	725	761	800
40	761	800	850		
41	800	850	900		
42	850	900	950		
43	900	950	1,000		
44	950	1,000	1,050		
45	1,000	1,050	1,100		
46	1,050	1,100	1,150		
47	1,100	1,150	1,200		
48	1,150	1,200	1,250		

(a) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first 12 months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following 12 months' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in the highest step of the schedule pertaining to such position.

(b) When any person in the service of the court is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall re-

ceive step 1 of such schedule if step 1 is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation.

(c) When any person in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

SEC. 6. Section 74185.6 is added to said code, to read:

Equalization of compensation

74185.6. Notwithstanding the provisions of Article 4 (commencing at Section 72150) of Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the clerk of the court with the approval of the judges of the court and the Board of Supervisors of the County of Sacramento, an officer or an attaché of the court, whether appointed under the provisions of this article or under Article 4 of Chapter 8 of this title, may be paid any compensation, which is within the schedules and increments set forth in this article, in excess of or less than the maximum to which such employee would otherwise be entitled; provided, that any such salary adjustment shall not extend longer than ninety (90) days after the adjournment of the next general session of the Legislature.

CHAPTER 1220

An act to amend Sections 1231 and 1242 of the Education Code, relating to district school boards.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1231 of the Education Code is amended to read:

Elementary school district governing board membership

1231. Except as provided in this section or in Section 1232, the governing board of any elementary school district shall be composed of three members selected at large from the territory comprising the district. Whenever, in any elementary school district having a governing board of three members, the average daily attendance during the preceding fiscal year

became 300 or more, the governing board of the district shall do either of the following:

(a) By its own action determine that the number of members of the governing board shall be increased to five, in which case two additional members shall be elected at the next regular governing board member election.

(b) Request the county superintendent of schools having jurisdiction to submit the question of whether the number of members of the governing board shall be increased to five to the voters of the elementary school district at the next regular governing board member election. At the same election two additional members shall be elected to take office if the number of governing board members is increased.

If the voters at such election do not approve such an increase in membership of the governing board, the same question may be submitted to the voters at subsequent governing board member elections so long as the district continues to have an average daily attendance of 300 or more. Requests to the county superintendent to submit the question to the voters of a district shall be filed with him by the governing board of the district no later than 100 days prior to the election.

If, pursuant to either subdivision (a) or subdivision (b) of this section, two additional governing board members are authorized and elected, the one receiving the higher number of votes shall hold office for a term of four years from July 1st succeeding the election, and the other one shall hold office for a term of two years from July 1st succeeding the election. Thereafter the governing board shall be composed of five members elected in the same manner and for the same term as provided in Sections 931 to 974, inclusive, and Sections 1231 and 1232 for governing boards having five members.

SEC. 2. Section 1242 of the Education Code is amended to read:

1242. When such a vacancy occurs prior to January 1st of a school year, the county superintendent of schools having jurisdiction with the approval of the county board of education shall appoint an eligible person to hold the office until the following June 30th. At the next regular election for governing board members, in addition to filling the offices of members whose terms are expiring, an election shall be held to fill the vacancy for the unexpired term Vacancies

When such a vacancy occurs between January 1st and June 30th, inclusive, of a school year, the county superintendent of schools having jurisdiction with the approval of the county board of education shall appoint an eligible person to hold the office for the unexpired term or until June 30th of the next succeeding odd-numbered year, whichever occurs first. At the regular election for governing board members held in such succeeding odd-numbered year, in addition to filling the offices of members whose terms are expiring, an election shall be held to fill the vacancy for the remainder of the unexpired term.

CHAPTER 1221

An act to amend Section 11301 of the Education Code, relating to kindergarten attendance.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 11301 of the Education Code is amended to read:

11301. The units of average daily attendance in the elementary schools of a district for a fiscal year shall be computed by dividing the total number of days of pupils attendance in all kindergarten and elementary schools and classes of the district during the fiscal year by the number of days school was actually taught in the regular day elementary schools of the district during the fiscal year, plus the units of average daily attendance credited to the district on account of the education of seventh and eighth grade pupils in a junior high school pursuant to Section 11404.

For the purposes of this article, a day of kindergarten attendance is based on the 180-minute minimum day, and shall be adjusted to 180 when the minimum day is less than 180 minutes as authorized by Section 11003.

CHAPTER 1222

An act to amend Sections 73872, 73873 and 73874 of, and to add Sections 73876 and 73877 to, the Government Code, relating to municipal courts.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 73872 of the Government Code is amended to read:

Clerk

73872. There shall be one clerk who shall be appointed by the judges of the court and who shall be secretary of the court. The clerk shall receive a monthly salary at a rate specified in Schedule 37 of Section 73876.

SEC. 2. Section 73873 of said code is amended to read:

73873 The clerk may appoint:

Deputy clerks

(a) Three deputy clerks, grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 30 of Section 73876.

(b) Four deputy clerks, grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 27 of Section 73876.

(c) Seven deputy clerks, grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 24 of Section 73876.

SEC. 3. Section 73874 of said code is amended to read:

Marshal

73874. There shall be one marshal who shall receive a monthly salary at a rate specified in Schedule 36 of Section 73876. The marshal may appoint:

Sergeants

(a) Two sergeants, each of whom shall receive a monthly salary at a rate specified in Schedule 34 of Section 73876.

Deputy marshals

(b) Three deputy marshals, each of whom shall receive a monthly salary at a rate specified in Schedule 31 of Section 73876.

Deputy marshal clerk, grade III

(c) One deputy marshal clerk, grade III, who shall be a stenographer, and who shall receive a salary at a rate specified in Schedule 30 of Section 73876.

Same grade I

(d) One deputy marshal clerk, grade I, who shall receive a monthly salary at a rate specified in Schedule 24 of Section 73876.

SEC. 4. Section 73876 is added to said code, to read:

Salary schedule

73876. Whenever reference to a numbered salary schedule is made in any section of this article the following schedule of monthly salaries shall apply:

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
24	$315	$330	$347	$364	$383
25	330	347	364	383	402
26	347	364	383	402	423
27	364	383	402	423	444
28	383	402	423	444	467
29	402	423	444	467	490
30	423	444	467	490	515
31	444	467	490	515	540
32	467	490	515	540	567
33	490	515	540	567	596
34	515	540	567	596	626
35	540	567	596	626	657
36	567	596	626	657	690
37	596	626	657	690	725
38	626	657	690	725	761
39	657	690	725	761	800
40	761	800	850		
41	800	850	900		
42	850	900	950		
43	900	950	1,000		
44	950	1,000	1,050		
45	1,000	1,050	1,100		
46	1,050	1,100	1,150		
47	1,100	1,150	1,200		
48	1,150	1,200	1,250		

(a) Unless otherwise specifically provided each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first 12 months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following 12 months' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in the highest step of the schedule pertaining to such position.

Promotion

(b) When any person in the service of the court is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step 1 of such schedule if step 1 is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation.

Demotion

(c) When any person in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

SEC. 5. Section 73877 is added to said code, to read:

Equalization of compensation

73877. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of Title 8 and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the clerk of the court with the approval of the judges of the court and the Board of Supervisors of the County of Sacramento, an officer or an attaché of the court, whether appointed under the provisions of this article or under Article 4 of Chapter 8 of Title 8, may be paid any compensation, which is within the schedules and increments set forth in this article, in excess of or less than the maximum to which such employee would otherwise be entitled. Any such salary adjustment shall not extend longer than ninety (90) days after the adjournment of the next general session of the Legislature.

CHAPTER 1223

An act to add Section 143.01 to the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 143.01 is added to the Welfare and Institutions Code, to read:

143.01. If a recipient of aid under Chapter 1 (commencing with Section 2000) of Division 3, Chapter 1 (commencing with Section 3000) of Part 1 of Division 5, or Chapter 1 (commencing with Section 4000) of Part 2 of Division 5, purchases with cash an essential item, and such purchase under the rules and regulations of the State Social Welfare Board would have entitled him to a special need allowance each month to meet monthly installments on such purchase had he paid for the item in monthly installments, the recipient shall be considered to have purchased the item from his personal property holdings, and shall be allowed to place in his savings, each month, without deduction from his grant, an amount of income equivalent to the special need allowance he would have been granted had he paid for the item on a monthly installment basis. The income placed in his savings shall be considered personal property for the purpose of this chapter.

CHAPTER 1224

An act to amend Section 8454 of the Education Code, relating to student political clubs.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 8454 of the Education Code is amended to read:

8454. (a) No bulletin, circular, or other publication of any character whose purpose is to spread propaganda or to foster membership in or subscriptions to the funds of any organization not directly under the control of the school authorities, or to be used as the basis of study or recitation or to supplement the regular school studies shall be distributed or suffered to be distributed or shown to the pupils of any public school, on the school premises during school hours or within one hour before the time of opening or within one hour after the time of closing of the school. (b) No pupils of the public school shall be solicited by teachers or others

to subscribe to the funds of, or work for, any organization not directly under the control of the school authorities. (c) No instruction shall be given through lectures or other means, unless the material contained in the bulletin, circular, or publication, or the purpose of the subscription or instruction has been approved by the State Board of Education, or by the county board of education, or by the governing board of the school district in which the school is situated.

No prohibition of this section shall apply to bulletins or circulars concerning the meetings of their organizations issued by any parent-teacher association or by any organization of parents formed for the purpose of co-operating with the school authorities in improving school conditions in the district.

Any student political organization which is affiliated with the official youth division of any political party that is on the ballot of the State of California may hold meetings on a junior college campus and may distribute bulletins and circulars concerning its meetings, provided that there is no endorsement of such organization by the school authorities and no interference with the regular educational program of the school.

CHAPTER 1225

An act to amend Section 8 of Chapter 129 of the Statutes of 1867-1868, relating to the conveyance of certain streets and alleys to the City of Red Bluff.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 8 of Chapter 129 of the Statutes of 1867-1868 is amended to read:

Sec. 8. The Judge of the Superior Court in and for the County of Tehama, as successor to the county judge of said county, is hereby authorized to convey the title in fee to the streets or alleys between Blocks 1 and 17, and 2 and 16, and to that street and alley dividing Block 86 and lying to the east of lots 13 through 24 and the west of lots 1 through 9, all included in Block 86, of the City of Red Bluff, as shown on the official map thereof, to the City of Red Bluff. The city council of said city may vacate said streets or alleys and convey title thereto upon such terms and conditions as it deems appropriate in the public interest.

CHAPTER 1226

An act to amend Sections 2020 and 2025 of, and to add Section 2026 to, the Welfare and Institutions Code, relating to old age assistance.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 2020 of the Welfare and Institutions Code is amended to read:

2020. Amount of Aid Allowed. Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant, equals one hundred dollars ($100) per month. Amount of aid allowed

The amount of the grant as set forth in this section and Section 2020.002 shall be adjusted annually by the State Social Welfare Board to reflect any increase in cost of living occurring after January 1, 1962. The average of the separate indices of the cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics shall be used as the basis for determining the changes in the cost of living. Whenever the cost of living increases by a percentage which when multiplied by one hundred dollars ($100) results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to one hundred dollars ($100) and to the maximum grant payable under Section 2020.002. The resultant sum shall be declared by formal action of the State Social Welfare Board to be monthly grants payable under this section and Section 2020.002, respectively. In giving effect to the cost of living increase feature of this section the State Social Welfare Board shall select a base month for computation of the percentage change in the cost of living after January 1, 1962. The same month shall be used annually thereafter. The ordered change in the maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period following the date of the formal action of the board directing the change.

In computing the amount of income determined to be available to support a recipient under this chapter the value of currently used resources shall be included but the value of casual income and inconsequential resources shall be excluded.

In any case where it is found that the need of an applicant exceeds the maximum provided by this section an additional amount of aid shall be paid as provided by Section 2020.002 of this chapter.

SEC. 2. Section 2025 of said code is amended to read:

2025. Increase or Decrease of Federal Contributions: Change in Amount of Aid: Maximum and Minimum: Legislative Intent. If, when, and during such times as the United States government increases or decreases its contributions in Change in federal contributions

assistance of the aged in this State above or below the amount being paid on January 1, 1961, or above or below the amount payable as a result of any such increase or decrease, the maximum grant of aid provided in each of Sections 2020 and 2020.002 of this chapter shall be increased or decreased by an amount equal to the nearer dollar of such increase or decrease by the United States government. It is the intent of the Legislature that any change in contributions by the United States government, whether increase or decrease, shall result in a corresponding change in the amount of the maximum grant prescribed in Section 2020.

It is also the intent of the Legislature that should the federal government require that any increase in assistance to the aged in this State granted by it after May 1, 1955 be considered necessary to meet medical or health needs of the applicant or recipient, such increase shall be considered necessary to meet such medical or health needs.

SEC. 3. Section 2026 is added to said code, to read:

Amount of grant payable

2026. Subject to the provisions of Section 2020 and Section 2020.002 the amount of grant payable under this article shall be determined in accordance with a standard of assistance established by the State Social Welfare Board. Said standards of assistance shall serve to establish the need of aged persons and the amount of assistance each such aged person is entitled to receive. Money amounts shall be established for each consumption item or group of items included within the scope of the allowance prescribed in Section 2020 and the additional allowance provided for in Section 2020.002.

The State Department of Social Welfare shall analyze the standard of assistance at least annually and at the time of any increase in grant and shall make recommendations for modification in the standard to the State Social Welfare Board. Based upon these recommendations and the facts presented therewith the State Social Welfare Board shall adopt the necessary amendments to the standard of assistance.

Effect: Stats 1961, Ch. 1230

SEC. 4. The provisions of this act shall not become operative unless Assembly Bill No. 519 is enacted by the Legislature at its 1961 Regular Session.

Operative date

SEC. 5. This act shall become operative January 1, 1962.

CHAPTER 1227

An act to add Part 4 (commencing with Section 4700) to Division 5 of, to repeal Section 2160.3 of, and to amend Sections 103.8, 104.6, 124.6, 4502 and 4555 of, the Welfare and Institutions Code, relating to a program of medical assistance for aged persons who are not recipients of old age security, and making an appropriation therefor.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Part 4 (commencing with Section 4700) is added to Division 5 of the Welfare and Institutions Code, to read:

PART 4. MEDICAL ASSISTANCE FOR THE AGED

CHAPTER 1. MEDICAL ASSISTANCE

Article 1. General Provisions

Object and purpose

4700. The object and purpose of this chapter is to establish a program of medical assistance for the aged which will more adequately furnish medical care to those elderly persons who are financially unable to pay for medical and hospital care needed to preserve their health and prolong life. Insofar as it is practical to do so the program authorized by this chapter shall be planned and administered in such a way as to supplement the financial ability of the county governments of this State to meet the health needs of aged persons who are not recipients of old age security under Chapter 1 (commencing with Section 2000) of Division 3 of this code by utilizing to the fullest extent possible the federal funds available to this State for such aged persons under Title I of the Federal Social Security Act.

4701. As used in this chapter:

Definitions

(a) "Medical assistance" means medical care as defined by Section 4502 of this code, which is rendered in behalf of aged persons as provided by Section 4722 of this chapter and the regulations of the State Social Welfare Board pursuant thereto.

(b) "Aged person" means any person 65 years of age or older who meets the following conditions:

1. Who resides in California.

2. Whose average monthly income over the next 12 months is not expected to exceed the costs of his medical care plus the cost of his maintenance as determined by the standard of assistance for a recipient of Old Age Security.

3. Who does not own personal or real property or both in excess of the amount permitted for recipients of Old Age Security.

4. Who is not a recipient of Old Age Security.

5. Who is not a patient in an institution for tuberculosis or mental diseases.

6. Who is not a patient in a medical institution as a result of a diagnosis of tuberculosis or psychosis except to the extent federal reimbursement is provided by Title I of the Federal Social Security Act.

7. Who is not an inmate of a public institution except as a patient in a public medical institution.

Construction of chapter

4702. Nothing in this chapter shall be construed as repealing any act or part of an act providing for the medical care or hospitalization of aged persons. The provisions of this chapter shall be considered as an additional method of providing medical care or hospitalization and supplementation to medical services or remedial care provided to aged persons under other provisions of state law.

Laws, etc., affecting services

4703. All service or care granted under the provisions of this chapter is held subject to the provisions of any law hereafter enacted, amending, repealing, or supplementing in whole or in part the provisions of this chapter, and subject to the rules and regulations of the State Social Welfare Board. No recipient of service or care under this chapter shall have any claim for compensation or otherwise because his service is affected in any way by any such amending, repealing, or supplemental act, or by any such rule or regulation or by any addition, amendment, or repeal of such rules or regulations.

Agreements

4704. The Governor may enter into and execute in behalf of the State all necessary agreements in connection with this chapter as may be required by the United States government.

Conditions affecting operation of chapter

4705. The provisions of this chapter shall only become operative and remain in operation during such times as grants-in-aid are provided or made available to the State on the basis of a state plan approved by the federal government as medical assistance for the aged pursuant to provisions of Title I of the Federal Social Security Act.

Effect of federal program

4706. If, when and during such times as the Federal Social Security Act provides medical care services as an integral part of the insurance benefit program for qualified beneficiaries under Title II of the Federal Social Security Act any aged persons eligible for such medical services shall be ineligible for any similar medical assistance as may be available under this chapter.

Article 2. Administration

County agency

4720. The county agency established to carry out the local administrative responsibilities of the public assistance programs shall carry out the local administrative responsibilities of this chapter except as otherwise provided by regulations

of the State Social Welfare Board authorizing the board of supervisors to designate another county agency. In the event the selection of another county agency is permitted the designation of that agency shall be made by formal resolution adopted by the board of supervisors. The designated agency shall comply with all provisions of this chapter and regulations issued pursuant thereto, and shall be responsible to the State Department of Social Welfare for the administrative performance pertaining thereto.

Contracts with other agencies

4721. The State Department of Social Welfare may contract or may authorize a county to contract with one or more nonprofit membership corporations lawfully operating under Section 9200 or 9201 of the Corporations Code, or with medical societies or other medical groups, or with private insurance companies holding valid outstanding certificates of authority from the Insurance Commissioner of this State or with nonprofit hospital service plans qualifying under Chapter 11A (commencing with Section 11491) of Part 2 of Division 2 of the Insurance Code, under subdivision (a) or subdivision (b) of this section, or both.

Insofar as practical, consistent with the efficient and economical administration of this chapter, the State Department of Social Welfare shall afford aged persons free choice of arrangements under which they shall receive medical assistance, and insofar as practical, consistent with the efficient and economical administration of this chapter, at least one arrangement available to all recipients of medical assistance shall afford free choice among physicians willing to provide services under the terms of a contract entered into pursuant to this section

The State Social Welfare Board may establish, and revise as necessary, uniform monthly rates which may be paid under a contract pursuant to this section as partial or full prepayment for services to be rendered in behalf of aged persons under this chapter.

(a) The State Department of Social Welfare may enter into nonexclusive contracts providing arrangements under which funds available for medical assistance under this chapter shall be administered and disbursed to providers of medical care in consideration for services rendered and supplies furnished by them in accordance with the provisions of the applicable contract and any schedule of charges or formula for determining payment established pursuant to such contract. No contract entered into pursuant to this subdivision shall deny to aged persons free choice of physicians willing to provide services under the terms of such contract.

Group payment programs, etc

(b) Notwithstanding subdivision (a) of this section, the State Department of Social Welfare may contract for one or more indemnity or service-type partial or full prepayment or group payment programs to provide medical care or any aspect thereof, with any agency or organization qualified under the first paragraph of this section.

Policies, etc.

4722. The State Social Welfare Board shall establish the maximum allowances for services to be provided and shall prescribe the policies, standards, and scope of services to be provided by this chapter and shall adopt such rules and regulations as are necessary for carrying out every provision of this chapter and not inconsistent therewith.

In establishing the scope and limitations of medical assistance to be provided pursuant to this chapter, the Social Welfare Board shall be limited to providing long-term medical care to an aged person who requires care in a hospital or a nursing home and outpatient care for such aged person following discharge therefrom.

Long-term medical care

Long-term medical care means medical assistance, as defined by subdivision (a) of Section 4701, provided in behalf of persons requiring confinement of more than 30 days in a facility holding a valid license from the State Department of Public Health as a hospital within the meaning of Section 1401 of the Health and Safety Code or a facility exempt from licensure pursuant to subdivision (c) of Section 1415 of said code. Such long-term medical care shall include the services of physicians and related personnel as well as the other inpatient services provided by the hospital or nursing home. Medical assistance shall be continued, as needed, on an outpatient basis upon release from the hospital or nursing home.

A transfer from one facility to another shall not be considered as an interruption in the continuity of care.

No cost of care shall be paid for under this chapter for the first 30 days of confinement in a hospital or nursing home.

Upon a showing of favorable cost experience and the approval of the State Department of Finance the State Social Welfare Board may reduce the required period of confinement and the period for which costs of care may not be paid but in no event shall either of these periods of time be reduced below 21 days.

In adopting the schedule of maximum allowances as required by this section the State Social Welfare Board shall not adopt a schedule which offers local public medical facilities a lesser rate of return in comparison to actual costs than is offered to nonpublic facilities. To the extent that rate schedules established for nonpublic facilities include a factor for plant depreciation or replacement, the same consideration shall be extended in determining rates for public facilities.

Advisory committee

4724. The advisory committee appointed pursuant to Section 4557 of this code shall also be authorized to act in an advisory capacity to the department and the board in relation to the medical care content of the services to be provided by this chapter.

Construction

4725. Nothing in this chapter shall be construed as imposing any control over the management of any medical care facility except that such facility shall be required to comply with reasonable standards of service in order to participate in the program provided by this chapter.

Article 3. Persons Eligible for Service

Eligibility

4730. Medical assistance shall be provided under this chapter to any aged person who meets the provisions of this chapter and the regulations of the State Social Welfare Board and who has been certified as eligible by the county agency designated by the board of supervisors to administer this program.

Certificate of eligibility

4731. Unless otherwise specified by any contract executed in accordance with Section 4721 of this code a certificate of eligibility issued to an aged person shall remain in effect for a period of 12 months from the date of issuance and shall be an authorization for payment of any services rendered in behalf of the patient for the month immediately prior to the month in which the certificate is issued

Income of person

4732. An aged person who receives long term hospitalization or nursing home care shall be required to apply his regular income to defray part of the cost of his care provided however that he shall be allowed to retain income as provided by regulations of the State Social Welfare Board for the following purposes:

(a) Personal and incidental need while a patient.

(b) The upkeep and maintenance of his home.

(c) The support and care of his spouse, minor dependents and any disabled relative for whose support he has contributed regularly.

The board shall also issue by regulations general standards and criteria to be used to measure the ability of aged persons to pay part of the cost of outpatient medical assistance provided under this chapter.

Eligibility

4733. The county agency shall immediately and without delay determine the eligibility of an applicant for benefits provided by this chapter. The investigation of eligibility shall be conducted in accordance with standards and procedures prescribed by regulations of the State Social Welfare Board.

Cash drawing account

4734. Any aged person who does not have sufficient income to pay for his personal and incidental expenses while receiving hospital or nursing home care under this chapter shall be provided, at county expense, with a cash drawing account from which such aged person can make withdrawals up to fifteen dollars ($15) in any month to meet his personal and incidental needs.

The cost of providing such withdrawal account pursuant to this section shall not be considered as an expenditure subject to state and federal reimbursement under this chapter. No claim may be made for repayment against the aged person or any of his relatives and no action shall be undertaken to collect by levying a lien or other attachment against the property of such aged person or his kindred.

Liability of adult children

4735. The degree of liability of adult children to contribute to the support or care of any aged person who receives medical assistance under this chapter shall be determined in accordance with provisions of Section 2181 of this code.

4736. Medical assistance provided pursuant to this chapter shall not constitute a lien upon the property of the aged person.

Article 4. Procedure

Application for certification of eligibility

4740. Application for certification of eligibility for medical assistance as provided by this chapter shall be made to the county agency designated by the board of supervisors.

Determination of eligibility

4741. The agency designated by the board of supervisors under Section 4720 shall determine the eligibility of any aged person to receive medical assistance as provided by this chapter and the rules and regulations of the State Social Welfare Board promulgated thereunder. Any aged person eligible to receive medical assistance under this chapter shall be certified as eligible by the county agency to the public or private agency, nonprofit membership corporation, medical society, medical group, or private vendor designated to provide the required medical assistance.

Itemized bills

4742. Itemized bills for service under this chapter shall be submitted not more than six months after the month in which the service is rendered.

Expenses of county

4743. All necessary expenses incurred by the county in carrying out the provisions of this chapter shall be paid by the county in the same manner as other expenses of the county are paid.

Article 5. Finances

Medical Care Premium Deposit Fund

4750. The State Controller shall transfer from the General Fund to the Medical Care Premium Deposit Fund each month the following sums:

(a) For each aged person who receives full time care in a hospital as defined by Section 1401 of the Health and Safety Code a monthly amount equal to the average cost of care not to exceed a monthly average per person of ninety-five dollars ($95) for such persons after deducting therefrom the total amount of any federal funds received in behalf of such persons plus the amount to be contributed by the county as determined by Section 4753

(b) For each aged person, excluding persons covered by subdivision (a), who has been certified as eligible to receive noninstitutional services under this chapter a monthly amount equal to thirteen dollars and fifty cents ($13 50) after deducting therefrom the amount of federal funds received in behalf of such persons.

The transfer of funds authorized by this section shall be suspended or reduced as facts indicate such action is appropriate for any month when the amount of funds in the Medical Care Premium Deposit Fund available for payment of medical services extended in behalf of aged persons exceeds the estimated amount of funds necessary to cover the outstanding obligations incurred for the medical services for aged persons authorized

by Chapter 1 (commencing with Section 4500) of Part 3 and Chapter 1 (commencing with Section 4700) of Part 4 of Division 5 of this code.

Federal funds

4751. Any federal funds received by this State pursuant to Title I of the Federal Social Security Act as reimbursement for expenditures under this chapter shall be deposited in the Medical Care Premium Deposit Fund.

Same: Distribution

4752. Any federal funds received by this State for the proper and efficient administration of the medical assistance program for aged persons authorized by this chapter shall be distributed to each county in accordance with Section 4603 of this code.

Contributions by county

4753. Each county shall contribute an amount equal to one-fourth of the total expenditures under this chapter for the care of aged persons who are patients in a hospital or nursing home. No county shall be required to pay any of the cost of medical assistance provided on an outpatient basis.

The county share shall be deposited in the county Medical Care Revolving Fund established pursuant to Section 4604.5 of this code.

4754. Funds shall be advanced to counties in the same manner as prescribed by Section 4604 of this code.

County records

4755. Each county shall provide a system of record keeping related to the services rendered in behalf of aged persons and the expenditures made under this chapter. Reports of the services rendered and expenditures shall be presented by the respective counties at times and in the manner prescribed by the State Department of Social Welfare. The amount of expenditures approved shall be allowed as a credit to apply against advances made under Section 4604 of this code.

Short title

4756. This chapter shall be known and may be cited as the Rattigan-Burton Act.

SEC. 2. Section 103.8 of said code is amended to read:

Statewide concern

103.8. It is hereby declared that provision for medical assistance for the aged and for medical services to public assistance recipients as set forth in Chapter 1 (commencing with Section 4500) of Part 3 of Division 5 and Chapter 1 (commencing with Section 4700) of Part 4 of Division 5 of this code is a matter of statewide concern.

The department is hereby designated as the single state agency with full power to supervise every phase of the administration of those programs.

SEC. 3. Section 124.6 of said code is amended to read:

Appropriation

124.6. All money in the Medical Care Premium Deposit Fund is hereby appropriated to the State Department of Social Welfare, without regard to fiscal years, for expenditure for the purposes specified in Chapter 1 (commencing with Section 4500) of Part 3 of Division 5 and Chapter 1 (commencing with Section 4700) of Part 4 of Division 5 of this code.

SEC. 4. Section 4502 of said code is amended to read:

Medical care

4502. Medical care as used in this chapter may include diagnostic, preventive, corrective, and curative services and

supplies essential thereto, provided by qualified medical and related personnel for conditions that cause suffering, endanger life, result in illness or infirmity, interfere with capacity for normal activity including employment, or for conditions which may develop into some significant handicap.

Medical care as used in this chapter shall include, but is not limited to, other remedial care, not necessarily medical. Other remedial care shall include, without being limited to, treatment by prayer or healing by spiritual means in the practice of the religion of any church or religious denomination.

SEC. 5. Section 4555 of said code is amended to read:

Policies, rules, regulations, etc.

4555. The State Social Welfare Board shall prescribe the policies and scope of the services to be provided under this chapter and shall adopt such rules and regulations as are necessary for carrying out the provisions of this chapter and not inconsistent therewith.

In establishing the scope of medical services, pursuant to this section, the State Social Welfare Board shall give priority to outpatient services which will permit an aged person to remain in his own home or some other suitable home of his own choosing, in preference to having to accept care in an institution.

SEC. 6. Section 104 6 of said code is amended to read:

Board of supervisors

104.6. The board of supervisors of each county shall comply with and execute every decision of the State Social Welfare Board which is directed to the board of supervisors on any appeal filed with the board pursuant to Section 104.1 of this code. Each board of supervisors is presumed to have knowledge of every such decision directed to it.

Repeal

SEC. 7. Section 2160.3 of said code is repealed.

Operative date

SEC. 8. This act shall become operative January 1, 1962.

CHAPTER 1228

An act to amend Section 2020 of, and to add Section 2026 to, the Welfare and Institutions Code, relating to old age assistance.

In effect September 15, 1962

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 2020 of the Welfare and Institutions Code is amended to read:

Amount of aid allowed

2020. Amount of Aid Allowed. Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant, equals one hundred dollars ($100) per month.

The amount of the grant as set forth in this section and Section 2020.002 shall be adjusted annually by the State Social Welfare Board to reflect any increases in cost of living occurring after January 1, 1962. The average of the separate

indices of the cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics shall be used as the basis for determining the changes in the cost of living. Whenever the cost of living increases by a percentage which when multiplied by one hundred dollars ($100) results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to one hundred dollars ($100) and to the maximum grant payable under Section 2020.002. The resultant sum shall be declared by formal action of the State Social Welfare Board to be the monthly grants payable under this section and Section 2020.002, respectively. In giving effect to the cost of living increase feature of this section the State Social Welfare Board shall select a base month for computation of the percentage change in the cost of living after January 1, 1962. The same month shall be used annually thereafter. The ordered change in the maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period following the date of the formal action of the board directing the change.

In computing the amount of income determined to be available to support a recipient under this chapter the value of currently used resources shall be included but the value of casual income and inconsequential resources shall be excluded.

In any case where it is found that the need of an applicant exceeds the maximum provided by this section an additional amount of aid shall be paid as provided by Section 2020.002 of this chapter.

SEC. 2. Section 2026 is added to said code, to read:

Determination of grant payable

2026. Subject to the provisions of Section 2020 and Section 2020.002 the amount of grant payable under this article shall be determined in accordance with a standard of assistance established by the State Social Welfare Board. Said standard of assistance shall serve to establish the need of aged persons and the amount of assistance each such aged person is entitled to receive. Money amounts shall be established for each consumption item or group of items included within the scope of the allowance prescribed in Section 2020 and the additional allowance provided for in Section 2020.002.

The State Department of Social Welfare shall analyze the standard of assistance at least annually and at the time of any increase in grant and shall make recommendations for modification in the standard to the State Social Welfare Board. Based upon these recommendations and the facts presented therewith the State Social Welfare Board shall adopt the necessary amendments to the standard of assistance.

Effect: Stats 1961, Ch 1230

SEC. 3. The provisions of this act shall not become operative unless Assembly Bill No. 519 is enacted by the Legislature at its 1961 Regular Session.

Operative date

SEC. 4. This act shall become operative January 1, 1962.

CHAPTER 1229

An act to amend Sections 3084, 3088.5, and 3472 of the Welfare and Institutions Code, relating to the amount of grant for recipients of aid to needy blind.

In effect September 15, 1961

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 3084 of the Welfare and Institutions Code is amended to read:

Amount of aid

3084. Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant from all other sources, equals one hundred fifteen dollars ($115) per month.

Same. Adjustments

The amount of the grant as set forth in this section and Section 3084.01 shall be adjusted annually by the State Social Welfare Board to reflect any increases in the cost of living occurring after January 1, 1960. The average of the separate indices of cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics, shall be used as the basis for determining the changes in the cost of living. Whenever the cost of living increases by a percentage which when multiplied by one hundred fifteen dollars ($115) results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to one hundred fifteen dollars ($115) and to the maximum grant payable under Section 3084.01. The resultant sum shall be declared by formal action of the State Social Welfare Board to be the monthly grants payable under this section and Section 3084.01, respectively. In giving effect to the cost of living increase feature of this section the State Social Welfare Board shall select a base month for computation of the percentage change in the cost of living since January 1, 1960. The same month shall be used annually thereafter. The ordered change in maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period following the date of the formal action of the board directing the change.

In computing the amount of income determined to be available to support a recipient under this chapter the value of currently used resources shall be included but the value of earned income which is exempt pursuant to Section 3084.3 and the value of casual income and inconsequential resources shall be excluded.

In any case where it is found that the need of an applicant exceeds the maximum provided by this section an additional amount of aid shall be paid as provided by Section 3084.01 of this code.

The State Department of Social Welfare may provide by rule that any change in grant for an amount of two dollars

($2) or less may be delayed for not more than two months beyond the month in which the recipient reported the change in circumstances.

SEC. 2. Section 3088.5 of said code is amended to read:

3088.5. Payment of aid shall be made promptly and shall be commenced as of the first day of the month in which the application is granted, unless an earlier date is required by Section 3082 or unless otherwise directed by the State Social Welfare Board in cases in which an appeal is taken; aid shall not commence prior to the date of application, unless otherwise directed by the State Social Welfare Board in cases in which an appeal has been taken on the ground that the county has refused to accept a signed application for aid. Payment of aid

All payments of aid under this chapter shall be made monthly in advance and shall be paid as of the first day of each month. The warrant shall be placed in the mail in time for delivery on the first postal delivery day of each month.

An applicant whose application for aid under this chapter has been rejected may not again apply for such aid until the expiration of 90 days from the date the previous application was denied, except with the consent of the county or an order of the State Department of Social Welfare, or until the condition because of which his application was rejected has been eliminated.

SEC. 3. Section 3472 of said code is amended to read:

3472. Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant from all other sources, equals one hundred fifteen dollars ($115) per month. Amount of aid

The amount of the grant as set forth in this section and Section 3472.01 shall be adjusted annually by the State Social Welfare Board to reflect any increases in the cost of living occurring after January 1, 1960. The average of the separate indices of cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics, shall be used as the basis for determining the changes in the cost of living. Whenever the cost of living increases by a percentage which when multiplied by one hundred fifteen dollars ($115 results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to one hundred fifteen dollars ($115) and to the maximum grant payable under Section 3472.01. The resultant sum shall be declared by formal action of the State Social Welfare Board to be the monthly grants payable under this section and Section 3472.01, respectively. In giving effect to the cost of living increase feature of this section the State Social Welfare Board shall select a base month for computation of the percentage change in the cost of living since January 1, 1960. The same month shall be used annually thereafter. The ordered change in maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period Cost of living adjustments

following the date of the formal action of the board directing the change.

In computing the amount of income determined to be available to support a recipient under this chapter the value of currently used resources shall be included but the value of earned income which is exempt pursuant to this section and the value of casual income and inconsequential resources shall be excluded.

Additional amounts of aid

In any case where it is found that the need of an applicant exceeds the maximum provided by this section an additional amount of aid shall be paid as provided by Section 3472.01 of this code.

Computing annual net income

Annual net income from any of the following sources of a combined total value not exceeding one thousand two hundred dollars ($1,200) increased by one-half of that part of the recipient's annual income which is in excess of one thousand two hundred dollars ($1,200) shall not be considered for any purpose:

(a) Income from applicant's labor or services;

(b) The value of foodstuffs produced by the applicant or his family for his use or that of his family;

(c) The value of firewood and/or water produced on the premises of the applicant or given to him by another for the applicant's use;

(d) The value of gifts;

(e) The value of the use and occupancy of premises owned and occupied by the applicant;

(f) The net income from real and personal property owned by the applicant.

Income in addition to the above specified shall be computed on the basis of net income. For the purpose of enabling and encouraging a greater number of recipients of aid under this chapter to become self-supporting, all expenditures incurred by an applicant for or a recipient of aid under this chapter in effecting his plan to become self-supporting, including payments made for the purchase of material for fixtures and equipment needed by him in effecting such plan, shall be deducted from gross income in computing his net income for purposes of this chapter; provided, such payments shall not be more than one hundred dollars ($100) per month.

Effect: Stats. 1961, Ch. 1231

SEC. 4. The provisions of this act shall not become operative unless Assembly Bill No. 658 is enacted by the Legislature at its 1961 Regular Session.

Operative date

SEC. 5. This act shall become operative January 1, 1962, provided, however, the State Social Welfare Board shall be authorized to take any action required between the effective and operative dates of this act to give effect to any grant increase by the operative date as may be authorized by provisions of this act.

CHAPTER 1230

An act to amend Section 2020.002 of the Welfare and Institutions Code, relating to old age assistance.

[Approved by Governor July 6, 1961 Filed with Secretary of State July 7, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 2020.002 of the Welfare and Institutions Code is amended to read:

2020.002. Any recipient whose need exceeds the amount of the maximum grant payable under Section 2020 shall be entitled to receive an additional amount as necessary to meet his need but in no event shall the sum of his grant and income exceed one hundred sixty-five dollars ($165) per month.

The additional grant provided by this section is to provide additional aid to persons with needs arising because of circumstances and situations not common to all recipients and not included or adequately covered by the allowance provided by Section 2020.

In determining the amount of grant payable under this section no consideration shall be given to voluntary contributions or grants from other public sources, private agencies, friends or relatives when such contributions or grants meet the following conditions:

1. The service to be provided is designated by the State Social Welfare Board and is not covered by an assistance allowance under this chapter, and

2. The contribution or grant would not be available for expenditure by or in behalf of the recipient unless it is used in accordance with the conditions imposed by the donor.

SEC. 2. This act shall become operative January 1, 1962.

Operative date

CHAPTER 1231

An act to add Sections 3084.01 and 3472.01 to the Welfare and Institutions Code, relating to the amount of grant for recipients of aid to needy blind.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 3084.01 is added to the Welfare and Institutions Code, to read:

3084.01. Any recipient whose need exceeds the amount of the maximum grant payable under Section 3084 of this code

Additional amount

shall be entitled to receive an additional amount as necessary to meet his need but in no event shall the sum of his grant and income exceed one hundred sixty-five dollars ($165) per month.

The additional amount granted by this section is intended to provide additional aid to persons with needs arising because of circumstances and situations not common to all recipients, which are not included or not adequately covered by the allowance provided by Section 3084.

In determining the amount of grant payable under this section no consideration shall be given to voluntary contributions or grants from other public sources, private agencies, friends or relatives when such contributions or grants meet the following conditions:

1. The service to be provided is designated by the State Social Welfare Board and is not covered by an assistance allowance under this chapter, and

2. The contribution or grant would not be available for expenditure by or in behalf of the recipient unless it is used in accordance with the conditions imposed by the donor.

SEC. 2. Section 3472.01 is added to said code, to read:

Same

3472.01. Any recipient whose need exceeds the amount of the maximum grant payable under Section 3472 of this code shall be entitled to receive an additional amount as necessary to meet his need but in no event shall the sum of his grant and income exceed one hundred sixty-five dollars ($165) per month.

The additional amount granted by this section is intended to provide additional aid to persons with needs arising because of circumstances and situations not common to all recipients, which are not included or not adequately covered by the allowance provided by Section 3472.

In determining the amount of grant payable under this section no consideration shall be given to voluntary contributions or grants from other public sources, private agencies, friends or relatives when such contributions or grants meet the following conditions:

1. The service to be provided is designated by the State Social Welfare Board and is not covered by an assistance allowance under this chapter, and

2. The contribution or grant would not be available for expenditure by or in behalf of the recipient unless it is used in accordance with the conditions imposed by the donor.

Operative date

SEC. 3. This act shall become operative January 1, 1962.

CHAPTER 1232

An act to amend Sections 1242, 1408, 1488, and 3260 of the Education Code, relating to vacancies on school district governing boards.

[Approved by Governor July 6, 1961. Filed with Secretary of State July 7, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1242 of the Education Code is amended to read:

Vacancy Appointment

1242. When such a vacancy occurs prior to January 1st of an odd-numbered year, the remaining members of the board shall appoint an eligible person to hold the office until the following June 30th. If the remaining members of the board fail to fill the vacancy within 60 days, the county board of education having jurisdiction shall appoint a person to fill the vacancy and shall immediately thereafter transmit the name of the appointee to the county superintendent of schools having jurisdiction over the district. At the next regular election for governing board members, in addition to filling the offices of members whose terms are expiring, an election shall be held to fill the vacancy for the unexpired term.

When such a vacancy occurs between January 1st and June 30th, inclusive, of a school year, the remaining members of the board shall appoint an eligible person to hold the office for the unexpired term or until June 30th of the next succeeding odd-numbered year, whichever occurs first. If the remaining members of the board fail to fill the vacancy within 60 days, the county board of education having jurisdiction shall appoint a person to fill the vacancy. At the regular election for governing board members held in such succeeding odd-numbered year, in addition to filling the offices of members whose terms are expiring, an election shall be held to fill the vacancy for the remainder of the unexpired term.

SEC. 2. Section 1408 of said code is amended to read:

Same: Governing board of junior college district

1408. Any vacancy on the governing board of a junior college district shall be filled by appointment of the remaining members of the board for the remainder of the unexpired term. If the remaining members of the board fail to agree within 60 days, the county board of education shall appoint a person to fill the vacancy for the remainder of the unexpired term.

SEC. 3. Section 1488 of said code is amended to read:

Same: Governing board of unified school district

1488. Vacancies on the governing board of any unified school district created under the provisions of Section 813, Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 13005, 13554, and 21802 shall be determined

in accordance with the provisions of Sections 1241 to 1245, inclusive, and shall be filled by appointment by the remaining members of the board for the remainder of the unexpired term. If there are no remaining board members, or if the remaining board members fail to agree within 60 days, the county board of education having jurisdiction shall appoint an eligible person to hold the office for the remainder of the unexpired term.

SEC. 4. Section 3260 of said code is amended to read:

3260. Any vacancy on the governing board of a unified school district shall be filled by appointments by the remaining members of the board for the remainder of the unexpired term. If the remaining members of the board fail to agree within 60 days, the county board of education shall appoint a person to fill the vacancy for the remainder of the unexpired term.

CHAPTER 1233

An act to repeal Chapter 5 (commencing at Section 490) of Division 3 of Title 1 of the Government Code, and to add Chapter 3 (commencing at Section 30200) to Division 16 of the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to the division of the State into assembly districts.

In effect September 15, 1961

[Approved by Governor July 7, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 5 (commencing at Section 490) of Division 3 of Title 1 of the Government Code is repealed.

NOTE: The sections of the Elections Code affected by this chapter appear in their proper places in that code, Chapter 23 of Statutes of 1961, as required by Section 9702 of the Government Code.

SEC. 3. Unless otherwise provided, the boundary lines of cities referred to in this act are those in existence on April 30, 1961.

CHAPTER 1234

An act to repeal Chapter 3 (commencing at Section 470) of Division 3 of Title 1 of the Government Code, and to add Division 16 (commencing at Section 30000) to the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to the division of the State into congressional districts.

[Approved by Governor July 7, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Chapter 3 (commencing at Section 470) of Division 3 of Title 1 of the Government Code is repealed. Repeal

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 1235

An act to repeal Chapter 4 (commencing at Section 480) of Division 3 of Title 1 of the Government Code, and to add Chapter 2 (commencing at Section 30100) to Division 16 of the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to the division of the State into senatorial districts.

[Approved by Governor July 7, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing at Section 480) of Division 3 of Title 1 of the Government Code is repealed.

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 1236

An act to add Part 5 (commencing with Section 22751) to Division 5 of Title 2 of, and to amend Section 20100 of, the Government Code, relating to medical and hospital care for state officers and employees.

[Approved by Governor July 7, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Part 5 (commencing with Section 22751) is added to Division 5 of Title 2 of the Government Code, to read:

PART 5. THE STATE EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT

CHAPTER 1. STATE EMPLOYEES' HEALTH BENEFITS

Article 1. General Provisions and Definitions

Short title

22751. This part may be cited as the Meyers-Geddes State Employees' Medical and Hospital Care Act.

Purpose

22752. It is the purpose of this part:

(a) To promote increased economy and efficiency in the state service.

(b) To enable the State to attract and retain qualified employees by providing health benefit plans similar to those commonly provided in private industry.

(c) To recognize and protect the State's investment in each permanent employee by promoting and preserving good health among state employees.

Conditions

22753. The provisions of this part shall become operative with respect to employees and annuitants of the University of California only upon the filing with the board of a resolution of approval of such applicability adopted by the Regents of the University of California.

Definitions

22754. As used in this part the following definitions, unless the context otherwise requires, shall govern the interpretation of terms.

(a) "Board" means the Board of Administration of the State Employees' Retirement System.

(b) "Employee" means any officer or employee of the State of California or of any agency, department, authority, or instrumentality of the State including the University of California; except persons employed on an intermittent, irregular or less than half-time basis, or employees similarly situated, or employees in respect to whom contributions by the State for any type of plan or program offering prepaid hospital and medical care are otherwise authorized by law.

(c) "Carrier" means a private insurance company holding a valid outstanding certificate of authority from the Insurance Commissioner of the State, a medical society or other medical group, a nonprofit hospital service plan qualifying under Chapter 11A (commencing with Section 11491) of Part 2 of Division 2 of the Insurance Code, or nonprofit membership corporation lawfully operating under Section 9200 or Section 9201 of the Corporations Code, which is lawfully engaged in providing, arranging, paying for, or reimbursing the cost of personal health services under insurance policies or contracts, medical and hospital service agreements, membership contracts, or the like, in consideration of premiums or other periodic charges payable to it.

(d) "Health benefits plan" means a group insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar group arrangement

provided by a carrier for the purpose of providing, arranging, paying for, or reimbursing the cost of basic hospital and medical care.

(e) "Annuitant" means:

(1) Any person who has retired while an employee and who receives any retirement allowance under any state or University of California retirement system to which the State was a contributing party.

(2) A family member receiving an allowance as the survivor of an annuitant who has retired as provided in subdivision (1), or as the survivor of a deceased employee receiving an allowance under Section 21365 5 of this code.

(f) "Family member" means an employee's or annuitant's spouse and any unmarried child (including an adopted child, a stepchild, or recognized natural child who lives with the employee or annuitant in a regular parent-child relationship). The board shall, by regulation, prescribe age limits and other conditions and limitations pertaining to unmarried children.

(g) "Employee organization" means an association or other organization of employees in which membership is open to employees or annuitants of the State, and which is not organized solely or principally for the purpose of obtaining prepaid hospital and medical care.

Article 2. General Powers and Duties of the Board of Administration

Administration

22771. The provisions of this part shall be administered by the board. The members of the board shall receive no salary for performance of their duties and responsibilities under this part, but shall be reimbursed for actual and necessary expenses incurred in connection therewith.

Governing law

22772 All laws governing the organization, procedures, and administrative duties and responsibilities of the board shall be applicable to the board in its administration of the provisions of this part, to the extent that they are not in conflict with or inconsistent with the provisions of this part.

General powers

22773. The board shall have all powers reasonably necessary to carry out the powers and responsibilities expressly granted or imposed upon it under this part.

Approvals and contracts

22774. The board shall, in accordance with this part, approve health benefits plans and may contract with carriers offering basic health benefits plans.

Irrespective of the provisions of Sections 1090 and 1091 of this code, the board member who is an officer of a life insurer may participate in all board activities in administering the provisions of this part, except that he shall not vote on the question of whether a contract should be entered into or approval should be given concerning any plan.

Rules and regulations

22775. The board shall, pursuant to the Administrative Procedure Act, adopt all necessary rules and regulations to carry out the provisions of this part, including but not limited

to establishing the scope and content of a basic health benefits plan, regulations fixing reasonable minimum standards for health benefits plans, regulations fixing the time, manner, method and procedures for determining whether approval of any plan should be withdrawn, and regulations pertaining to any other matters it may be expressly authorized or required to provide for by rule or regulation by the provisions of this part.

In adopting such rules and regulations the board shall be guided by the needs and welfare of individual employees, particular classes of employees, and of the State, as well as prevailing practices in the field of prepaid medical and hospital care.

Withdrawal of approval

22776. The board shall withdraw its approval of any health benefits plan if it finds that the standards prescribed therefor are not being complied with, that claims accrued or to accrue will not be paid, or for other good cause shown. The board shall give reasonable notice of its intention to withdraw approval of a plan to any carrier, employee organization, or organization of physicians which may be directly interested, to the persons enrolled in the plan, and to such other persons and organizations as the board may deem necessary and proper. The notice shall state the effective date of, and the reason for, the withdrawal Approval of a health benefits plan shall not be withdrawn except after such notice, and after all interested parties have been afforded reasonable opportunity for public hearing on the question. The hearings shall be conducted, insofar as practicable, pursuant to the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of this code.

Period of coverage, etc

22777. The regulations of the board shall also make provision respecting the beginning and ending dates of coverage of employees and annuitants and family members under health benefits plans, and may permit coverage to continue, exclusive of any temporary extension of coverage otherwise authorized under this part, until the end of the pay period in which an employee is separated from service or until the end of the month in which an annuitant ceases to be entitled to an annuity; and in case of the death of an employee or annuitant may permit a temporary extension of the coverage of family members of his family for a period of not less than 30 days.

Furnishing of information

22778. The board shall make available to employees and annuitants eligible to enroll in any health benefit plan pursuant to this part such information, in such form as it may deem satisfactory, as will enable the employees or annuitants to exercise an informed choice among the various types of health benefits plans which have been contracted for or approved. Each employee or annuitant enrolled in a health benefits plan shall be issued an appropriate document setting forth or summarizing the services or benefits to which the employee or annuitant or family members are entitled thereunder, the procedure for obtaining benefits, and the principal provisions of the plan affecting the employee, annuitant, or family members.

Compilation of data

The board shall compile and provide data regarding age, sex, family composition, and geographical distribution of employees and annuitants and make continuing study of the operation of this part, including, but not necessarily limited to, surveys and reports on plans, medical and hospital benefits, the standard of care available to employees and annuitants, and the experience of plans receiving contributions under this part with respect to such matters as gross and net cost, administrative cost, benefits, utilization of benefits, and the portion of actual personal expenditure of employees and annuitants for health care which is being met by prepaid benefits; provided, however, that this section shall not be construed to require any plan to provide accounting data or statistical data which is not acquired in the normal operation of the plan.

Studies

The board shall, with the advice of and in consultation and co-operation with, professional medical organizations and individuals or organizations having special skills or experience in the organization and provision of health care services on a prepaid basis, study methods of evaluating and improving the quality and cost of medical and hospital care provided under this part.

Article 3 Health Benefit Plans and Contracts

Contract with carrier, approvals, etc

22790. The board may contract with carriers for basic health benefit plans or approve basic health benefit plans offered by employee organizations, provided that the carriers have operated successfully in the prepaid hospital and medical care field prior to the contracting for or approval thereof. Such plans shall include hospital benefits, surgical benefits, in-hospital medical benefits, outpatient benefits, obstetrical benefits, and may include other benefits including, but not limited to, benefits offered by a bona fide church, sect, denomination or organization whose principles include healing entirely by prayer or spiritual means. The board shall approve any basic health benefit plan in existence on January 1, 1962, which meets the requirements of this part and the minimum standards and other rules and requirements prescribed by the board, and for which payroll deductions were authorized under Section 1156 of this code.

Types of basic health benefit plans

22791. The basic health benefit plans which may be approved by the board shall include the following types:

(a) One or more statewide service benefit plans under which payment is made by a carrier under contracts with physicians, hospitals, or other providers of health services rendered to employees or annuitants or family members, or under which, under certain conditions, payment is made by a carrier to the employee or annuitant or family member.

(b) One or more statewide indemnity benefit plans under which a carrier agrees to pay certain sums of money, not in excess of actual expenses incurred, for health services.

(c) Comprehensive group-practice prepayment plans which offer benefits, in whole or in substantial part, on a prepaid basis, with professional services thereunder provided by physicians practicing as a group in a common center or centers. Such a group shall include physicians representing at least three major medical specialties who receive all or a substantial part of their professional income from the prepaid funds.

(d) Individual practice prepayment plans which offer health services in whole or in part on a prepaid basis, with professional services thereunder provided by individual physicians who agree, under such conditions as may be prescribed by the board, to accept the payments provided by the plans as full payment for covered services rendered by them.

Irrespective of any other provision of law, the sponsors of a plan approved under this subsection may reinsure the operation of such plan with an admitted insurer authorized to write disability insurance, provided that the premium for such insurance shall include the entire prepayment fee.

Contracts with carriers

22792. The board may, without compliance with any provisions of law relating to competitive bidding, enter into contracts with carriers offering health benefit plans. Every such contract shall be for a uniform term of at least one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party.

Same Contents, limitations, etc

22793 Each contract shall contain a detailed statement of benefits offered and shall include such maximums, limitations, exclusions, and other definitions of benefits as the board may deem necessary or desirable.

No contract shall be made or plan approved which excludes any person on account of his physical condition, age, race, or other status at the time of original group enrollment. If individual applications are permitted during nonenrollment periods, existing health disabilities may be excluded, but the right to coverage may not. Transfer of enrollment in any plan shall be open to all employees and annuitants in accordance with the provisions of Section 22813 of this code.

No contract shall be made or plan approved which does not offer to each annuitant whose enrollment in the plan is terminated other than by cancellation of enrollment, or each employee whose enrollment in the plan is terminated other than by cancellation of enrollment, voluntary separation from state service, or dismissal from state service for cause, a temporary extension of coverage during which he may exercise the option to convert, without evidence of good health, to a nongroup contract providing health benefits. An employee or annuitant who exercises this option shall pay the full periodic charges of the nongroup contract, on such terms or conditions as are prescribed by the carrier and approved by the board.

The benefits and coverage made available pursuant to the provisions of the above paragraph shall, at the option of the employee or annuitant, be continued in effect by the carrier except for fraud or nonpayment of periodic charges; provided,

however, that in the case of a comprehensive group-practice prepayment plan, in which services are provided by a limited panel of physicians associated with the plan, it is recognized that it may be impossible or impractical to maintain acceptable physician-patient relationships with particular employees or annuitants or members of their families entitled to the benefits of continued conversion coverage under the foregoing provision. In any such case the plan may submit the question of ability to maintain adequate physician-patient relationships for consideration under the grievance procedure provided below, and in the event such grievance procedure shall result in a determination that such relationship cannot reasonably be maintained, then the plan shall have the right to provide such annuitant or employee with coverage, by contract with a service benefits plan or an indemnity carrier. Such coverage shall provide benefits substantially equivalent to the benefits available to annuitants or employees under the best conversion coverage offered by a service benefits plan or an indemnity benefit plan under this act at a prepayment rate not in excess of the rate charged by the comprehensive group-practice prepayment plan for the conversion coverage otherwise available to such annuitant or employee.

No contract shall be made or plan approved which does not provide for grievance procedures to protect the rights of employees and annuitants.

Rates charged

22794. Rates charged under any health benefits plan shall reasonably reflect the cost of the benefits provided. Rates determined for the first contract term shall be continued for subsequent contract terms, except that they may be readjusted for any subsequent term, based upon past experience (which, in the case of community-rating plans, shall be the experience of the total membership upon which the rates of such plans are based) and upon benefit adjustments under the subsequent contract. Any readjustment in rates shall be made at a time and manner which, in the judgment of the board, is consistent with the general practice of carriers which issue group health benefit plans to large employers; provided however, that this section shall not be construed to require any plan to be experience rated or to require any community rated plan to provide accounting data or statistical data which is not acquired in the normal operation of the plan.

Scope and interpretation of article

22795. The provisions of this article shall not supersede, modify, or in any manner alter or impair the effect of any provision, section, or article of Chapter 5 of Division 2 of the Business and Professions Code, or any provision, section, article, or chapter of the Insurance Code. This article shall be interpreted and applied in a manner consistent with Chapter 5 of Division 2 of the Business and Professions Code, and with the Insurance Code.

Article 4. Coverage

Enrollment

22810. Any employee or annuitant may, in the manner, and under such eligibility rules as the board may by regulation prescribe, enroll in an approved health benefits plan, either as an individual or for self and family. The regulations may pro vide for the exclusion of employees on the basis of the nature and type of their employment or conditions pertaining thereto, such as, but not limited to, short term appointments, seasonal or intermittent employment, and employment of a like nature, but no employee or group of employees shall be excluded solely on the basis of the hazardous nature of the employment. Any such enrollment shall authorize the deduction of the contributions required under this part from the employee's or annuitant's salary or retirement allowance

Any annuitant who, at the time he became an annuitant was enrolled in a health benefits plan, may continue his enrollment as provided by regulations of the board, without discrimination as to premium rates or benefit coverage.

The board shall, by rule and regulation, make such provision as it deems necessary to eliminate or minimize the impact of adverse selection which would affect any plans approved or contracted for, because of enrollment of annuitants who acquired that status prior to the effective date of this part.

Enrollments in a health benefits plan under this part may not be effective prior to January 1, 1962. If any employee or annuitant is participating in an approved plan immediately prior to his enrollment under this part, and if he chooses to enroll in the same plan, his enrollment for purposes of the State's contribution shall not interrupt continuous coverage under the plan.

Spouse of employee or annuitant

22811. If an employee or annuitant has a spouse who is an employee or annuitant, each spouse may enroll as an individual. No person may be enrolled both as an employee or annuitant and as a family member A family member may be enrolled as such in respect to only one employee or annuitant.

Request for change in coverage

22812. A request for change in coverage based upon a change in the family status of any employee or annuitant, or of any employee or annuitant and members of family, enrolled in a health benefits plan may be made by the employee or annuitant upon application filed within 30 days after the occurrence of the change in family status or at such other times and under such conditions as may be prescribed by regulations of the board.

Transfer of enrollment

22813. A transfer of enrollment from one health benefits plan to another such plan may be made by an employee or annuitant at such times and under such conditions as may be prescribed by regulations of the board. In the case of a comprehensive group-practice prepayment plan in which services are provided by a limited panel of physicians associated with the plan, it is recognized that it may be impossible or impractical to maintain acceptable physician-patient relation-

ships with particular employees or annuitants or members of their families. In any such case the plan may submit the question of ability to maintain adequate physician-patient relationships for consideration under the grievance procedure provided pursuant to Section 22793, and in the event such grievance procedure shall result in a determination that such relationship cannot reasonably be maintained, then the plan shall have the right to provide such annuitant or employee with coverage by contract with a service benefits plan or an indemnity carrier. Such coverage shall provide benefits substantially equivalent to the benefits available to annuitants or employees under the best coverage offered by a service benefits plan or an indemnity benefit plan under this act at a prepayment rate not in excess of the rate charged by the comprehensive group-practice prepayment plan for the coverage otherwise available to such annuitant or employee.

Employee's removal, suspension, reinstatement

22814. An employee enrolled in a health benefits plan who is removed or suspended without pay and later reinstated or restored to duty on the ground that such removal or suspension was unjustified, unwarranted or illegal shall not be deprived of coverage or benefits for the interim, but any contributions otherwise payable by the State which were actually paid by him shall be restored to the same extent and effect as though such removal or suspension had not taken place, and any other equitable adjustments necessary and proper under the circumstances shall be made in premiums, subscription charges, contributions and claims.

Appeals, hearings

22815. If an employee or annuitant is dissatisfied with any action or failure to act which has occurred in connection with his coverage or the coverage of his family members under this part, he shall have the right of appeal to the board and shall be accorded an opportunity for a fair hearing. The hearings shall be conducted, insofar as practicable, pursuant to the provisions of Chapter 5 of Part 1, of Division 3 of Title 2 of this code.

22816. An employee enrolled in a health benefits plan under this part who is granted a leave of absence without pay under the State Civil Service Act and the rules of the State Personnel Board, or other comparable leave, shall be entitled to have his coverage and the coverage of any family members continued for the duration of the leave of absence upon his application, but only upon assuming payment of the contributions otherwise required of the State on account of his enrollment.

Article 5. Contributions

Contributions toward cost

22825. The State of California and each employee or annuitant shall contribute a portion of the cost of providing for each employee and annuitant the benefit coverage afforded under any health benefit plan which the board has approved or for which it has executed a contract pursuant to this part, and in which the employee or annuitant may be enrolled.

State's contribution

The State's contribution shall be the amount necessary to pay the cost of a basic health benefits plan, or five dollars ($5) per month for each employee or annuitant, whichever is the lesser. The State's contribution to the basic health benefits plan to each employee shall commence on the first day of the calendar month next following the completion of six months of employment by the State or the University of California; provided the employment has not been interrupted by a break of more than one month, except that absence for military service shall not be considered a break.

Employee's or annuitant's contribution

The contribution of each employee and annuitant shall be the total cost per month of the benefit coverage afforded him under the plan less the portion thereof to be contributed by the State

Additional contributions by state

22826. The State of California shall, in addition to the contributions required by Section 22825, contribute additional amounts necessary to provide funds for the administration of this part, and for the establishment and continuation of the State Employees' Contingency Reserve Fund.

Same: Amount

The additional contributions shall be in amounts reasonably adequate to pay the administrative expenses and to establish and maintain the State Employees' Contingency Reserve Fund, as determined by the board, but shall not exceed, for each employee or annuitant, the following amounts:

Same. Administrative expenses

(1) For administrative expenses—two percent (2%) of the total of the contributions made by the employee or annuitant, and the State on behalf of the employee or annuitant, under a plan.

Same State Employees' Contingency Reserve Fund

(2) For the State Employees' Contingency Reserve Fund—three percent (3%) of the total of the contributions made by the employee or annuitant, and the State on behalf of the employee or annuitant, under a plan.

Withholding from salary, etc

22827. The contributions of each employee and annuitant shall be withheld from the monthly salary or retirement allowance payable to him.

The contributions of the State required on account of each employee shall be chargeable to the fund from which the salary of the employee is payable.

The contributions of the State required on account of each annuitant shall be payable from such funds as may be appropriated for that purpose. The portion of such contributions constituting state contributions for administrative expense and contingency reserve account purposes shall be deposited in the State Employees' Contingency Reserve Fund.

Appropriation General Fund

22828. From the General Fund in the State Treasury, there is appropriated monthly the State's contributions under Sections 22825 and 22826 for:

(a) All employees whose compensation is paid from the General Fund.

(b) All employees whose compensation is paid from funds of, or funds appropriated to, the university.

(c) All employees who are employed by the Department of Education and whose compensation is paid from the Vocational Education Fund, the Vocational Rehabilitation Fund, or any other fund received, in whole or in part, as a donation to the State under restrictions preventing its use for such contributions.

(d) All employees whose compensation is paid from the Senate Contingency Fund or Assembly Contingency Fund.

(e) All annuitants.

Appropriation Other funds

22829. From each other fund in the State Treasury, there is appropriated monthly the State's contribution required under Sections 22825 and 22826 for all employees whose compensation is paid from that fund, and in respect to which employees the State's contribution is not required to be made from the General Fund.

Article 6. The State Employees' Contingency Reserve Fund

State Employees' Contingency Reserve Fund

22840. For all plans which the State has approved or entered into a contract there shall be maintained in the State Treasury a State Employees' Contingency Reserve Fund to which shall be credited, from time to time as determined by the board, amounts determined by the board and contributed under Section 22826 to provide an adequate contingency reserve The income derived from any dividends, rate adjustments, or other refunds by a plan shall be credited to the fund

The board may invest funds in the State Employees' Contingency Reserve Fund in accordance with the provisions of law governing its investment of the Retirement Fund.

The State Employees' Contingency Reserve Fund may be utilized to defray increases in future rates, to reduce the contributions of employees and annuitants and the State, or to increase the benefits provided by any plan to the extent that amounts in the account are derived from that plan, as determined from time to time by the board. Said fund is appropriated for such purposes to the extent of all amounts credited to it other than the State's contribution for administrative expenses, and for administrative expense to the extent of the State's contribution for such purpose.

The total amount to be credited to the State Employees' Contingency Reserve Fund for all purposes other than administrative expense for any one fiscal year shall not exceed 3 percent of the total of all contributions of the State and employees and annuitants during any fiscal year

The total credited to the State Employees' Contingency Reserve Fund at any time, for all purposes other than administrative expense, shall be limited, in the manner and to the extent the board may find to be most practical, to a maximum of 10 percent of the total of the contributions of the State and employees and annuitants in any fiscal year. The board may undertake such action as will insure that the maxi-

mum amount prescribed for the fund is approximately maintained.

Premium payments with contributions

22841. Contributions of employees and annuitants, and contributions of the State not credited to the State Contingency Reserve Fund, shall be utilized to pay the premiums or other charges required to be paid carriers under health benefits plans. The State Controller shall suitably identify and remit the State's contribution for each employee or annuitant monthly to the insurer or insurers of, or others contracting to provide or arrange medical and hospital service under such plans, together with amounts authorized by the employees and annuitants covered under such plans to be deducted from their salaries or retirement allowances for payment of their share of the cost of the plan

SEC. 2. Section 20100 of said code is amended to read:

Board of Administration; Composition

20100. The board of administration of this system is continued in existence.

It consists of:

(a) One member of the State Personnel Board, selected by and serving at the pleasure of the State Personnel Board.

(b) The Director of Finance.

(c) The comptroller of the university or such other official as the university may designate.

(d) An official of a life insurer, an officer of a bank, and three persons representing the public, appointed by the Governor.

(e) Three members elected under the supervision of the board as follows:

(1) A member elected by the members of the system from the membership thereof;

(2) A member elected by the state members of the system from the state membership thereof; and

(3) A member elected by the local members of the system from the local membership thereof.

Terms of office

The member elected for the term ending January 15, 1958, is deemed to have been elected as provided in paragraph (1) of this subsection, and his successor shall be elected as provided therein.

Of the two members elected for terms ending January 15, 1959, the one having the lesser seniority on the board is deemed to have been elected as provided in paragraph (2) of this subsection, and his successor shall be elected as provided therein; and the one having the greater seniority is deemed to have been elected as provided in paragraph (3) of this subsection, and his successor shall be elected as provided therein.

The board membership of the three members representing the public appointed under subdivision (d) shall be limited to service in the administration of the provisions of the State Employees' Medical and Hospital Care Act contained in Part 5 (commencing with Section 22751) of this division, and they shall not participate in board activities or have any voting power or other authority in the administration of the provisions of this part.

CHAPTER 1237

An act to amend Sections 18502, 18505, 18507, 18510, 18512, 18552, 18600, 18601, 18602, 18603, 18604, 18661, 18667, 18677, 18683, 18782, 18790, 18793, 18795, and 18877 of, to add Sections 18501.1, 18504.2, 18505.1, 18507.1, 18508.1, 18600.1, 18603.1, 18727, 18728, and 18729 to, and Article 3.1 (commencing with Section 18710) to Chapter 4, Part 2.1, Division 13 of, and to repeal Section 18879 of, the Health and Safety Code, relating to auto courts, resorts, and motels.

[Approved by Governor July 7, 1961. Filed with Secretary of State July 7, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 18502 of the Health and Safety Code is amended to read:

"Motel" 18502. "Motel," as used in this part, means a building or buildings each containing six or more guest rooms or apartments, or combinations thereof, each of which has a separate, individual entrance leading directly from the outside of the building and is designed, used or intended wholly or in part for the accommodation of transients.

SEC. 2. Section 18504.1 is added to said code, to read:

Approved alternatives 18504.1. The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part, provided any such alternate has been approved.

(a) The Division of Housing may approve any such alternate if it finds that the proposed design is satisfactory and the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least equivalent of that prescribed in this part in quality, strength, effectiveness, durability, safety, and for the protection of life and health

(b) The division may require that satisfactory evidence or proof be submitted to substantiate any claims that may be made regarding the use of any such alternate.

SEC. 3. Section 18504.2 is added to said code, to read:

"Basement" 18504.2 "Basement" is that portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

SEC. 4. Section 18505 of said code is amended to read:

"Building" 18505. "Building" is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

SEC. 5. Section 18505.1 is added to said code, to read:

"Cellar" 18505.1. "Cellar" is that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor

below is equal to or greater than the vertical distance from grade to ceiling.

SEC. 6. Section 18507 of said code is amended to read:

"Garage" 18507. "Garage" means any space in any building used for the storage of automobiles.

"Private garage" (a) A "private garage" is space in a building in which only motor vehicles used by the tenants of the building are placed or stored and the floor area is limited to 2,000 square feet

"Public garage" (b) A "public garage" is space in a building in which only motor vehicles used by the tenants of the building are placed or stored and the floor area exceeds 2,000 square feet.

SEC. 7. Section 18507.1 is added to said code, to read:

"Guest" 18507.1. "Guest" means any person who rents or occupies a room for sleeping purposes.

SEC. 8. Section 18508.1 is added to said code, to read:

"Kitchen" 18508.1. "Kitchen" means any room designed primarily to be used for cooking and preparing food.

SEC. 9. Section 18510 of said code is amended to read:

"Story" 18510. "Story" is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade such basement or cellar shall be considered a story.

SEC. 9.3. Section 18512 of said code is amended to read:

Application of provisions 18512. The provisions of this part relating to auto courts, resorts and motels apply only in the unincorporated areas of this State, except within counties that have enacted and are enforcing ordinances or regulations imposing restrictions equal to or greater than those imposed by this part and prescribing permits, certificates, or other forms or documents required by this part for which fees may be required.

(c) In the event of nonenforcement of any local ordinance or regulation adopted pursuant to this chapter, the provisions of this part shall be enforced by the Division of Housing in any such county after the division has given written notice to the governing body of such county of a violation of this part and the county has failed to secure correction of the violation within 30 days of the date of such notice.

SEC. 10. Section 18552 of said code is amended to read:

Judgment for abatement of nuisance 18552. In any action or proceeding to abate a nuisance in an auto court, resort, or motel, proof of any one of the following facts is sufficient for a judgment or order for the abatement of the operation of the auto court, resort, or motel:

(a) Previous conviction of the owner or operator of a violation of this part which constitutes a nuisance.

(b) Failure on the part of the owner or operator to correct the violation after the conviction.

(c) The violation is the basis for the proceeding.

SEC. 11. Section 18600 of said code is amended to read:

18600. It is unlawful for any person to do any of the following unless he has a valid permit issued by the Division of Housing: Unlawful acts

(a) Construct an auto court, resort, or motel.

(b) Construct additional buildings, reconstruct, alter or move existing buildings in an existing auto court, resort, or motel.

(c) Operate, occupy or rent, lease, sublease, let, or hire out for occupancy any building in an auto court, resort, or motel that has been constructed, reconstructed, or altered or moved without having obtained a permit as required herein.

(d) Operate an auto court, resort, or motel or any portion thereof, for which a permit to occupy and operate has not been issued by the Division of Housing.

SEC. 12. Section 18600.1 is added to said code, to read:

18600.1. All applications for permits shall be made on forms available from the division together with appropriate fees as required by this part. Application for permit

SEC. 13. Section 18601 of said code is amended to read:

18601. The application for permit to construct or reconstruct shall be accompanied by:

(a) A description of the grounds.

(b) Complete plans and specifications of the proposed construction.

(c) A description of the water supply, ground drainage, and method of sewage disposal.

(d) The fee prescribed for filing an application for a permit.

(e) Local planning commission approval relating to all applicable zoning codes and ordinances pertaining to land use.

SEC. 14. Section 18602 of said code is amended to read:

18602. The following fees as applicable shall be submitted with the appropriate application for a permit: Fees

(a) Plan filing fee of ten dollars ($10).

(b) Construction permit fees as follows:

Total valuation	Fee
Less than $50	No fee
$50 to and including $1,000	$5 00
Each additional $1,000 or fraction to and including $15,000	2.00
Each additional $1,000 or fraction to and including $50,000	1.00
Each additional $1,000 or fraction exceeding $50,000	.50

(c) Permit to operate fee 10.00

(d) Duplicate permit fee 10.00

SEC. 15 Section 18603 of said code is amended to read:

18603. Within 10 days after the application and plan filing fee are received by the division, a representative of the Division of Housing shall inspect the grounds upon which the Inspection

applicant proposes to do the work for which he seeks a permit. The division shall issue a written permit to the applicant, upon payment of the required construction permit fee, if:

(a) The grounds are satisfactory for the work proposed.

(b) The descriptions and plans and specifications filed indicate that the work proposed will meet the requirements of this part.

SEC. 16. Section 18603.1 is added to said code, to read:

Issuance of permit

18603.1. A permit to operate shall be issued by the division following notice by the owner or operator of completion of construction and receipt of application and appropriate fees, if upon inspection the construction is found to be in compliance with the provisions of this part.

SEC. 17. Section 18604 of said code is amended to read:

Notice of change of name, ownership or possession

18604. The Division of Housing shall be notified by the new owner or operator of any auto court, resort, or motel of any change in the name or the ownership or possession thereof. Said notice shall be in written form and shall be furnished within 30 days from and after any such change in name or transfer of ownership or possession. The notice shall be accompanied by appropriate fees for a permit to operate.

SEC. 18. Section 18661 of said code is amended to read:

18661. Every building shall have an adequate concrete or masonry foundation.

SEC. 19. Section 18667 of said code is amended to read:

Toilet or bathroom

18667. Every room in a building used as a toilet or bathroom shall be separated from kitchens, living or sleeping rooms by a partition extending to the ceiling, or to the roof if there is no ceiling, and any openings therein shall be provided with a full length solid door.

SEC. 20. Section 18677 of said code is amended to read:

Living room, etc

18677. Every living room, sleeping room, or kitchen in every building shall be provided with one or more windows having an aggregate area of not less than one-eighth the floor area of the room, or not less than 12 square feet, whichever is the greater.

Every bath or toilet compartment shall be provided with one or more windows having an aggregate area of not less than three square feet.

SEC. 21. Section 18683 of said code is amended to read:

Window opening through roofed porch or balcony

18683. A window required for any room shall not open through any roofed porch or balcony unless the porch or balcony:

(a) Abuts a street, yard, or court.

(b) Is designed and constructed with one side and one end open and unobstructed, except for the usual rails, balustrades, and similar necessary structural features. If the porch is on the ground floor of the building, the open and unobstructed side and end shall be at least 65 percent open and unobstructed, measured between the floor or ground and the underside of the roof If it is above the first or ground story, such side and

end shall be at least 90 percent open and unobstructed, measured between the floor and the underside of the roof of the porch.

(c) Has a ceiling height of not less than seven feet.

SEC. 22. Article 3.1 (commencing with Section 18710) is added to Chapter 4, Part 2.1, Division 13 of said code, to read.

Article 3.1. Stairways, Exits and Means of Egress

Stairways, exits, etc

18710. All stairways, exits and means of egress shall be installed in accordance with the requirements of the Division of Housing as set forth in rules and regulations of the division for such use.

SEC. 23. Section 18727 is added to said code, to read:

Private garage

18727. A private garage shall be separated from the rest of the building by not less than approved one-hour fire resistive construction.

SEC. 24. Section 18728 is added to said code, to read:

Public garage

18728. A public garage shall be separated from the rest of the building by not less than approved three-hour fire resistive construction.

SEC. 25. Section 18729 is added to said code, to read:

Garage floors

18729. Garage floors shall be concrete not less than 3½ inches thick or the equivalent thereof.

SEC. 26. Section 18782 of said code is amended to read:

Toilet compartment door

18782. No door or other opening in a toilet compartment shall open from or into a kitchen.

SEC. 27. Section 18790 of said code is amended to read:

Potable water

18790. There shall be an adequate supply of potable water obtainable from faucets installed within 100 feet of each dwelling.

SEC. 28. Section 18793 of said code is amended to read:

Vented gas appliances

18793. Every gas-fired appliance, except gas plates, gas ranges, and refrigerators approved for unvented use, shall be an approved vented type appliance and shall be so vented as to effectively discharge the flue gases therefrom through a sheet metal or other approved vent pipe not less than the area of the vent outlet on the appliance but in no case less than 2½ inches in internal diameter, which vent pipes, except those serving appliances with forced draft or sealed combustion chamber, shall be connected to a vertical, or substantially vertical flue or chimney leading to the outer air above the roof. Appliances with forced draft or sealed combustion chambers shall be vented in accordance with the manufacturer's instructions. A model or sample of every gas-fired appliance shall have been tested and approved by a nationally recognized testing laboratory and such appliance shall have attached thereto an insigne of approval by such testing laboratory. The flue or chimney shall be either terra cotta, brick, fire clay, or other approved product, having a wall thickness of adequate insulating value, and which will not disintegrate from the effects of the products of combustion. The internal area of the flue or chimney shall be at least 12 square inches.

All gas appliances subject to the provisions of this section shall be rigidly connected with metal piping or approved connectors directly to the gas service outlet.

SEC. 29. Section 18795 of said code is amended to read:

Cabinet unit

18795. No provision of this part shall be construed to prohibit the installation or construction in a room used for sleeping purposes of an approved cabinet unit built entirely of incombustible and nonabsorbent material, which unit may contain a cooking appliance and shall contain a kitchen sink supplied with hot and cold running water, and a refrigerator.

Ventilating opening over cooking appliance

There shall be installed in the ceiling over any such cooking appliance a ventilating opening of not less than 48 square inches connected by an incombustible ventilating duct leading to the outer air above the roof of the building. The ventilating duct shall have a minimum cross sectional area of 28 square inches. An approved forced-draft system of ventilation may be substituted for the natural-draft ventilating system.

The area of any such room shall be not less than 170 square feet in superficial floor area

SEC. 30. Section 18877 of said code is amended to read:

Electrical wiring fixtures, etc

18877. Electrical wiring, fixtures, and equipment shall be installed and maintained in accordance with the provisions of the National Electrical Code, 1959 Edition.

Repeal

SEC. 31. Section 18879 of said code is repealed.

CHAPTER 1238

An act to add Sections 10219.5 and 10301.5 to the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to incumbency following reapportionment.

In effect September 15, 1961

[Approved by Governor July 7, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

NOTE. The sections of the Elections Code affected by this chapter appear in their proper places in that code. Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 1239

An act to amend Section 7651 of, and to add Section 7312 to, the Revenue and Taxation Code, relating to the motor vehicle fuel license tax.

In effect September 15, 1961

[Approved by Governor July 7, 1961. Filed with Secretary of State July 7, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 7312 is added to the Revenue and Taxation Code, to read:

7312. "Vessel" includes every description of motor craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water. "Vessel"

SEC. 2. Section 7651 of said code is amended to read:

7651. Each distributor shall prepare and file with the board on forms prescribed by the board a return showing the total number of gallons of motor vehicle fuel distributed by him within this State during each calendar month, or such monthly period ended during that calendar month as the board may authorize, the amount of license tax due for the month covered by the return, and such other information as the board deems necessary for the proper administration of this part. The distributor shall also show on the report the total number of gallons of motor vehicle fuel distributed by him which thereafter was placed into the fuel tanks of any vessel. The distributor shall file the return on or before the first day of the second calendar month following the monthly period to which it relates, together with a remittance payable to the Controller for the amount of license tax due for that period less whatever amounts may have been paid theretofore for the same period because of returns and payments made on a weekly basis. Filing of return, tax, etc

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CHAPTER 1240

An act making an appropriation for the preparation of lands in San Buenaventura State Beach Park.

[Approved by Governor July 7, 1961. Filed with Secretary of State July 7, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred thousand dollars ($100,000) is appropriated to the Division of Beaches and Parks, Department of Natural Resources, from the State Beach and Park Fund, to prepare and ready an area in San Buenaventura State Beach Park to be used for the construction of three groins; provided, that no money shall be expended from this appropriation unless and until the County of Ventura furnishes assurances satisfactory to the Department of Natural Resources that it will pay at least one-third of the cost of the work; and, provided further, that in the event the United States contributes any funds for such work, any amounts received from the United States, up to one-third of the cost of the work, shall be reimbursed to the State Beach and Park Fund.

CHAPTER 1241

An act to repeal Sections 75, 76.5, 76.7, and 77 of, and to amend Sections 76 and 1460 of, the Labor Code, and to amend Section 1322 of the Government Code, relating to the Commission of Housing.

In effect September 15, 1961

[Approved by Governor July 7, 1961. Filed with Secretary of State July 10, 1961.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 75 of the Labor Code is repealed.

SEC. 2. Section 76 of said code is amended to read:

Rules and regulations

76. With the approval of the Director of Industrial Relations, the Chief of the Division of Housing shall in accordance with the provisions of Chapter 4 of Part 1 of Division 3 of Title 2 of the Government Code adopt, repeal, and amend rules and regulations consistent with law for the protection of the health, safety and the general welfare of the people of the State of California in order to interpret and make more specific the laws which the Division of Housing is to enforce.

The chief of the division shall not adopt, publish, or enforce any rules, regulations, orders, standards of general application, policies or interpretations which implement, interpret or make specific the law enforced or administered by the Division of Housing unless such rules are adopted in accordance with the provisions of Chapter 4 of Part 1 of Division 3 of Title 2 of the Government Code.

Repeal

SEC. 3. Section 76.5 of said code is repealed.

Repeal

SEC. 4. Section 76.7 of said code is repealed.

Repeal

SEC. 5. Section 77 of said code is repealed.

SEC. 6. Section 1460 of said code is amended to read:

"Commission"

1460. As used in this part, "commission" means the Division of Housing.

SEC. 7. Section 1322 of the Government Code is amended to read:

Senate confirmation of appointments

1322. In addition to any other statutory provisions requiring confirmation by the Senate of officers appointed by the Governor, the appointments by the Governor of the following officers and the appointments by him to the listed boards and commissions are subject to confirmation by the Senate:

(a) California Horse Racing Board.
(b) Certified Shorthand Reporters Board.
(c) Chief, Division of Housing.
(d) Chief, Division of Industrial Safety.
(e) Chief, Division of Industrial Welfare.
(f) Chief, Division of Labor Law Enforcement.
(g) Commissioner of Corporations
(h) Contractors State License Board.
(i) Director of Fish and Game.
(j) Director of Mental Hygiene.

(k) Director of Natural Resources.
(l) Director of Public Health.
(m) Real Estate Commissioner.
(n) State Athletic Commission.
(o) State Board of Barber Examiners.
(p) State Librarian.

CHAPTER 1242

An act to create the Governor's Advisory Commission on Housing Problems, prescribing its organization, government, powers, duties, and functions, and making an appropriation.

[Approved by Governor July 7, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

Governor's Advisory Commission on Housing Problems

SECTION 1. There is hereby created in the state government the Governor's Advisory Commission on Housing Problems, which shall be composed of not to exceed 11 members appointed by the Governor and serving at his pleasure. Members shall be appointed, insofar as possible, so as to afford representation to all groups concerned with the problems of housing. The existence of the commission shall terminate on June 30, 1963.

Legislator members

SEC. 2. Two Members of the Assembly, appointed by the Speaker, and two Members of the Senate, appointed by the Senate Committee on Rules, shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power. For the purposes of this act, such Members of the Legislature shall constitute a joint interim legislative committee on the subject of this act and shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

Members' expenses

SEC. 3. Each member of the commission shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his official duties.

Chairman

SEC. 4. The Governor shall select one of the members to serve as chairman, who shall hold office as chairman at the pleasure of the Governor.

Executive director, etc

SEC. 5 The commission may maintain an office and appoint and fix the salaries of an executive director and such other employees as it may deem necessary to carry out the provisions of this act. These employees may be removed from office at the discretion of the commission. The commission may contract for services with such persons, groups, agents and agencies, public and private, as it deems necessary to carry out its duties and responsibilities.

Public meetings

SEC. 5.5. All meetings of the commission shall be open to the public.

Study of housing needs

SEC. 6. The commission shall make a detailed study of the housing needs in this State, both in the public and private areas, to determine how the State can best use its powers to meet those needs, such study to include housing as it affects all persons within the State, the home-building industry, and the various systems of home financing. For this purpose, the commission shall make a detailed analysis of the data available from the 1960 federal decennial census.

Progress report

SEC. 7. The commission shall submit a progress report to the Governor and to the Legislature at the commencement of the 1962 Regular Session, and shall submit a final report to the Governor and to the Legislature at the commencement of the 1963 Regular Session, and shall include in such reports specific recommendations on ways to accomplish the objectives set forth in Section 6.

Appropriation

SEC. 8. The sum of seventy-five thousand dollars ($75,000) is appropriated from the General Fund in the State Treasury for the support of the commission during the 1961-62 fiscal year.

CHAPTER 1243

An act to amend Section 3300 of, and to add Section 3300.1 to, the Health and Safety Code, relating to tuberculosis subsidy, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 3300 of the Health and Safety Code is amended to read:

Tuberculosis subsidy

3300. The amount of the tuberculosis subsidy provided by the State to cities or counties separately providing care under this chapter for persons suffering from tuberculosis and the amount of the tuberculosis subsidy provided by the State to each county participating jointly with one or more other counties in the establishment and maintenance of a tuberculosis ward, hospital or sanatorium shall be based upon the patient-days of care provided to persons whose admission and care have been authorized by that county, as follows:

(a) For the first thirty-six thousand five hundred (36,500) patient-days of care during a year, the amount shall be two dollars and sixty cents ($2.60) per patient-day.

(b) For the second thirty-six thousand five hundred (36,500) patient-days of care during a year, the amount shall be two dollars and thirty cents ($2.30) per patient-day.

(c) For all patient-days of care in excess of seventy-three thousand (73,000) patient-days during a year, the amount

shall be one dollar and seventy-five cents ($1.75) per patient-day.

(d) In addition to the amounts specified in subsections (a), (b) and (c), there shall be provided any additional amounts specified in any appropriation made therefor.

"Patient-day" As used in this section "patient-day" means the period of inpatient service rendered a patient between the census-taking hours on two consecutive days, and "a year" means a period of 12 months commencing on the first day of July.

SEC. 2. Section 3300.1 is added to said code, to read:

Use of contributions 3300.1. A city or county receiving contributions from or on behalf of any person for whom subsidy has been or is claimed under Section 3300 shall use the total amount of all such contributions as an offset from any state subventions for this purpose in the following manner:

The total number of patient-days for which subsidy is paid by the State in each fiscal year shall be reduced by the number resulting from division of the total amount of contributions received from or on behalf of tuberculosis patients during each fiscal year, by the per diem cost; such per diem cost to be determined in accordance with Section 203.5 of the Welfare and Institutions Code, or by the contract cost with another public agency or private hospital. This method shall apply to the total of all contributions received by cities or counties on and after July 1, 1961.

Urgency SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The existing manner in which a city or county is required to use contributions which it receives from or on behalf of any person for whom the tuberculosis subsidy has been claimed has proven cumbersome and unworkable.

In order that this situation may be corrected for the fiscal year commencing July 1, 1961, it is imperative that this act take effect immediately.

CHAPTER 1244

An act to amend Section 526 of the Agricultural Code, relating to milk products plants.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 526 of the Agricultural Code is amended to read:

526. A "milk products plant" is any place in which a milk product, as defined in this division or in regulations promulgated thereunder, except raw milk, is produced, but shall not

include a room wherein cheese and cheese products are cut, wrapped and packaged into individual consumer packages. Such room, however, must be maintained in accordance with the sanitary requirements of Article 3 (commencing with Section 550), Chapter 5, of this division, except that foods which do not affect the flavor or quality of such cheese and cheese products may be handled therein.

CHAPTER 1245

An act to amend Section 221 of the Fish and Game Code, relating to powers of the Fish and Game Commission.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 221 of the Fish and Game Code is amended to read:

221. The provisions of this article are effective until the 91st day after the final adjournment of the 1963 Regular Session of the Legislature and thereafter shall have no force or effect.

CHAPTER 1246

An act to amend Section 69505 of the Government Code as added by Chapter 2005 of the Statutes of 1957 and to repeal Section 69505 of the Government Code as added by Chapter 1045 of the Statutes of 1957, relating to superior courts.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 69505 of the Government Code as added by Chapter 2005 of the Statutes of 1957 is amended to read:

Necessary expense allowance

69505. When authorized by the board of supervisors, judges of the superior court shall be allowed necessary expenses including but not limited to registration fees or dues for any convention, school, conference or meeting incurred in connection with work done as members of organizations of which they are members in their official capacity as such judges.

Such expenses are a charge against the treasury of the county and shall be paid out of the general fund.

Repeal

SEC. 2. Section 69505 of said code as added by Chapter 1045 of the Statutes of 1957 is repealed.